

AN INVESTIGATION OF TEACHERS' KNOWLEDGE, EXPERIENCES,
INTERPRETATIONS, AND PERCEPTIONS OF EDUCATION LAW AND THEIR
DECISION-MAKING PROCESSES DURING THE LEGAL NAVIGATION OF THE
EDUCATION PROFESSION: A COLLECTIVE CASE STUDY

by

Mary Anne Jones

Liberty University

A Dissertation Presented in Partial Fulfillment

Of the Requirements for the Degree

Doctor of Education

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APPROVED BY:

Dr. Angela M. Smith, Ed.D., Committee Chair

Dr. JoAnna Oster, Ed.D., Committee Member

Dr. Robert Perkins, Ed.D., Committee Member

ABSTRACT

The purpose of this collective case study was to discover, describe, and understand 11 public, general, K–12 in-service teachers’ knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers’ critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers’ and students’ rights. Three theories that guided the study were constructivism (Young & Collin, 2004), cognitive dissonance (Chapanis & Chapanis, 1964), and self-efficacy (Bandura, 1977). Through purposeful sampling, 11 K–12 in-service teachers from the United States with at least one year of teaching experience with or without education law training (workshops, courses, or both) were used in the study. Data were collected using interviews, vignettes, and questionnaires. Data analysis methods included coding; finding patterns; developing categories, themes, matrices and charts; using QSR NVivo analysis software; and, within and cross-case analysis (Merriam, 1988; Miles & Huberman, 1994; Sorensen, 2008; Yin, 2009). Trustworthiness was established through member checking, triangulation, thick description, and reflexivity (Creswell, 2013; Merriam, 1988; Yin, 2009). Results of the study revealed educators from various backgrounds have some commonalities regarding their knowledge, interpretations, and perceptions of education law and their decision-making processes in selected areas of education law. It is recommended pre-service and in-service educators receive education law training for initial and renewal certification. Future research should investigate other stakeholders’ (teacher education faculty, teacher assistants, and substitutes) education law experiences, interpretations, knowledge, perceptions, and decision-making processes.

Keywords: certification, education, law, legislation, students, teachers, training

Mary Jones, 2017

Dedication

I dedicate this dissertation to God, my family, and my ancestors for paving the way for me. Thank you for encouraging me along the way.

Acknowledgments

I would first like to honor my God for being with me along this journey. Based on a promise voiced through my Pastor over 16 years ago, although the journey took longer than expected, God ordained for it to be completed. He honored me and his Word did not perish. He brought clarity to confusion and encouragement to doubt. God is always in the details. This house (the dissertation) was built using the principles and foundations of God in every aspect. I can look back on this journey and know, from start to finish, it reflects Him.

To my family, especially my mother and father, who sacrificed everything for their children, no matter the cost and always encouraged me along the way, thank you for cheering me on and keeping me focused on the prize. You were there at the conception of this dissertation and were there to see it birthed. Thank you for always holding me accountable for both my spiritual and natural actions. To my twin, thanks are given to you for always being there for me. Although you had your own life to live, you seem to always make room for me. You are my little light in a room full of darkness. How amazing that God saw fit for us to come into this world together! I will always be grateful for your belief in me.

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List of Abbreviations

Americans with Disabilities Act (ADA)

Analysis of Variance (ANOVA)

Family Educational Rights and Privacy Act (FERPA)

Free Appropriate Public Education (FAPE)

Individualized Education Program (IEP)

Individuals with Disabilities Education Act (IDEA)

Institutional Review Board (IRB)

No Child Left Behind (NCLB)

CHAPTER ONE: INTRODUCTION

Overview

Chapter One introduces the background that aids in identifying the foundation of the study, highlighting the historical beginnings of education and education law in the United States. In addition, the chapter illustrates the purpose and significance of the study; the chapter also presents the literature to support the inquiry into education law and the education system and its possible contributions to the education field. Furthermore, Chapter One presents my philosophical assumptions that will guide the study, highlighting my perspectives, ideologies, and background. Finally, Chapter One concludes with a description of the main components of the study, which include the participants, data collection methods, research design, definitions, research questions, and data analysis techniques.

Background

Over the course of decades, studies have revealed K–12 educators have inadequate education law knowledge (Bates, 1981; Moore, 1997; Ogletree, 1985; Potter, 1980) and the findings are still the same in recent years (Call, 2008; Delahoussaye, 2016; Dretchen-Serapiglia, 2016; Kessell, Wingenbach, & Lawver, 2009; Mirabile, 2013; Paul, 2001; Sanders, 2013). It is believed education law training would allow teachers to avoid gaffes, poor judgments, and indiscretions that can drastically affect their careers (Gullatt & Tollett, 1997b). In addition, there is a claim that “teachers’ legal knowledge, their attitudes, and their classroom practices were linked” (Valadez, 2005, p. 12). It has been recommended that teachers receive training in education law as a course at the pre-service level or at in-service professional development workshops to avoid litigation and termination and for the proper care and education of general and special education students (Bates, 1981; Campbell, 2002; Haggard, 1981; Koch, 1997;

O'Connor, 1976; Paul, 2001; Wheeler, 2003; Williams, 1982). Studies have supported the notion that training and preparation increase education law knowledge (McCartney, 1985; Moore, 1997; Paul, 2001; Schustereit, 2010) and proposed that methods of effective instruction may include discussions, lectures, and case studies (Joyner, 1999) as well as role-playing and simulations (O'Connor, 1976). Historical, social, and theoretical contexts are discussed to further illuminate the background of this study.

Historical

Education was birthed from another institution of society: religion (Howe, 2002). Massachusetts was one of the earliest states to establish an education system due to its citizens' belief that for individuals to fight the adversary, the devil, individuals needed to have the ability to read the Bible (Howe, 2002). Religion eventually became the foundation of prominent universities and, eventually, the K–12 school system (Howe, 2002). As the concept of public education was spread by Thomas Jefferson and Horace Mann, the United States of America established a vast education system that eventually became subject to local, state, and federal law (Essex, 2009; Howe, 2002). However, the laws that emancipated the United States in its infancy later imprisoned the relationship between education and religion. Eventually, the school system referred to the Bible as merely a secular text (Howe, 2002). Finally, it was not “until the Morrill Land-Grant Act of 1862 and the creation of the public school systems for children of both races throughout the South during Reconstruction” (Howe, 2002, p. 24) did the federal government have a true supportive role in American education. Since then, court cases and legislation have shaped and molded the education profession. For example, *Brown v. Board of Education* (1954) and IDEA were necessary to reject the status quo treatment of minorities and special populations and institute a change in society and education (Bean, 2011; Green, 2004).

Education law and its relationship with the education profession has been studied for decades. Previous studies that highlighted the need for teachers to be aware of their rights appear to be limited and outdated (Labush, 1993; McCartney, 1985; Moore, 1997; Paul, 2001; Wheeler, 2003) and only a few current studies, mostly quantitative, have investigated teachers' knowledge of education and special education law (Call & O'Brien, 2011; Delahoussaye, 2016; Dretchen-Serapiglia, 2016; Kessell et al., 2009; Mirabile, 2013). The results of some studies suggest that aspiring and current teachers lack knowledge in education law, and the authors recommend that these teachers receive a course or professional development workshop or both in education law (Call & O'Brien, 2011; Kessell et al., 2009; Mirabile, 2013; Schimmel & Militello, 2007). In addition, the majority of research about teachers and education law is from dissertations that revealed mixed results about teachers' levels and perceptions of knowledge in special education law (Brookshire, 2002; Kessell et al., 2009; Tilson, 2011).

Despite the need for educators to avoid possible litigation, termination of employment, and endangerment of students' academic achievement or performance, the existing literature revealed in-service teachers lacked training in education law while preparing to be an educator and as a educator practitioner; teachers want to know about education law; teachers wish they knew about special education law and their responsibilities; teachers knew little about students' constitutional rights; there is a lack of current research regarding pre-service teachers' education law knowledge; principals, not teachers, are the primary recipients of training in education law; and special education and teachers' and students' rights litigation has increased despite declines in litigation in other areas (Andrews, 2012; Brookshire, 2002; Call & O'Brien, 2011; Campbell, 2002; Gaffney, 1991; Kessell et al., 2009; Koch, 1997; Kuck, 1992; Labush, 1993; Leonard, 2007; Luke, 2004; McCartney, 1985; Militello, Schimmel, & Eberwein, 2009; Mirabile, 2013;

Moore, 1997; Nixon, Dam, & Packard, 2012; Paul, 2001; Sanders, 2013; Schimmel & Militello, 2007; Stubblefield, 2002; Zirkel, 2006). New studies in education law are needed to further expand the narrative of the perceived need of education law for pre-service and in-service educators.

Social

The education profession has been impacted by many societal changes and will continue to evolve as society evolves. Issues of race and special populations led to changes in law and legislation that not only impacted the workforce but the education system. For example, in 1954, the court case *Brown v. Board of Education* (1954), which declared “separate was not equal” (Green, 2004, p. 173), illustrated the racial inequality that not only existed in education but America. Education reform has also emancipated individuals with disabilities. Individuals with disabilities were once not afforded the same educational opportunities as other students, an issue similar to what African-Americans experienced in America, and were given labels that further separated and isolated them from society, including the institution of education (Bean, 2011). Eventually, legislation ensured students with disabilities’ rights, providing them with a proper education through legislation such as IDEA, FAPE, and NCLB (Bean, 2011). From separate classrooms to partial or full inclusion, progress has been made to allow students with disabilities access to teachers, resources, their peers, socialization, and opportunity in education.

Today society continues to impact the education profession, as issues of religion, bullying, violence, drugs and alcohol, child abuse, technology, and weapons infiltrate society and thus impact the education profession (Brown, 2004). The introduction of laws and legislation were an asset to the education profession; however, when laws are perceived to be broken or legislation guidelines violated, litigation, termination, or both may follow. Educators may

encounter various moral and legal dilemmas (Winchester, 2009), but it is perceived by some that “there is no such thing as educational malpractice” (Imber, 2008, p. 92). In fact, a variety of perspectives exists regarding the need for education law, and a few may suggest education law training for educators is not necessary. Some believe that the fear of litigation in the education profession is exaggerated and somewhat mythical (Imber, 2008; Zirkel, 2006). One study revealed that there could be a greater fear of liability than of litigation (Holben, 2009). In support of the notion that education litigation is exaggerated, Leonard (2007) reported that there has been only a modest increase in litigation against teachers and education institutions since 1987, and by 2002, there was a slight decline in litigation., but special education litigation has increased.

Regardless of various individuals’ perceptions regarding litigation in the education profession, teachers are responsible for following the federal, state, and local laws that oversee their profession (Call & O’Brien, 2011; Essex, 2009; Schimmel & Militello, 2007). A teacher’s failure to exercise and uphold federal, state, and local laws could result in litigation and termination of employment, as well as jeopardize the academic achievement and performance of students (Call & O’Brien, 2011; Schimmel & Militello, 2007); thus, education law knowledge appears to be crucial for educators as they execute their daily activities, decisions, and responsibilities in the education profession.

Theoretical

In order to expand the narrative of teachers’ perceived need for education law knowledge as professionals, it was imperative to hear educators’ perspectives of such an action. Only a few studies have provided insight into participants’ perspectives of education law, which was the foundation for this study. Brown (2004) used critical theory, which focuses on “issues of power,

control, and politics” (p. 33), to investigate educators’ knowledge. Other studies were more concerned about assessing education law and special education law knowledge (Call & O’Brien, 2011; Kessell et al., 2009; Mirabile, 2013) among educators using survey or questionnaire instruments. This study also focused on knowledge, but with a heavier reliance on insight from the participants, particularly regarding the origin of their knowledge and the meaning they give it. In order to complete such a task, I used constructivism, as it is concerned with knowledge acquisition and meaning creation (Young & Collin, 2004). Constructivism assisted in illuminating participants’ various standpoints regarding education law and their individual realities. In addition, constructivism assisted in explaining how participants create their knowledge and use both their realities and knowledge to navigate the education profession (Young & Collin, 2004).

Cognitive dissonance theory was used to extend the narrative of previous research that had attempted to discover what factors are involved in teachers’ decision-making processes when they encounter various scenarios with underlying education law concepts and topics. Cognitive dissonance theory is focused on what happens when discrepancies occur within an individual’s thinking (Chapanis & Chapanis, 1964, p. 2). As decision-making is imperative in the education profession, particularly in potential legal matters, the cognitive dissonance theory may reveal why educators execute particular decisions and what internal conflicts and other factors may surface that may impact their decision-making process (Chapanis & Chapanis, 1964). Finally, as there is conflict regarding the perceived need for education law training for pre-service and in-service educators, it was imperative to discover and describe what teachers think or reveal regarding their ability to navigate the education profession from a legal perspective and their perception of their knowledge of education law.

Self-efficacy is one's opinion of his competence to execute or perform and complete assignments by carrying out basic or suitable procedures of activities (Albertson & Ju, 2016). As participants provided their decision-making processes, interpretations, perceptions, and perceived knowledge of education law, self-efficacy (Bandura, 1977, 2001, 2012), branching from the social cognitive theory (Bandura, 2001), assisted in discovering, describing, and understanding the voices of educators regarding the classroom environment and other components of the teaching profession that are affected by legislation and law. Without courses and professional development in education law, teachers may risk their certification, livelihood, and reputation every time they step on school grounds and, in some cases, off school grounds. Educators should have education law knowledge to prevent the fear, possibility, or threat of litigation or termination. To be proactive and not reactive, federal, state, and local legislators should require and implement education law courses or professional development workshops, or both for pre-service and in-service teachers for initial and renewal certification. The results of this study may support or refute the claim that there is a need for education law training for educators at the pre-service and in-service levels.

Situation to Self

As a social studies teacher, I am aware of the importance of providing the best education possible for students as well as of the struggle for equality and rights in all institutions of society. Within the education system, many rules and regulations govern daily activities and maintain social justice and order. I encountered various forms of engagement with colleagues, administrators, students, and parents, and realized that some occurrences could have been prevented had adequate knowledge of education law existed. I thus became aware of the unspoken rules of the education system. I use the term *unspoken* because there were many rules

I was not aware of until, through chance, I came across them. After doing research on a variety of education topics, I wondered if other teachers had similar occurrences and whether they knew in detail the rules and regulations of the education profession. My growing curiosity prompted me to do a review of the literature on this topic. As I reflected on my teacher preparation program, I realized that, although some legal topics were discussed, they were not discussed in detail. In addition, I remember attending workshops regarding the “Family Educational Rights and Privacy Act (FERPA)” (Essex, 2009, p. 70), copyright material, and suicide during my teaching career over the span of three years. Finally, I discovered I would not be excused for unintentionally breaking a law, even if I was unaware of that law. I became troubled by this revelation, as I knew others, like myself, had worked hard to become teachers and would not want to lose our careers due to a mistake.

If teachers are not aware of students’ and their rights, defending themselves against allegations and avoiding litigation and termination will be difficult. Furthermore, teachers’ everyday activities, decisions, and responsibilities may lead to legal reprimands. Moreover, some situations that exist in education may not necessarily be illegal, but unethical and immoral, which, in some instances, can still be interpreted as moral turpitude and violations of codes of conduct. I became interested in how teachers construct knowledge and make sense of their realities in the education profession with and without education law knowledge and training.

From an ontological, epistemological, and axiological perspective, I conducted a collective case study to discover, describe, and understand 11 public, general K–12 in-service teachers’ knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers’ critical decision-making processes during their daily activities and responsibilities in selected areas such as student bullying, fights, grades, students with

disabilities, and teachers' and students' rights. Finally, the data were interpreted in an attempt to produce a platform for the voice of educators and their various perspectives about critical decision-making processes and education law.

Problem Statement

Many teachers face a variety of incidents and responsibilities in their profession on a daily basis. Some of these responsibilities include maintaining classroom order and accommodating all students through curriculum and instruction strategies and methods in alignment with laws and legislation from various levels of government such as the "Individuals with Disabilities Education Act (IDEA)" (Essex, 2009, p. 83), the Bill of Rights, and NCLB (Essex, 2009; Essex, 2012; Katsiyannis, Losinski, & Prince, 2012; Schimmel & Militello, 2007; Winchester, 2009). If educators fail to comply with various laws and legislation, they could be vulnerable to allegations that can jeopardize their current position and career and affect the education of students (Call & O'Brien, 2011; Schimmel & Militello, 2007). Despite such consequences, it appears that teachers' inadequate education law knowledge is due to a systemic failure of certification programs to inform educators of "their legal rights and responsibilities" (Gajda, 2008, p. 23), and educators' lack of legal literacy is not due to their actions (Schimmel & Militello, 2007). Militello and Schimmel (2008) proposed specific consequences of legal illiteracy which include finances, discipline discrepancies, limitations in restraints and interventions, and "internal friction" (p. 101). In terms of internal friction, Militello and Schimmel (2008) also proposed teachers may experience misinformation by others, coercion, misunderstanding, victimization, and "reactive learning" (p. 101). In agreement, Call and O'Brien (2011) believed:

Lacking an understanding of the complexity of teacher responsibilities in dealing with First Amendment issues can lead to lawsuits which can damage teachers' careers, cost school districts millions of dollars in legal fees, and have profound effects on the education of students. (p. 115)

In addition, teachers need to be kept abreast of the various requirements of special education law to avoid litigation and termination of employment and to give a student with a disability a suitable education according to the law (Brookshire, 2002; Kessell et al., 2009; Tilson, 2011). For example, legislation such as IDEA and NCLB requires certain rules and regulations in the education of students with disabilities (Essex, 2009; Essex, 2012; Katsiyannis et al., 2012). Furthermore, some studies suggest some principals may lack knowledge of education law, thus affecting their ability to properly inform or even reprimand educators when education laws are broken (Militello et al., 2009; White, 2012). Some literature does suggest, however, that administrators such as principals had greater education law knowledge in certain areas such as student rights in comparison to teachers and superintendents (Singletary, 1996). As principals are deemed as the "chief law instructors of their schools" (Militello & Schimmel, 2008, p. 103) and, after other educators, are typically the source for legal questions, it is imperative they have a reasonable knowledge of education law.

Due to such vulnerabilities and miscommunication in the education profession, it is vital that educators are aware of education and special education law to avoid litigation and termination, know their rights and those of their students, and provide the proper education for all students in educational settings according to the law (Call & O'Brien, 2011; Ogletree & Lewis, 1986; Schimmel & Militello, 2007). Existing literature about teachers and law is limited, outdated, and mostly quantitative, failing to adequately capture any perceptions, interpretations,

decisions, or experiences of the educators and the law. The literature is also mostly dissertations, limited to specific states, regions, and populations (Andrews, 2012; Brookshire, 2002; Call & O'Brien, 2011; Campbell, 2002; Delahoussaye, 2016; Dretchen-Serapiglia, 2016; Gaffney, 1991; Kessell et al., 2009; Koch, 1997; Kuck, 1992; Labush, 1993; Luke, 2004; McCartney, 1985; Militello et al., 2009; Mirabile, 2013; Moore, 1997; Nixon et al., 2012; Paul, 2001; Sanders, 2013; Schimmel & Militello, 2007; Stubblefield, 2002). Militello and Schimmel (2008) believed legal literacy would allow educators to provide appropriate discipline, be aware of elements of the constitution, and provide an alertness and deterrence of legal matters. The problem of the study is public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law.

Purpose Statement

The purpose of this collective case study was to discover, describe, and understand 11 public, general K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers' critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights. Education law was generally defined as teachers' and students' rights and responsibilities under local, state, and federal law (Essex, 2009; Howe, 2002), as well as components such as IDEA, amendments, and NCLB (Essex, 2012; Katsiyannis et al., 2012). In addition, decision-making processes were defined as the cognitive processes and actions in which teachers make legal decisions in the education profession.

Significance of the Study

It is essential teachers are familiar with legislation, rules, and regulations in education

and special education law to avoid litigation and termination of employment, protect their rights and students' rights, and provide adequate education for all students (Call & O'Brien, 2011; Ogletree & Lewis, 1986; Schimmel & Militello, 2007). Furthermore, African Americans are disproportionately labeled as students with disabilities (Bean, 2011). If teachers are not knowledgeable of the components of IDEA, such as Individual Education Programs (IEPs), (Katsiyannis et al., 2012), then some African Americans could receive inadequate education. Finally, students have constitutional rights at school; however,

many teachers unknowingly violate students' constitutional rights (e.g. requiring students to stand for the Pledge of Allegiance or by censoring political T-shirts) because they are unaware that, as public school teachers, they function as agents of the government and are therefore restrained by the Bill of Rights. (Schimmel & Militello, 2007, p. 257)

Teachers' knowledge of education law has failed to significantly change over the years despite (a) teachers' inadequate knowledge about students' rights, (b) teachers' desire to know more about education law, (c) teachers' possible litigation and/or termination of employment, (d) a growth in litigation in the areas of special education and teachers' and students' rights, and (e) the possible effects on students' academic performance or achievement (Call & O'Brien, 2011; Kessell et al., 2009; Militello et al., 2009; Mirabile, 2013; Nixon et al., 2012; Schimmel & Militello, 2007; Zirkel, 2006). The results of the study may provide a voice for educators regarding their professional needs; provide curriculum designers and school districts insight regarding proper training for in-service educators in education law; support change for teacher education programs to include education law courses, professional development workshops, or both as part of the initial certification for pre-service teachers; and influence education policy to require all practicing educators have education law training.

Research Questions

The research questions in this study were based on a review of the literature that revealed that teachers lacked training in education law and special education law (Call & O'Brien, 2011; Kessell et al., 2009; Mirabile, 2013; Schimmel & Militello, 2007). Limited, in-depth, updated research exists concerning teachers' knowledge of education and special education law despite possible consequences and the possible inadequate education of students with disabilities (Call & O'Brien, 2011; Schimmel & Militello, 2007). In addition, the research questions were based on the need for new, current perspectives of existing studies to expand the narrative regarding any perceptions of fear of litigation and the decision-making process regarding education law topics and scenarios (Call & O'Brien, 2011; Holben, 2009). To discover, describe, and understand 11 public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law and their decision-making processes, research questions were constructed to provide a comprehensive understanding of the phenomenon under study. There were four research questions that guided the study.

Research Question One

How do public, K–12, general in-service teachers describe their perceptions, interpretations, and knowledge of education law, including special education law?

Embedded in the social cognitive theory (Bandura, 2001), this research question was utilized to describe and discover the participants' perceptions, interpretations, and knowledge of education law based on their responses to education law-based questions and scenarios.

Research has shown, primarily through quantitative surveys and some questionnaires, that teachers lacked knowledge in education and special education law (Andrews, 2012; Brookshire, 2002; Campbell, 2002; Delahoussaye, 2016; Dretchen-Serapiglia, 2016; Gaffney, 1991; Koch,

1997; Kuck, 1992; Labush, 1993; Luke, 2004; McCartney, 1985; Moore, 1997; Paul, 2001; Sanders, 2013; Stubblefield, 2002). Unlike other studies, this study was designed to not solely rely on surveys that provided choices for education law questions because it could create a false sense of knowledge. I instead wished to investigate whether teachers perceived they lacked adequate knowledge of education law as well as the extent of any inadequacy, which could assist in the future design and development of education law courses or workshops. Furthermore, for those teachers who have taken education law courses, professional development workshops, or both, the vignettes and some interview questions attempted to reveal how their education law training may impact their perceptions, knowledge, and interpretations of education law. Studies with administrators who have had education law training revealed they perceived they had adequate knowledge in education law, but when their actual knowledge was assessed, the results were contrary to their perceptions (Hines, 2001). Finally, a questionnaire allowed participants the opportunity to interpret and provide their perceptions of selected education law topics such as supervision, tenure, amendment rights, and special education.

Research Question Two

To what extent, if any, are public, K–12, in-service general teachers fearful and threatened with termination and litigation in the education profession regarding student bullying, fights, grades, and students with disabilities?

The purpose of this research question was to discover if educators had any fears or threats of litigation and termination. This question was based on organization Common Good's opinion that there is no prevalence of litigation fears among educators (Zirkel, 2006). In addition, Imber (2008) asserted that educators are not likely to be involved in a lawsuit. Finally, there is a lack of current literature providing information regarding the prevalence of teachers' threats and fears

of litigation and termination in specific areas. It is important to note Common Good's reports have been criticized for having skewed components and for not being representative of the education profession (Zirkel, 2006). The results of this study may refute or support the assertion of any legal fears in the education profession, provide the depth of educators' thoughts with regards to any fears or threats of litigation or termination, and discover any other issues educators may experience in their profession in regard to legal matters. In addition, the study investigated whether teachers had been threatened with litigation or termination. The interviews, vignettes, and questionnaires were used to discover the teachers' perceived legal fears, threats, and experiences.

Research Question Three

How do public, K–12, in-service general teachers cognitively and behaviorally describe their decision-making process when making critical decisions regarding student bullying, fights, grades, students with disabilities, and teachers' and students' rights?

The purpose of this research question was to describe participants' responses to critical incidents to discover their feelings, emotions, cognitive processes, behaviors, and decision-making processes. Although I originally sought to describe participants' explicit feelings and emotions, my inquiry into participants' perceptions and interpretations of education law was more reflective of participants' emotions and feelings discussed in the first research question. In addition, both cognition and behavior were later considered components of the decision-making process, and, thus, the research question reflected such a definition. Research has revealed educators have an inadequate level of education law in a variety of subject areas such as First Amendment rights (Call, 2008), teacher rights (Paul, 2001), and special education policies and

practices (Sanders, 2013), but such research fails to vividly describe the inadequacy beyond quantitative means.

According to Colnerud (1997), there are various categories of norms that may affect “teachers’ activities in relation to pupils, parents and colleagues” (p. 630). Some of these norms are “ethical interpersonal” (Colnerud, 1997, p. 630) and “self-protecting” (Colnerud, 1997, p. 630). In addition, the “ethical interpersonal” (Colnerud, 1997, p. 630) norm category includes five sub-categories such as “protection from harm, respect for integrity, respect for autonomy, justice, and veracity” (Colnerud, 1997, p. 630). The previously noted norms may be evident in participants’ responses in regard to making decisions in various incidents in the education profession (Colnerud, 1997). Moreover, this research question may reveal how the lack of knowledge of education law could be a factor in teacher turnover rates and may support or refute educators’ need for an education law course, professional development workshop, or both to legally navigate the education profession. Finally, decision-making in past research was limited to selected areas and not performed from a law standpoint (Call & O’Brien, 2011; Holben, 2009). The interviews, questionnaires, and vignettes were used to describe teachers’ cognitive and behavior processes during the decision-making processes when encountering critical incidents in the education profession.

Research Question Four

To what extent do educators perceive an education law course, professional development workshop, or both as conducive for educators in the education profession?

A review of the literature has revealed that only a limited number of states require pre-service teachers to have an education law course for teacher certification (Bruner & Bartlett, 2008; Gajda, 2008; McCarthy, 2008; Wagner, 2008). Limited research exists about in-service

teachers' perspectives regarding an education law course, professional development workshop, or both as requirements for renewal certification. This research question described and discovered teachers' beliefs regarding an education law course, professional development workshop, or both for initial and renewal certification. In addition, this research question attempted to provide understanding as to why a teacher would or would not support education law professional development workshops, courses, or both for teacher initial and renewal certification. This question may also illuminate teachers' alternative solutions regarding knowledge acquisition in education law. Finally, it may support previous studies' recommendations to incorporate education law training and courses for pre-service and in-service teachers (Littleton, 2008; McCartney, 1985; Moore, 1997; Paul, 2001). It could also potentially refute the claim that education law training and coursework are necessary and suggest other methods to assist educators in successfully and legally navigating the education profession. A questionnaire was utilized to discover and describe how teachers perceive the requirement of an education law course, professional development workshop, or both for teacher initial and renewal certification.

Definitions

Many terms used in the collective case study are defined here for clarification.

1. *Americans with Disabilities Act of 1990* - The "Americans with Disabilities Act of 1990 prohibits discrimination against any qualified individual who has a disability with respect to employment, training, compensation benefits, promotions, and terms and conditions of employment" (Essex, 2009, p. 84).

2. *Analysis of Variance* (ANOVA) - “A statistical procedure that compares the amount of between-groups variance in individuals’ scores with the amount of within-groups variance” (Gall, Gall, & Borg, 2007, p. 318).
3. *Eighth Amendment* - The Eighth Amendment to the U.S. Constitution “prohibits cruel and unusual punishment” (Alexander & Alexander, 2011, p. 103).
4. *Family Educational Rights and Privacy Act (FERPA)* - The “Buckley Amendment or Family Educational Rights and Privacy Act (FERPA) of 1974 was passed by Congress to protect the privacy rights of students regarding confidential information and to allow parents and eligible students, with a few exceptions, to determine whether confidential information will be released” (Essex, 2009, p. 70).
5. *Fifth Amendment* - The Fifth Amendment to the U.S. Constitution “prohibits deprivation of life, liberty, or property without due process of law” (Alexander & Alexander, 2011, p. 103).
6. *Fourteenth Amendment* - The Fourteenth Amendment to the U.S. Constitution “prohibits laws that deprive a person of life, liberty, or property without due process of law and prohibits laws that would deny any person equal protection of the laws” (Alexander & Alexander, 2011, p. 103).
7. *Fourth Amendment* - The Fourth Amendment to the U.S. Constitution “prohibits unreasonable searches and seizures” (Alexander & Alexander, 2011, p. 103).
8. *Free Appropriate Public Education (FAPE)* - A “free appropriate public education, as defined under Section 504, includes regular or special education and related services designed to meet the individual needs of students consistent with the provisions involving evaluation, placement and procedural safeguards” (Essex, 2012, pp. 129–130).

9. *Individuals with Disabilities Education Act (IDEA)* - The “Individuals with Disabilities Education Act (IDEA), formerly referred to as Public Law 94-142 or the Education for All Handicapped Children Act of 1975, was enacted to address the growing needs of children with disabilities in the nation” (Essex, 2009, p. 83).
10. *Liability* - Liability “is a concept of civil ‘fault’ in which a person or entity (like a board of education), acting by itself or through others, causes harm to another” (Schimmel, Fischer, & Stellman, 2008, p. 32).
11. *Negligence* - Negligence is defined as “the failure to exercise a reasonable or ordinary amount of care in a situation, thereby causing harm to someone” (Arbetman & O’Brien, 2005, pp. 108–109).
12. *Ninth Amendment* - The Ninth Amendment to the U.S. Constitution “assures that rights not enumerated are retained by the people” (Alexander & Alexander, 2011, p. 103).
13. *No Child Left Behind Act (NCLB)* - The No Child Left Behind Act of 2001 was passed by former President George W. Bush to “close the achievement gap between disadvantaged and minority students and their peers” (Essex, 2012, p. 290).
14. *The Rehabilitation of Act of 1973, Section 504* - The “Rehabilitation of Act of 1973, Section 504, protects individuals from discrimination based on their disability in any program or activity receiving federal funds” (Essex, 2009, p. 84).
15. *Tort* - A tort “is an actionable or civil wrong committed against one person by another independent of contract” (Essex, 2012, p. 158). A tort can be intentional or unintentional (Schimmel et al., 2008).

Summary

The education profession is governed by policies, legislation, and laws. It is imperative

educators are aware of education law and special education law to avoid legal issues and termination of employment, defend their rights and students' rights, and provide a suitable education for all students (Call & O'Brien, 2011; Schimmel & Militello, 2007). This study utilized a qualitative collective case study to discover, describe, and understand teachers' knowledge, experiences, interpretations, and perceptions of education law, as well as their critical decision-making processes during their daily activities and responsibilities in the education profession. Results of this study may support or refute the perceived need for education law training for educators.

CHAPTER TWO: LITERATURE REVIEW

Overview

Chapter Two is the review of the literature that shaped and provided the foundation of this collective case study. This chapter describes the theories directing the study; the historical foundations of law and education law in the United States; various laws affecting the education profession, students, and teachers; training and professional development in education; and previous studies and commentary regarding teachers' knowledge and perceptions regarding education law. Finally, this chapter concludes with a summary of the literature surrounding the topic, significance, and purpose of the study.

Theoretical Framework

In the past decades, the education profession has experienced the creation of a plethora of laws and legislation that hold the teacher liable for classroom management and the academic performance of students (Gullatt & Tollett, 1997a, 1997b; Ogletree, 1985; Ogletree & Lewis, 1986). For example, teachers are legally required to abide by various local, federal, and state laws and legislation (Essex, 2009; Howe, 2002). Various studies have demonstrated that educators lack knowledge of education law, including special education law, one of the highest forms of litigation currently in the education profession, as well as teachers' and students' rights (Andrews, 2012; Brookshire, 2002; Call & O'Brien, 2011; Campbell, 2002; Delahoussaye, 2016; Dretchen-Serapiglia, 2016; Gaffney, 1991; Kessell et al., 2009; Koch, 1997; Kuck, 1992; Labush, 1993; Luke, 2004; McCartney, 1985; Militello et al., 2009; Mirabile, 2013; Moore, 1997; Nixon et al., 2012; Paul, 2001; Sanders, 2013; Schimmel & Militello, 2007; Stubblefield, 2002; Zirkel, 2006). Three theories aided in shaping and understanding each participant's

knowledge, perceptions, experiences, interpretations, and decision-making processes regarding education law.

Constructivism

Influenced by prominent theorists, such as Piaget, Vygotsky, and Freire (Gordon, 2008), constructivism asserts that every individual rationally develops a universe of experience through subjective procedures and this universe is not known specifically but is developed by the mind (Young & Collin, 2004). From an epistemological perspective, constructivism is focused on how knowledge is acquired and its meaning constructed (Young & Collin, 2004). Baerveldt (2013) asserted that constructivism holds that cognition is “fundamentally adaptive and that knowledge needs only to be ‘viable’ rather than true” (p. 157). Another perspective of constructivism is that the individual is at the core of knowledge creation but the world does not create knowledge for the individual (Karagiorgi & Symeou, 2005). Constructivists assert that knowledge surfaces when “cognitive agents” (Baerveldt, 2013, p. 157) attempt to analyze experience “by constructing ideas, concepts, or schemas that organizes this evidence in a coherent way” (Baerveldt, 2013, p. 157). In addition, constructivists believe the concept of knowledge exists from a perspective and is molded through a distinctive paradigm (Gordon, 2008).

Along with the definitions of constructivism are various perspectives which include “radical, social, physical, evolutionary, post-modern, and information-processing” (Karagiorgi & Symeou, 2005, p. 18). In particular, a radical perspective suggests that everyone’s reality is distinctive, but a social or moderate perspective influences a common reality shaped from societal restrictions set on the “constructive process” (Karagiorgi & Symeou, 2005, p. 18) of the person.

Constructivism, according to some critics, does have some perceived weaknesses. For example, Baerveldt (2013) suggested that constructivism has a “reliance upon ‘knowing’ which makes it overlook the primacy of consensually coordinated praxes” (p. 165). In other words, knowledge construction is not enough; the applicability of knowledge is just as essential. In another critique of constructivism, D’Agnese (2015) argued that if individuals are limited to their own experiences and make sense of their experiences independent of others, they are not able to modify their existing paradigm, and neither is the paradigm subject to criticism, which would result in individuals remaining in a cognitive bubble unable to be punctured by external knowledge or meaning.

In the study, constructivism aided in explaining the participants’ various perspectives about education law and how they may make sense of their realities, construct knowledge, if any, and use these realities and knowledge, if at all, to navigate the education profession (Young & Collin, 2004). The results of the study may suggest that educators adjust to different situations, possibly independent of and dependent on their background, community, school, or socioeconomic status, and sometimes solely due to their individual cognitive processes. During individual case description and within- and cross-case analysis, constructivism may reveal how educators make decisions during their legal navigation of the education profession and the origin of their constructed meanings (Young & Collin, 2004).

Decision-Making Theory

Humans make decisions regularly, from waking up to completing an assignment for a class. Decision-making is “a process or set of processes that results in the selection of one item from a number of possible alternatives” (Fox, Cooper, & Glasspool, 2013, p. 2). A decision process exists in a myriad of forms, such as conscious, unconscious, natural, or artificial (Fox et

al., 2013). In addition, a decision process can also be about a belief or action (Fox et al., 2013). The decision theory applied to this study was the cognitive dissonance theory (Chapanis & Chapanis, 1964).

Dissonance “is an intervening variable whose antecedents are the private internal cognitions of a person” (Chapanis & Chapanis, 1964, p. 3). Cognitive dissonance theory “is concerned with what happens when the cognitions of a person are discrepant” (Chapanis & Chapanis, 1964, p. 2). In addition, these “discrepant cognitions create tension which the individual strives to reduce by making his cognitions more consistent” (Chapanis & Chapanis, 1964, p. 2). According to Ivy, Hill, and Stevens (1978), cognitive dissonance theory focuses on the outcomes “of the qualitative nature of cognitions on future overt and cognitive behavior of the individual” (p. 17). Dissonance can arise in particular conditions. One condition is when information, typically two or more pieces, is not consistent. A second condition is when information may conflict with an individual’s prior experiences, knowledge, or beliefs (Ivy et al., 1978). Finally, dissonance can occur “when an individual makes a decision between mutually exclusive, equally attractive alternatives” (Ivy et al., 1978, p. 18).

In addition to the conditions in which dissonance can occur, different magnitudes of dissonance can arise based on certain variables (Ivy et al., 1978). These variables include the similarity of the alternatives; to what degree is the decision important; the quality, quantity, and timing of the information received before the decision; and whether any of the alternatives overlap (Ivy et al., 1978). Although Ivy et al. (1978) provided various ways to reduce dissonance, from questioning the origin of the cognition to denying the dissonance’s existence, based on the focus of this study, seeking others for a support system appears to be plausible. Essentially, Hughes (1983) stated that cognitions that are difficult to change are those that are

deemed important and “a behavioral commitment” (p. 350). A qualitative study allows for an examination of a construct beyond quantifiable means. Cognitive dissonance theory may attempt to illuminate why teachers make certain decisions, what internal conflict they may encounter when making the decision, and any other factors that may affect their decision-making process (Chapanis & Chapanis, 1964).

Social Cognitive Theory (Self-Efficacy)

Self-efficacy is one’s interior conviction of his or her own capacity to perform and finish assignments by executing the fundamental or suitable arrangement of activities (Albertson & Ju, 2016). Essentially, “Self-efficacy beliefs affect the quality of human functioning through cognitive, motivational, affective, and decisional processes” (Bandura, 2012, p. 13). Bandura (2012) believed that mastery experience, social modeling, social persuasion, and choice processes are ways in which an individual’s convictions in his or her capacities are created. With mastery experience, in the event that individuals encounter simple triumphs, they generally expect swift outcomes and are disheartened by difficulties and disappointments (Bandura, 2012). For social modeling, viewing others comparable to oneself prevail by perseverant determination increases viewers’ desires and convictions within their particular capacities (Bandura, 2012). Social persuasion is based on the concept that, in the event that individuals have confidence in themselves, they are more perseverant despite challenges (Bandura, 2012). Finally, choice processes influence self-efficacy beliefs based on the possibility of alternatives individuals consider and the decisions they choose at imperative “decisional points” (Bandura, 2012, p. 13).

Bandura (2012) observed that one’s perception in his or her competences may change over a course of “activity domains and situational conditions” (p. 13) as opposed to a manifestation “uniformly across tasks and contexts in the likeness of a general trait” (p. 13). In

other words, Bandura (2012) perceived one's strength of self-efficacy as not measured by merely isolated items, but over a course of performances. Even in the presence of knowledge, application of knowledge is not necessarily a definitive outcome. As Bandura (2012) stated, "There is a marked difference between possessing knowledge and skills and being able to use them well under diverse circumstances, many of which contain ambiguous, unpredictable, and stressful elements" (p. 24). Bandura (2012) also noted that ability is not a constant but actually varies and relies on the concept of functionality.

A component of Bandura's (1977) self-efficacy theory that may influence individuals' behavior is outcome expectancy. Outcome expectancy is "a person's estimate that a given behavior will lead to certain outcomes" (Bandura, 1977, p. 193). In controlling their conduct by result desires, individuals embrace approaches that are probably going to create positive results and, for the most part, dispose of those that bring unrewarding or rebuffing results (Bandura, 2001). Bandura (2001) noted that individuals will engage in activities that result in "self-satisfaction and a sense of pride" (p. 8) and avoid activities that may create sentiments of "self-dissatisfaction, self-devaluation, and self-censure" (p. 8). Bandura (2001) further suggested that some individuals would actually subject themselves to "harsh and punitive treatment" (p. 9) rather than engage in actions they may deem to be "unjust and immoral" (p. 9).

Essentially, efficacy beliefs are imperative in determining which challenges to face and the durability of the perseverance when facing those challenges (Bandura, 2012). The self-efficacy component of the social cognitive theory (Bandura, 1977, 2001, 2012) will be used to assist in the discovery, description, and understanding of how educators perceive their knowledge, perceptions, and interpretations of education law, and how and why they make certain decisions when facing certain challenges in the education profession.

Related Literature

Brief History of Education in the United States

The concept of education in the United States has its foundation as early as the 1600s in Massachusetts and Connecticut, mainly based on their belief that, to practice their Puritan religion, one should be able to read (Howe, 2002). Other instances of an education system in the United States can be illustrated through Thomas Jefferson. In 1817, Jefferson “proposed to provide all free white children with three years of primary education at public cost” (Howe, 2002, p. 4). Jefferson attempted to make school districts by dividing various areas in Virginia “into small units called ‘hundreds’ or ‘wards’” (Howe, 2002, p. 4) but was not successful. Later, Jefferson began to focus on higher education and secondary schools, but the legislature only approved his university proposal (Howe, 2002). Finally, the Whig Party made a great impact on education reform, particularly Whig member Horace Mann (Howe, 2002). Horace Mann was a great supporter of the common schools, or “schools that the whole population would have in common: tuition-free, tax-supported, meeting statewide standards of curriculum, textbooks, and facilities; staffed with teachers who had been trained in state Normal Schools, modeled on the French *Ecole Normale*” (Howe, 2002, p. 20). The Normal Schools were the earlier forms of “teacher training colleges” (Howe, 2002, p. 20). Eventually the state and not the church orchestrated American education, but the origin of this change occurred after the American Revolution. Furthermore, it was not “until the Morrill Land-Grant Act of 1862 and the creation of the public school systems for children of both races throughout the South during Reconstruction” (Howe, 2002, p. 24) did the federal government have a true supportive role in American education. Eventually, individuals like Jane Addams (urban and multicultural education), John Dewey (progressive education), William Chandler Bagley (pioneer of teacher

education), Maria Montessori (early childhood education), Johann Heinrich Pestalozzi (natural education), Friedrich Froebel (kindergarten founder), and W. E. B. Du Bois (African-American rights) affected the American education system (Guttek, 2011).

History of United States Law

Believing England was employing too much power over the new and developing colonies, the future United States of America sought independence and established its own laws once freedom was achieved. Within the United States Constitution are the Bill of Rights and other Amendments. Of the Amendments, the First, Fourth, Fifth, Eighth, Ninth, and Fourteenth are discussed here due to their freedoms provided to the American people and eventually evolved to reference legal issues in American education (Alexander & Alexander, 2011). The First Amendment to the Constitution “prohibits laws that infringe on the freedom of religion, speech, press, and assembly” (Alexander & Alexander, 2011, p. 103). The Fourth Amendment “prohibits unreasonable searches and seizures” (Alexander & Alexander, 2011, p. 103). The Fifth Amendment “prohibits deprivation of life, liberty, or property without due process of law” (Alexander & Alexander, 2011, p. 103). The Eighth Amendment “prohibits cruel and unusual punishment” (Alexander & Alexander, 2011, p. 103). The Ninth Amendment “assures that rights not enumerated are retained by the people” (Alexander & Alexander, 2011, p. 103). Finally, the Fourteenth Amendment “prohibits laws that deprive a person of life, liberty, or property without due process of law and prohibits laws that would deny any person equal protection of the laws” (Alexander & Alexander, 2011, p. 103). The Amendments to the Constitution have molded and continue to mold the legal landscape of the education profession. To illustrate this shaping and molding of law in the institution of education, education law was

explored in a variety of contexts, citing studies and literature to create a synthesis of literature in education law in the United States.

Birth of Education Law

The concept of law in the American education system has its roots in politics and religion dating back to the 1640s in Massachusetts. In 1642 in Massachusetts, “all parents were charged with seeing to the education of their children” (Alexander & Alexander, 2011, p. 28), and “the legislature required certain towns to appoint a teacher and permitted taxes for education” (Alexander & Alexander, 2011, p. 28). Aside from a political perspective, the foundation of law in education had a religious platform as well. In 1647 in Massachusetts, the earliest form of education as an institution of society was illustrated when the Bible was used to “teach [everyone] to read the Scriptures in order to avoid falling prey to ‘the old deluder, Satan’” (Alexander & Alexander, 2011, p. 28). Today, education law has expanded to include how and what to teach and laws regarding not just parents, but teachers, principals, and other stakeholders of a school system. In addition, aside from teaching religion from a literal perspective, current education law has removed any influence of religion in education (Alexander & Alexander, 2011). Although the heart of education was birthed many years later, the foundation of education law can be linked to the “emerging feeling that education of youth was essential to the well-being of the state, and that a stable social environment could best be facilitated if all persons were literate” (Alexander & Alexander, 2011, p. 28).

Main Components of Education Law for Teachers

Foundations. Educators are engaged in a profession that has many laws that govern its existence. To understand the enormity of law in the education profession, it is imperative to expound upon the main components of education law that may affect an educator as a

professional and his or her interaction with students, parents, supervisors, and society. Some of these topics include students' and teachers' amendment rights, contracts and causes of dismissal of employment, and liability (Eckes, 2008; Gullatt & Tollett, 1997b; Schimmel & Militello, 2007). It is worth noting that the literature review is not an education law manual, and readers should consult with their local, state, and federal laws while working in the education profession. Furthermore, changes occur in education law regularly so it is imperative readers are engaging in their own research to corroborate any statements or assertions in the review of literature.

Liability. A teacher has many responsibilities in the education profession, but in some cases when a teacher does not properly complete an action or engages in certain behaviors, he can be held liable for his actions or behaviors. Liability is a concept that involves an individual or entity that may cause some form of harm to someone else, either directly or indirectly (Schimmel et al., 2008). For example, a man sued school counselors for not informing him that his daughter was going to commit suicide with another student (Schimmel et al., 2008). Similarly, a parent can have a claim of negligence if teachers or others expose a child to food he or she is allergic to and they were informed of such a food allergy and injury occurs (Schimmel et al., 2008). Finally, when it is plausible one pupil may harm another pupil or educator, the teacher should intervene to avoid some form of injury (Schimmel et al., 2008). Surprisingly, some literature suggests that educators fear litigation for not intervening during a fight opposed to actually intervening in the conflict (Holben & Zirkel, 2011).

Torts. Within the concept of liability, the actual act of wrongdoing is referred to as a tort. A tort may involve an individual suing another individual for damages due to some action that may result in injury (Schimmel et al., 2008). There are different types of torts, including unintentional instances such as negligence and intentional instances such as libel and slander

(Schimmel et al., 2008).

Unintentional torts. Unintentional torts “involve negligence and occurs when one fails one’s duty to exercise the standard of care needed to prevent harm to the person whom the duty is owed” (Essex, 2009, p. 145). One of the most common types of charges brought against school employees is negligence (Essex, 2009).

Negligence. Negligence “is a failure to exercise a reasonable or ordinary amount of care in a situation, thereby causing harm to someone” (Arbetman & O’Brien, 2005, pp. 108–109). A negligence claim is only valid under certain conditions (Essex, 2009). A breach of duty and injury are imperative components of negligence. A breach of duty occurs when there is a failure to execute a responsibility. The requirement of injury is fulfilled when someone who has become injured has validated an injury occurred. (Essex, 2009). If there is no connection between an injury and breach of duty, one cannot claim negligence (Essex, 2009). Trends in negligence litigation demonstrate that outcomes have typically favored the district (Zirkel & Clark, 2008).

Intentional torts. Intentional torts are different from unintentional torts in that intentional torts involve injuries that could have been avoided (Essex, 2009). The different types of intentional torts include “assault, battery, defamation, mental distress, and false imprisonment” (Essex, 2009, p. 142), and a few are worthy of discussion.

Assault. Assault is defined as a proposition to exert force that forms anxiety for the individual who would be a recipient of the physical contact (Essex, 2009). For assault to be valid, certain criteria must be met, including an individual’s ability to assault another and the presence of fear if there is threat of bodily harm, which forms a tort of assault against an individual’s mind (Essex, 2009). Finally, it is worth noting that physical, bodily harm does not

have to occur for there to be assault. If there is no fear from a threat of bodily harm, then an assault has not occurred (Essex, 2009).

Teachers must ensure their actions and behavior do not appear threatening to a student because he or she could be charged with assault (Essex, 2009). As leaders of classroom management, educators must refrain from yelling or making idle threats and avoid invoking fear because a reprimand, litigation or both can occur (Essex, 2009). Educators understanding the various components of education law may allow them to take a proactive stance against unnecessary litigation.

Battery. In connection with assault, battery is considered when force is involved. Battery is defined as a hostile, illegitimate physical contact that injures another individual. For example, teachers can be indicted for corporal punishment if it is executed with bad intentions and more than necessary or when educators' supervision is inadequate and a hostile student causes injury to another student. It is important to note that a battery charge is only sustainable when there is unlawful or unwarranted contact (Essex, 2009).

Defamation. In addition to mental and physical attributes, torts may involve written or verbal statements, which can result in litigation for teachers and other school personnel. Defamation involves the use of statements towards another person that may negatively impact an individual's status or reputation. Defamation can occur in written or spoken communication. The foundation of a defamation claim is based on the premise individuals should be able to guard their reputations from untrue or malevolent declarations (Essex, 2009).

Teachers' statements are not necessarily defamatory if they are made within their professional duties and in good faith. Good faith requires that any stated commentary has no elements of malevolence or harm. In some cases, truth can also act as a form of defense when

commentary has rationale grounds, but even true statements may be deemed as libel. Teachers must refrain from statements about peers and students that could damage reputations (Essex, 2009).

Child abuse and neglect. It is the duty of teachers to disclose child mishandling and desertion. It is important to note that educators are protected from certain legal actions (Schimmel et al., 2008) in the case they report child abuse and neglect in good faith.

Studies about teachers and tort liability. A few studies have investigated teachers and torts (Labush, 1993; Moore, 1997; Stubblefield, 2002). Stubblefield (2002) revealed that teachers lacked knowledge in child abuse and neglect policy. Both Labush (1993) and Moore (1997) reported educators had inadequate knowledge of tort liability.

Defenses against liability accusations. There are defenses educators can use against liability accusations, such as “contributory negligence, comparative negligence, assumption of risk, and immunity” (Essex, 2009, p. 146). However, these defenses do not “relieve school personnel of negligent acts” (Essex, 2009, p. 146).

The first defense is comparative negligence. Comparative negligence is when a student is injured but the teacher is not completely exempt from taking responsibility for the injury. In comparative negligence, damages are based on proportions of fault. Assumption of risk is when students take part in a school activity understanding risks may be possible (Essex, 2009). The main responsibility of teachers is to inform students of proper techniques for participating in the activity and provide supervision. As Essex (2009) stated:

The critical standard that must be met by teachers who supervise student contact-related activities is to properly instruct students regarding the fundamental techniques associated

with the activity and to provide proper supervision to ensure that appropriate techniques are employed by the student. (p. 148)

Teachers in sports activities must be very careful, even when an assumption of risk is taken by the student, because they are still vulnerable to litigation (Essex, 2009).

Another defense against liability is contributory negligence. Contributory negligence is when students' decision-making and actions contribute to their injury. Of the defenses against liability, contributory negligence is the most customary. It is worth mentioning that contributory negligence does not typically apply to children in the range of seven to fourteen years of age as their level of maturity is limited, but this guideline is not absolute (Essex, 2009).

Immunity is when protection and liability exemption should be given to the government at the federal or state level (Essex, 2009), particularly when the negligence is from their employees (Schimmel et al., 2008). Teachers can still be sued individually for any negligence claims (Schimmel et al., 2008); thus, educating teachers about education law to avoid litigation is imperative.

Teacher responsibilities to reduce liability allegations. Although a comprehensive checklist of ways teachers can try to avoid liability would be beneficial, only a few areas of teacher responsibilities are worth noting. Teachers must be mindful that their supervision of students needs to be the same on field trips as it is on school premises (Essex, 2009). Playground supervision is highly critical as so many activities can occur that involve students. Teachers must ensure that any equipment on the playground is appropriate for student usage teach the students how to use the equipment, and supervise the students' proper use of the equipment (Essex, 2009). Furthermore, failure to have proper supervision of students can result in liability charges for the teacher throughout the school day, not simply on the playground. Teachers can

inform their principal or administrator if there are too many students and adequate supervision is not possible (Essex, 2009).

For specific teachers in certain subject areas, the stakes of liability accusations could be higher. For example, physical education teachers must inspect equipment to make sure it can be used by their students (Essex, 2009). The students must also be properly taught how to use the equipment. Science teachers must be very careful in instructing their students during a lab or any science projects conducted off school grounds to avoid litigation because failure to do so can result in liability litigation (Essex, 2009).

Although states vary on their interpretations of the law, teachers should know the law and provide evidence they followed procedures to avoid litigation (Essex, 2009). Educators who do not know education law as it applies in their daily duties could endanger a child's life and their careers. Incorporating education law into the curriculum for pre-service educators and workshops or training for in-service educators are worthwhile pursuits if lives, reputations, and careers are possibly at stake.

Special Education Law

According to Anastasious and Kauffman (2012), "people with disabilities are viewed as the collective victims of an uncaring and antagonistic capitalistic society, a system of social relations that produces ableism or disableism and social exclusion" (p. 139). A disability is "broadly defined to include any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment" (Aron & Loprest, 2012, p. 99). Although children with sensory, physical, or congenital disabilities may be diagnosed before starting school, learning disabilities and behavioral disorders are diagnosed, due to their late emergence in students, after

school begins (Aron & Loprest, 2012). Students with disabilities may have low academic achievement and are likely to experience issues outside the school system such as high unemployment and incarceration. Moreover, over five million students in 2006 and 2007 received services based on the requirements of IDEA (Katsiyannis et al., 2012).

To provide students with disabilities a quality education, the federal government has passed legislation such as IDEA, the “Rehabilitation of Act of 1973, Section 504” (Essex, 2009, p. 84), and the “free appropriate public education” or (FAPE) (Essex, 2012, pp. 129–130). With the population of students with various disabilities continuing to rise in American schools, it is imperative that not only are teachers not only able to incorporate effective methods of curriculum and instruction, but also that educators are well-versed about the laws and legislation that govern special education (Brookshire, 2002; Kessell et al., 2009; Tilson, 2011). Katsiyannis et al. (2012) reported that close to 400 cases in special education law occurred in 2010. For example, schools have faced litigation concerning high-stakes testing (Yell, Katsiyannis, Collins, & Losinski, 2012), discipline (Gullatt & Tollett, 1997b; Katsiyannis et al., 2012), and negligence (Gullatt & Tollett, 1997b).

Student Discipline

One of the main duty activities of every teacher in conjunction with classroom management is student discipline. Teachers who do not manage their students impede not only learning but also teaching and a safe school environment (Essex, 2009). Within the realm of student disciplines is the concept of *in loco parentis*, which is when teachers and the school systems’ actions are reviewed based on what a parent would typically due in a comparable. During the discipline of students, teachers must ensure their actions and behaviors are just and

rational. Moreover, it is important to mention that *in loco parentis* only applies to decisions regarding “academic matters and school functions and activities” (Essex, 2009, p. 51).

Teachers have certain responsibilities regarding student discipline, and their actions must be reflective of the laws that govern their profession. Situations including corporal punishment or the use of physical discomfort that may result in modified behavior (Essex, 2009) is limited by individual state laws and thus may be prohibited in some states. Educators should avoid any physical contact with students due to possible allegations of abuse, battery, or corporal punishment. During the discipline of students, teachers should adhere to school policy and any pertinent laws, as unorthodox forms of discipline may incur consequences (Essex, 2009). For example, restraints and seclusion of students with disabilities is a controversial topic when it comes to discipline (Katsiyannis et al., 2012). Teachers should seek district policy and state and federal law when considering using such controversial techniques to discipline students with disabilities. Moreover, seclusion and restraints should be considered when there are no other options and to protect all persons involved (Katsiyannis et al., 2012).

Bullying

A growing concern in education is bullying. Bullying “may involve physical injury to the victim, emotional harm, sexual harassment, or harassment in general” (Essex, 2009, p. 62) thus demonstrating an overlap with harassment (Holben & Zirkel, 2014). If teachers are informed that bullying is occurring but choose not to intervene or notify the principal, teachers can encounter a lawsuit (Essex, 2009). With regard to school bullying litigation, similar to negligence litigation trends, most litigation outcomes have favored the school district (Holben & Zirkel, 2014).

Student Rights

Within the institution of education, teachers must be aware of students' rights, especially those based on various levels of government's legislation (Essex, 2009; Howe, 2002). Essex (2009) asserted, however, that in cases when the states' interest appears more important than student interest, such as perhaps safety or peace within a school system, the courts may favor the school over the student's constitutional rights.

Search and seizure. Under the Fourth Amendment, students are shielded from being searched or seized without reason. This constitutional right involves a host of protections and must be followed to avoid litigation for infringing upon the rights and privacy of students. Students can be legally searched if they are suspected of breaking school regulations or may possess something that could be harmful to themselves or their peers (Essex, 2009). With regard to reasonable suspicion, the individual giving the information "must be known by the teacher or administrator and the information received must be viewed as creditable" (Essex, 2009, p. 29). Although policy may vary on student searches, teachers should take into consideration certain factors such as the age of the student as well as his or her maturity in the search, the student's past behavior, and "the seriousness of the problem perceived by teachers or administrators" (Essex, 2009, p. 29). Teachers only need a reasonable suspicion to propose a search and not probable cause, which is necessary for law enforcement officials (Essex, 2009).

Teachers must be aware that only individual searches are proper, as opposed to "mass searches and locker raids . . . unless there is a dire emergency such as a bomb threat or evidence of weapons involving gang activities" (Essex, 2009, p. 29), but students' privacy must still be taken into consideration. Teachers can do personal searches of students, but it is not recommended unless one strongly perceives a hazardous object may threaten the school

environment's safety and the search is not random (Essex, 2009). Educators must be mindful of the possible legal ramifications when conducting strip searches, which are typically involved in personal searches. Teachers must conduct personal searches intermittently and when it is evident it is necessary, but strip searches be more likely to require probable cause (Essex, 2009).

FERPA. FERPA was passed for the “purpose of providing privacy protection for students” (Essex, 2009, p. 69) and because external groups were being given confidential information without parents’ or students’ consent (Essex, 2009). As teachers are engaged in student-parent conferences and manage grades and students’ sensitive, personal information, they must be abreast of FERPA’s various rules and regulations to avoid reprimands and threats of litigation. Teachers must sign documents divulging their purpose for accessing any educational student records and must refrain from revealing any confidential information reviewed to external parties without parent or student consent (Essex, 2009).

Although any records related to a student should be confidential to avoid conflict, “personal records maintained by teachers are not subject to disclosure under FERPA” (Essex, 2009, p. 73). In the case teachers mistakenly release damaging, private, or delicate content of a student’s files that subsequently affects the student’s status or causes psychological harm such as mental suffering, teachers can encounter liability charges (Essex, 2009). One activity that many teachers may engage in is having student graders. Surprisingly, courts have ruled differently regarding student graders but it was “ruled that the practice used by teachers of involving students in recording grades does not violate the tenets of FERPA” (Essex, 2009, p. 77). Teachers should consult their local and state laws to determine if such a practice is permitted in their place of employment. Once a grade is placed in a gradebook, the grades are under FERPA protection (Schimmel et al., 2008).

Finally, although educators may like to share their issues with peers who may relate to their sentiments, students' information should not be disclosed to colleagues who truly have no purpose in knowing the information (Essex, 2009). The results of such an action could lead to litigation and affect the institution by “trigger[ing] sanctions by the Department of Education” (Essex, 2009, p. 80). Notably, FERPA as a defense for failure to reveal any suspicious abuse, neglect, or suicide is not valid. Teachers are required to report any suspicion of abuse, neglect, or suicidal thoughts at all times (Schimmel et al., 2008).

Due process. The concept of due process originates from the Fifth and Fourteenth Amendments. The Fifth Amendment “prohibits deprivation of life, liberty, or property without due process of law” (Alexander & Alexander, 2011, p. 103). The Fourteenth Amendment “prohibits laws that deprive a person of life, liberty, or property without due process of law and prohibits laws that would deny any person equal protection of the laws” (Alexander & Alexander, 2011, p. 103). Students who are up for suspension are eligible for due process, but the requirement of due process may differ depending on the type of suspension (Schimmel et al., 2008). Other areas in which due process may be a requirement include corporal punishment and expulsion (Essex, 2009).

Religion. Despite education having its roots in religion, since 1960, the institution of education has been restricted with regard to religion (Alexander & Alexander, 2011; Essex, 2009; Howe, 2002; Schimmel, 1988). Students can lead prayers if they are not based on school personnel demands or imposition (Essex, 2009). Students can have student-initiated religious gatherings on school premises during non-instructional time periods (Essex, 2009). Students may decide to not participate in reciting the Pledge of Allegiance for religious purposes (Essex, 2009).

Teachers must be careful in teaching the Bible, and, when they do, it cannot be “associated with any form of worship and [must be] taught objectively as a part of a secular program” (Essex, 2009, p. 180). In addition, teachers must refrain from projecting their religious views on their students and discussing religion in their classrooms (Essex, 2009). Furthermore, teachers cannot initiate any element of a period or moment of silence in their individual classrooms, as they are prohibited from establishing a worship environment in schools (Essex, 2009). In contrast, students “can engage in silent meditation at any time as long as the practice is not endorsed by the school or does not negatively impact the school’s instructional program” (Essex, 2009, p. 184).

Other areas of students’ rights and limitations. Students enjoy many rights of which teachers should be aware to avoid litigation. For example, students have free speech as long as it is reasonable, but “if it infringes on the rights of others or creates material and substantial disruption” (Essex, 2009, p. 18), their freedom of speech could be restricted. Teachers do have the right to have rules in their classroom to monitor student conduct as long as the rules are “reasonable and necessary to maintain order and proper decorum and do not unduly infringe upon student rights and freedoms” (Essex, 2009, p. 18). It may be necessary for educators to align their classroom rules with their district policy on student conduct to avoid litigation or the possibility of infringing upon the constitutional rights of their students.

Other areas in which students have rights with certain restrictions based on federal, state, and local law include “protests and demonstrations, student newspapers-both school sponsored and non-school sponsored, dress and appearance, religious freedoms, search and seizures, corporal punishment, and suspensions and expulsions” (Essex, 2009, p. 19). Educators may regulate student dress if it results in disruption, forms of tension, unhealthy conditions,

offensiveness, or safety concerns (Essex, 2009). School-sponsored newspapers can be regulated, but may enjoy a form of freedom if the content is not insulting or disruptive (Essex, 2009). Student cell phone and computer usage can be restricted. Most schools have policies to regulate technology (Essex, 2009; Schimmel et al., 2008). Student speech regarding teachers is not necessarily protected when it is impolite, defiant, or unruly (Schimmel et al., 2008). Students may wear certain ethnic clothing if it meets criteria such as conveying a “particular message” (Schimmel et al., 2008, p. 79) and the likelihood “the message would be understood by an observer” (Schimmel et al., 2008, p. 79). In cases where Confederate flag symbols are “associated with racial hostility, disruption, or violence” (Schimmel et al., 2008, p. 80), they can be banned. Finally, students can be searched if the search is reasonable. Under the Fourth Amendment, students are shielded from being searched or seized without reason (Essex, 2009).

Teacher Rights

An often overlooked and underrepresented area of education law research, aside from special education law, is teacher rights. Although teachers have more contact with students and more sensitive information compared to administrators, only a few states require education law coursework for teachers (Bruner & Bartlett, 2008; Gajda, 2008; Gullatt & Tollett, 1997a; McCarthy, 2008; Wagner, 2008). Due to such vulnerabilities, teachers need to know their rights when encountering students, parents, and school leaders. Some topics worthy of discussion in teacher rights include contracts, constitutional rights, terms of dismissal, and socially embedded occurrences such as discrimination (Essex, 2009; Schimmel et al., 2008).

Contracts. When educators are hired to educate students in various subject areas, a contract is typically signed. For teacher contracts, the following must be present: “(1) a meeting of the minds of both parties; (2) valid consideration; (3) legal subject matter; (4) competent

parties; and (5) definite terms” (Schimmel et al., 2008, p. 9). For the purpose of the contract, the “meeting of the minds usually refers to mutual agreement to the terms of the contract” (Schimmel et al., 2008, p. 9), and consideration represents any “promises bargained for or exchanged between the parties” (Schimmel et al., 2008, p. 9). Furthermore, “legal subject matter means that the contract cannot require the parties to act in a manner that violates public policy” (Schimmel et al., 2008, p. 10). Competent parties are individuals who are of a permitted age and possess the mental ability to comprehend the various contractual terms (Schimmel et al., 2008). Finally, “definite terms means the contract must be clear enough so that each party knows what the contract requires” (Schimmel et al., 2008, p. 10). In contrast, an indefinite teacher contract is one that fails to disclose yearly income or what duties the educator must perform (Schimmel et al., 2008) and thus may not necessarily be legally enforced.

Depending on individual state laws, contracts can be oral and not necessarily written. Contracts can last for a year, but if a teacher has tenure, he or she may have a continuous contract. In some cases, if first- and second-year teachers are not informed of a renewed contract by April or May, they may be granted an automatic renewal of their contract (Schimmel et al., 2008). Moreover, in some instances, a teacher may also work without a contract but payment may be based solely on “the estimated value of services rendered” (Schimmel et al., 2008, p. 11), thus jeopardizing a true compensation for actual services rendered.

Within the concept of contracts and teachers, a breach of contract is always a possibility. A breach of contract is when parties involved in a contract are unsuccessful in upholding their contractual responsibilities (Schimmel et al., 2008). A breach of contract can occur, for example, if a teacher leaves his or her position or does not accept a teacher position (Schimmel et al., 2008). School officials are also capable of breaching a contract (Schimmel et al., 2008). For

example, school officials removing or modifying the content after the contract has been signed can be considered a breach of contract (Schimmel et al., 2008). Teachers or the school district may receive “a legal remedy, called damages, that will compensate for the injury the breach has caused” (Schimmel et al., 2008, p. 12). In some states, an educator’s certificate can be annulled if there is a breach of contract (Essex, 2009). In the case the education board breaks a contract, a teacher may need to alleviate damages (Schimmel et al., 2008) and look for another place of employment but “is not obligated to take a job in another locality or accept an inferior position in order to avoid loss of damages due to a breach” (Schimmel et al., 2008, p. 12).

Tenured teachers. Some teachers, depending on their location, have tenure. Tenure protects educators’ income and employment security and guarantees termination is based on evidence of just cause (Schimmel et al., 2008). Some just causes in which tenured teachers can be dismissed include ineffectiveness, depravity, and intentional misbehavior (Schimmel et al., 2008), but tenured teachers are not entitled to certain positions or continuous employment. For example, not meeting the “highly qualified” (Schimmel et al., 2008, p. 14) status of NCLB can deny a teacher tenure. If tenured teachers are up for dismissal, they are required to receive notification of any charges and a hearing to provide a rebuttal to any charges (Schimmel et al., 2008).

Non-tenured teachers. Quite contrary from tenured teachers, non-tenured teachers are provisionally employed educators who complete specific services during a yearly contract (Essex, 2009). It is up to the school board whether to rehire a non-tenured teacher, as non-tenured teachers have annual contracts and thus a “teacher’s property right” (Essex, 2009, p. 129) is not violated. However, if non-tenured teachers have been “dismissed during the contract year, his or her property right has been violated” (Essex, 2009, p. 129). Aside from early

dismissal during a contractual year, evidence of “personal or political reasons” (Essex, 2009, p. 128), and individual state statutes, non-tenured teachers are not entitled to “reasons for nonrenewal” (Essex, 2009, p. 129), due process, a hearing, or a contract for the upcoming year (Essex, 2009). With regard to individual state statutes, “some states [may] give non-tenured teachers minimal procedural rights, but generally require that teachers prove their non-renewal was arbitrary, discriminatory, or illegal” (Schimmel et al., 2008, p. 19). Paper reviews and several observations are some forms of evidence for appeals or before the decision to not rehire a non-tenured educator is determined (Schimmel et al., 2008).

Due process. Although non-tenured teachers may not necessarily have grounds for due process when their annual contract has ended, they are entitled to due process when they are released in the middle of an annual contract (Essex, 2009; Schimmel et al., 2008). According to Essex (2009), “Due process assures that school personnel will not be deprived of life, liberty, or property without full compliance with Fourteenth Amendment provisions” (p. 193). Furthermore, due process ensures educators’ possibility of future employment is not jeopardized as well as reputations are not damaged based on charges such as “dishonesty or immorality” (Schimmel et al., 2008, p. 19).

Free speech and expression. As employees in the United States, teachers have constitutional rights including free speech; however, the type of speech and the way it is given has limitations. Teachers can speak on “issues of common concern to the community” (Essex, 2009, p. 106), but they “should always preface their statements by indicating that they are speaking as private citizens rather than as employees of the school district” (Essex, 2009, p. 106). In some cases, giving an opinion about a school district can result in teacher dismissal, so it may be wise to restrain and filter statements about one’s employer to avoid termination (Essex,

2009). Teachers' statements should focus on issues and not any particular individual and be professional (Essex, 2009). A teacher's public commentary, even if true, can be grounds for dismissal, as can public criticism of immediate supervisors (Essex, 2009). Even private criticism is not necessarily protected, and any statements made as an employee of the district are not protected by the First Amendment (Schimmel et al., 2008). In addition, teachers should know that, if they report any violations of the law in good faith, there are "whistle-blower protection statutes" (Schimmel et al., 2008, p. 54) in all 50 states. As a warning, the "First Amendment only protects teachers at public schools" (Schimmel et al., 2008, p. 54) even if the private school receives state funds.

Academic freedom. One area of education more relevant to higher education educators than K–12 educators is the concept of academic freedom. Academic freedom is defined as "the right of teachers to speak freely about their subject, to raise questions about traditional values and beliefs, and to select appropriate teaching materials and methods" (Schimmel et al., 2008, p. 55). K–12 educators, however, have limited academic freedom. For example, school boards can decide not to allow the use of certain texts (Schimmel et al., 2008). Social studies teachers may encounter controversial topics, but, along with other teachers, must refrain from using "the classroom to preach about their religious or political views" (Schimmel et al., 2008, p. 56). Teachers are not allowed to use their preferred text or curriculum in place of a school's text or curriculum. In addition, teachers may be reprimanded or disciplined for conversing irrelevant topics, which are not protected by academic freedom (Schimmel et al., 2008).

Some teaching methods may be rejected if there are genuine school-related concerns and the educator was informed of banned conduct (Schimmel et al., 2008). No controversial method that is "inappropriate for the age and maturity of the students, not supported by any significant

professional opinion, or when they are prohibited by school policy” (Schimmel et al., 2008, p. 58) is protected by academic freedom. Finally, teachers can face not having a renewed contract if there is disagreement or conflict on teaching methods and philosophy (Schimmel et al., 2008).

Religious freedom. A very sensitive but necessary topic is freedom of religion. For some teachers, religious beliefs do not stop as teachers come on school grounds, but the courts have not been lenient on the concept of separating the church from the state (Essex, 2009). Teachers may not necessarily be forced to recite the Pledge of Allegiance due to the possibility of it “conflict[ing] with the teacher’s religious beliefs or conscience” (Essex, 2009, p. 113). Teachers must still be neutral when it comes to religion, no matter their personal religious beliefs outside the classroom (Essex, 2009). Teachers may ask for a leave of absence for religious purposes if “his or her absence is not excessive and does not disrupt students’ education” (Essex, 2009, p. 115). Teachers are not allowed to wear religion-based attire in public schools (Essex, 2009). In addition, religious symbols and displays are not allowed because they “are illegal if sponsored by teachers and violate the separation of church and state as well as the principle of neutrality” (Essex, 2009, p. 186). Teachers are typically allowed to exercise their freedom of religion off school premises (Essex, 2009).

Discrimination. In the United States, discrimination in education can be subtle or very public. Nevertheless, there are laws that protect teachers from being discriminated against in areas such as race, age, religion, and sex. The Fourteenth Amendment and Title VII protect teachers against racial and gender discrimination (Schimmel et al., 2008). For example, teachers should not be paid less than another teacher of a different sex unless degrees and experience differ (Schimmel et al., 2008). Teachers should also report any cases of sexual harassment, which also falls under the violation of Title IX (Essex, 2009). With regard to race, the

Fourteenth Amendment and Title VII protect against discrimination. If a teacher wishes to file a complaint regarding racial discrimination, he or she must do so “within 180 days following the alleged unlawful act by school boards or within 300 days if the individual has filed claim with a state agency” (Essex, 2009, p. 211).

Religion and age. Religious discrimination, also protected under Title VII, asserts teachers cannot “be discriminated against in employment decisions, compensation, and fringe benefits for religious reasons” (Essex, 2009, p. 215). The Age Discrimination in Employment Act (ADEA) allows “school personnel [not to be] required to retire at a designated age and may continue in their employment position as long as their performance meets prescribed standards” (Essex, 2009, p. 219).

Disabilities. Employees with disabilities are protected by the “Americans with Disabilities Act of 1990” (ADA) (Essex, 2009, p. 84) and the “Rehabilitation of Act of 1973, Section 504” (Essex, 2009, p. 84). Employees are protected by ADA due to the prohibition of “individuals with disabilities from being denied an employment position because of tasks not essential to the core function of the position sought” (Essex, 2009, p. 223). Similarly, the “Rehabilitation of Act of 1973, Section 504, protects individuals from discrimination based on their disability in any program or activity receiving federal funds” (Essex, 2009, p. 84).

Family and medical leave. Receiving little attention with regards to education in research studies is the “Family and Medical Leave Act (FMLA)” (Essex, 2009, p. 223). This act gives employees “up to a total of twelve work weeks of unpaid leave during any twelve-month period” (Essex, 2009, p. 224). Reasons for family or medical leave include, but are not limited to, childcare of a newborn, “adoption or foster care” (Essex, 2009, p. 224) placements, caretaker of sick “immediate family member” (Essex, 2009, p. 224), and “a serious health condition” (Essex,

2009, p. 224). Finally, question and report requests to and from the employee on leave are permitted in the FMLA (Essex, 2009).

Other areas of teachers' rights and limitations. Although teachers have a right of expression, some of these rights are restricted during school operation and on school premises. For example, teachers can wear political symbols “as long as such symbols do not interfere with a teacher’s classroom performance and are not an attempt to proselytize or indoctrinate students” (Schimmel et al., 2008, p. 61). In addition, teachers may seek public office but may be asked to resign; however, prohibiting a teacher from running for public office may be considered unconstitutional (Schimmel et al., 2008). With regard to dress codes, teachers are not allowed to wear anything they want on school grounds, but in the case teachers challenge a particular dress code, the dress code must be argued to be “arbitrary, unreasonable, or discriminatory” (Schimmel et al., 2008, p. 62).

Teacher dismissal. Teacher dismissal occurs in the education profession, and before any teacher seeks any legal action, he should be aware of the official grounds for dismissal. In some extreme cases, teachers can be dismissed due to insubordination, incompetence, and immoral conduct (Essex, 2009).

Insubordination. Insubordination or “the willful failure or refusal to conform to a reasonable administrative directive or school rule” (Essex, 2009, p. 195) can be a pattern or a single instance of nonconformance. For example, teachers can be moved from one school to another or be denied or approved leaves of absences. Dismissal for insubordination is plausible if a teacher chooses not to do the duties he or she has been assigned or does not abide or subject himself to established rules or decisions (Essex, 2009).

Incompetency. Incompetency is related to teacher performance and may include, but is not limited to inefficiency, “inability to or unwillingness to teach the prescribed curriculum” (Essex, 2009, p. 194), or “attitudinal deficiencies” (Essex, 2009, p. 194). Any alleged incompetence of an educator “must be documented and communicated to the affected teacher(s)” (Essex, 2009, p. 195), and “guidance and support must be provided to facilitate an improvement in the teacher’s performance” (Essex, 2009, p. 195). Finally, time should be allotted for teacher improvement (Essex, 2009).

Neglect of duty. Neglect of duty, whether intentional or unintentional, is defined as a teacher’s failure “to execute assigned duties” (Essex, 2009, p. 197). For example, a teacher was en route to a soccer clinic using the district vehicle. Someone saw him go to a grocery store, purchase beer, and get into the district vehicle. The teacher was not granted a renewed contract for the next school year (Essex, 2009).

Immorality, reduction in force, and just cause. Immorality occurs when a teacher “offends the ethics of a particular community that renders the teacher unfit to teach” (Essex, 2009, p. 197). Reduction in force can occur when there is a decline in enrollment, economic need, district restructuring, and program modification (Essex, 2009). Finally, just and good cause can be grounds for teacher dismissal “when school boards . . . dismiss school personnel for reasons not specifically identified, as long as a valid reason is established and all procedural requirements are met” (Essex, 2009, p. 201).

Other reasons for teacher dismissal. Educators can be terminated for reasons involving both on-campus and off-campus conduct. Teachers can be dismissed for the improper usage of school computers, solicitation of sex, failure to maintain classroom management, dirty classrooms, and a lack of lesson plans (Essex, 2009).

Teacher Preparation and Education Law

A limited number of preparation programs require an education law course even though other professions, such as business and medicine, provide their students with courses in legal problems (Gullatt & Tollett, 1997b). Although most states incorporate education law topics into pre-service courses, Nevada is the sole state that requires its teachers to have an education law course or examination (Bruner & Bartlett, 2008; Gajda, 2008; Wagner, 2008). Louisiana requires only its special education educators obtain an education law course for licensure (McCarthy, 2008). Some states such as Texas and Oregon are on the brink of incorporating education law concepts for teacher licensure standards (Gajda, 2008).

Although there are discrepancies among states regarding requirements for an education law course for educators, there are a number of topics in education law that are considered to be crucial for an educator to avoid possible litigation. These topics can include fairness doctrine, reasonableness, dangerous dilemmas in the classroom or during extra-curricular activities, and, finally, discipline (Gullatt & Tollett, 1997a, 1997b).

A national survey from the 1990s revealed some institutions did not incorporate an education law course into the teacher preparation curriculum because of insufficient space in the curriculum, education law topics were incorporated in other courses in the program, a perceived lack of need to teach education law, and finally that faculty lacked training and adequate resources in education law (Gullatt & Tollett, 1997a; Wagner, 2008). A review of abstracts and dissertations has revealed that training in education law should occur in the form of workshops or courses (Campbell, 2002; Koch, 1997; O'Connor, 1976; Paul, 2001; Wheeler, 2003). Results of this study may inform institutions as to why incorporating education law courses in the teacher preparation programs may be beneficial to future educators.

In-Service Teachers and Professional Development

In the case teachers lacked training in an education law topic or topics during pre-service teacher preparation programs, the last avenue of knowledge aside from an educator's own decision to pursue more knowledge is through professional development, typically through the institution of employment. Professional development in school systems is prevalent and essential for teachers to stay abreast of any changes with regards to content teaching practices and any material that will enhance the teaching profession. Some studies support the notion that teachers should receive training in education law as a course or in the form of in-service professional development workshops to avoid litigation and termination and for the proper care and education of general and special education students (Campbell, 2002; Koch, 1997; O'Connor, 1976; Paul, 2001; Wheeler, 2003). Joyner (1999) and O'Connor (1976) conducted studies that revealed the method, such as role-playing or discussion, used to study education law was imperative. The results of this study revealed what topics teachers believe should be discussed in education law workshops or courses, which included the perspectives of those participants with education law courses, professional development workshop training, or both.

Support for Education Law Courses and Training

Proactive versus reactive. Gullatt and Tollett (1997a) believed there are four reasons to incorporate education law courses in graduate and undergraduate programs. One reason is the perception that litigation in education is rising. Secondly, undergraduate pre-service programs do not discuss issues such as rights and professional responsibilities of teachers in their curriculum. Thirdly, the teaching profession is affected by the various court systems with regard to individual rights and other areas such as special education and sexual harassment. Fourthly,

the federal and state legislative bodies are always presenting new legislation, which results in a number of rules and regulations that educators must follow.

In addition, teachers with an education law background may avoid gaffes, poor judgments, and indiscretions that can drastically affect their careers (Gullatt & Tollett, 1997b). Similarly, Wagner (2008) discussed how pre-service teachers should be able “to appreciate how their actions or omissions may lead to litigation and potential liability” (p. 4). In agreement, Zirkel (2006) reported that teachers’ “knowledge deficits led to errors in the direction of overestimating legal requirements” (p. 488).

Organizational justice. Although the term *justice* has been used historically in cultural and political contexts, it has infiltrated the working environment and organizations. Organizational justice “focuses on processes by which individuals determine whether they have been treated fairly and on the ways in which these perceptions affect other outcomes” (Shapira-Lishchinsky & Rosenblatt, 2009, p. 731). Furthermore, teacher job satisfaction in the workplace is associated with “work conditions such as administrative leadership and support, school climate, teacher autonomy in the classroom, student behavior, and parental support” (Norton, 1999, p. 52). If teachers feel that their institution lacks organizational justice, understanding and applying education law may increase teachers’ positive perceptions of organizational justice and their working conditions, as well as possibly protect their career and employment. Based on the various legal responsibilities and ramifications of not knowing and applying education law, “educators need to be knowledgeable about their legal obligations and liabilities” (Ogletree, 1985, p. 65).

Fear of litigation. It is evident that there are disagreements regarding fear of legal entanglements that may occur within the education profession. According to Imber (2008), “The

reality is that instances of teachers being named as defendants in lawsuits by students are rare, and cases of a teacher's having to pay a damage award are extremely rare" (p. 91). Imber (2008) also suggested from a legal perspective that "there is no such thing as educational malpractice" (p. 92). In agreement with Imber (2008), Leonard (2007) reported that there has been only a modest increase in litigation for teachers and education institutions since 1987, and by 2002, there was a slight decline in litigation. Leonard (2007) did report, however, that special education litigation had increased. In 2002 attorney Phillip K. Howard, who founded the organization Common Good, suggested that some institutions, including schools, may have an unnecessary fear of litigation (Zirkel, 2006). However, some believe Common Good has an alternative motive. As Zirkel (2006) stated:

Although Common Good characterizes itself as "bipartisan" implicitly claiming to be an impartial voice in the litigation reform debate, the organization and its founder are associated with interests that are likely to be more interested in capping plaintiffs' potential recoveries than redressing the circumstances that lead to litigation in the education sector or elsewhere. (p. 465)

Incidentally, studies reported by Common Good suggested that litigation fears were not prevalent; however, limitations such as setting, participants, the participants' various experience levels in the studies, the focus on student discipline, and failure to consider that employee-initiated litigation and not necessarily student-initiated litigation is on the rise are some of the factors that make Common Good's assertions questionable (Zirkel, 2006). Therefore, some of Common Good's argument that a fear of litigation is not prevalent is based on flawed studies that may not be generalized to other populations (Zirkel, 2006). Despite Zirkel's (2006) criticism of Common Good, Holben and Zirkel (2011) reported a study about teacher liability and student

fights, and “the results indicate an overall trend that does not support claims of extensive teacher fear based upon either the odds of litigation or the odds of liability for lawsuits concerning teacher intervention or nonintervention in student fights” (p. 164). The previous commentary illustrates the discrepancy in the perception of what fears teachers may experience within the school system. These fears may exist because principals may not be able to teach or enforce education law because they may lack knowledge in education law as well (Militello et al., 2009). For example, Militello et al. (2009) completed a study to determine principals’ knowledge of school law using a web-based instrument called the *Principal’s Education Law Survey*. The survey included six domains: demographics, law training and source of legal knowledge, lawsuit and threat frequencies principals may encounter, change of administrative decisions, 34 questions about law, and two open-ended questions (Militello et al., 2009). The results of the study exhibited principals had little knowledge about school law topics that had been resolved through the legal system (Militello et al., 2009). The majority of the principals did not know that teachers or schools were not responsible for educational malpractice (Militello et al., 2009). Most principals believed teachers could face some form of liability claim if they were resolving a conflict between students and an injury occurred (Militello et al., 2009). Eighty-five percent of the participants stated they would alter their actions if they had accurate knowledge about the law questions in the survey (Militello et al., 2009). Four hundred and twenty-four participants had received some education in school law. Finally, a total of 59% of the participants relied on “the central office personnel as their source of legal information” (Militello et al., 2009, p. 36). The last statistic is alarming because the administrator or principal is supposed to be the leader of educators.

Brief Analysis and Critique of the Dissertation Literature and Methodology

Many studies have covered education law. Surveys, questionnaires, interviews, and scenarios have been used to gather data from participants. Analysis of variances (ANOVAs) have been mainly used to investigate if teachers' and principals' knowledge of education law was based on factors such as sex, race, years of experience, and training (Moncrief-Petty, 2012; Power, 2007). Most of the studies about education law have focused on administrators (Leal-Georgetti, 2012; Power, 2007; White, 2012; N. R. Williams, 2010) even though, since the 1970s, there has been concern about teachers' knowledge of education law (O'Connor, 1976; Ogletree, 1985). The majority of the studies have been quantitative (Koch, 1997; Leal-Georgetti, 2012; Moncrief-Petty, 2012; Power, 2007; Wheeler, 2003), and a few have employed a mixed-method approach (Brookshire, 2002; Campbell, 2002; Sanders, 2013; N. R. Williams, 2010), usually using interviews and other qualitative methods to investigate various perceptions about education law in conjunction with traditional quantitative methods such as surveys.

Additionally, some dissertations have used a qualitative research design, incorporating observations, interviews, and focus groups, but are limited in the body of literature (Brookshire, 2002; Brown, 2004). Since qualitative studies focus on in-depth analysis in order to collect the perspectives of teachers from various teaching levels and demographics, a collective case study was used. This was necessary for teachers to have a voice and influence in their profession about the integration of education law in educator training programs and professional development workshops in the United States, particularly for initial and renewal teacher licensure.

Some studies have noted that various factors may affect teachers' levels of education law knowledge, such as private versus public institutions (Wheeler, 2003), and school law courses and training (Koch, 1997; McCartney, 1985; Paul, 2001; Schustereit, 2010). However, some

factors such as experience, education level, and gender may have no effect on education law knowledge (Joyner, 1999; Moore, 1997; Tilson, 2011) although this can be disputed by other studies, as Littleton (2008) reported that a study with teacher experience as a variable produced “inconclusive results” (p. 73). In addition, the variable age and education law knowledge yielded results that support the suggestion that older educators had greater education law knowledge than younger educators (Littleton, 2008). Finally, studies have supported the notion that training and preparation increase education law knowledge (McCartney, 1985; Moore, 1997; Paul, 2001; Schustereit, 2010) and proposed that methods of effective instruction may include discussions, lectures, and case studies (Joyner, 1999) as well as role-playing and simulations (O’Connor, 1976). Most of the studies focus on the South in areas such as Florida (Koch, 1997; Labush, 1993; Luke, 2004), Oklahoma (Stubblefield, 2002), Tennessee (Moore, 1997), Louisiana (Wheeler, 2003) and Georgia (Joyner, 1999; Paul, 2001). Finally, the existing studies are limited, mainly focusing on First Amendment rights (Andrews, 2012; Call, 2008; McCartney, 1985), teacher rights (Labush, 1993; McCartney, 1985; Moore, 1997; Paul, 2001; Wheeler, 2003), special education (Brookshire, 2002; Koch, 1997; Sanders, 2013; Tilson, 2011), student rights (Kuck, 1992; Labush, 1993; Moore, 1997; Wheeler, 2003), and torts (Labush, 1993; Moore, 1997; Stubblefield, 2002).

Existing, current studies and literature fail or provide little updated knowledge in areas such as the legal experiences of teachers in the education profession, the thought processes involved in the legal decisions of the education profession, descriptions of legal fears in the education profession among educators, teachers’ perceptions or interpretations of education laws, and the knowledge of education law beyond the dichotomous answers or opportunities to guess

correctly. To illustrate the shortcomings of existing studies with regards to methodology, sample, population, topic, region, and race, a few studies were discussed.

Kessell et al. (2009) executed a study to determine if student teachers or pre-service teachers were knowledgeable of IDEA. The subjects in the study included 274 student teachers from Kentucky, Texas, Oklahoma, Georgia, North Carolina, and Florida. The subjects were mostly described as female and Caucasian. The participants were reported to be older than 23 years of age. The instrument used in the study was an online questionnaire. The scores from the knowledge portion were interpreted using total mean values. In the Fall 2005 semester, pre-service teachers in an agricultural education program were emailed a questionnaire to determine their knowledge of teaching students with disabilities with regard to IDEA (Kessell et al., 2009). Kessell et al.'s (2009) study results suggested that student teachers did feel prepared to instruct students with disabilities in agricultural education classrooms (74.5%) but did not have knowledge of students with disabilities' disabling conditions. The student teachers in the study answered slightly more than half of the 33 questions in the knowledge section of the survey correctly, but less than half of the student teachers would have successfully passed an exam based on a grading rubric of 60% or better of the same knowledge questions (Kessell et al., 2009). Kessell et al.'s (2009) study suggested that, although student teachers of agricultural programs may have some knowledge of special education laws, there is still the need to incorporate special education law into pre-service curricula and in-service training agendas.

In addition, Kessell et al.'s (2009) study supports the notion that having some knowledge about components of education law can affect students and the educational organization. Teachers should attend workshops and take professional development courses to keep them abreast of changes in law. As the participants were mainly Caucasians, females, and from the

southern region of the United States, diverse demographical representation was limited. Kessell et al.'s (2009) study only reflected on one area of special education law; thus, saying an individual is limited in special education law is exaggerated. Finally, Kessell et al. (2009) limited their participants to pre-service students in an agricultural program and did not include pre-service educators from a variety of other programs, and failed to include in-service educators.

Call and O'Brien (2011) examined pre-service educators' knowledge of the First Amendment. The participants in this study included 110 secondary education pre-service teachers in a plethora of subjects such as science, math, English, and foreign language. The participants in the study included more males than females and more undergraduate than graduate students (Call & O'Brien, 2011). The instruments used in Call and O'Brien's (2011) study included a 10-question, web-based survey and a list of structured interview questions. Call and O'Brien (2011) used participants from a college's department of secondary education. Stratified purposeful sampling was used for interview participants (Call & O'Brien, 2011).

For Call and O'Brien's (2011) mixed-method, descriptive study, the results suggested teachers' experience affected their confidence when encountering First Amendment issues. Despite some levels of confidence, the study indicated that educators still demonstrate confusion regarding expressions in schools protected by constitutional law. Previous experience and some pre-service work assisted teachers in handling First Amendment rights in the classroom (Call & O'Brien, 2011). The participants did suggest that certain law concepts be incorporated into various courses in the form of case studies as opposed to a separate course on educational law, citing some evidence of teachers' providing input into the design of their learning of education law concepts (Call & O'Brien, 2011). The study suggests the importance of teachers'

understanding and legally enforcing what is allowed by the First Amendment. If teachers lack knowledge of First Amendment rights in an educational setting, litigation is possible. However, the study was only focused on First Amendment rights; the population was limited, consisting of pre-service educators and not in-service educators; and had a disproportionate number of graduate and undergraduate participants (Call & O'Brien, 2011).

Delaney (2009) investigated practicing educators' perception of the value of having education law knowledge. The participants included 73 practicing educators who were former students of the researcher from two education law courses at either the graduate and undergraduate level. Delaney's (2009) study mainly included information about the data collection method, a web-based survey. Some positive effects of education law knowledge were that educators had increased awareness of laws that impacted educators, better decision-making, a sense of professionalism, and an increase in self-confidence. Some negative effects of education law knowledge were possible increases of paranoia and stress and a reduction in risk-taking (Delaney, 2009). Delaney's (2009) study supports past studies' recommendations to have an educational law course or training incorporated into a curriculum for aspiring educators; however, it is still necessary to understand the mental processes that produce both negative and positive emotions regarding education law in the education profession. Delaney's (2009) study included the researcher's former students. It is not clear what steps similar to trustworthiness were established in this study. The study would need to be replicated except for the population and the researcher's past relationship with the participants.

Implications from the Literature

Although some studies and authors may suggest that there is no prevalence of litigation fear among educators (Holben, 2009; Imber, 2008; Zirkel, 2006), this topic needs further

development. Existing studies are limited in population, region, subject area, research method, diversity, and depth. Future studies should investigate if there are any fears or threats of litigation in various areas of education law and include a diverse demographical representation. Furthermore, the existing literature lacked current, in-depth education law perspectives, experiences, and interpretations. Moreover, the existing literature is scarce in illustrating educators' legal perspectives when making decisions in the education profession necessary to expand the narrative regarding educators and education law. Resulting insights may provide a voice for educators regarding decisions in their career. In addition, the results of the recommended future studies may assist state lawmakers, professors, principals, curriculum designers, and textbook authors assist K–12 and higher education institutions in providing education law training or programs. These programs and training may enhance a teacher's education law knowledge and the curriculum and instruction of all students, as well as protect the careers of teachers (McCarthy, 2008).

Summary

Teachers must be in legal compliance with education laws and legislation to avoid litigation and termination, protect their rights and students' rights, and properly educate all students (Call & O'Brien, 2011; Schimmel & Militello, 2007). Teachers should be knowledgeable in various areas of education law, which includes a plethora of interpretations and modifications and mass amounts of content. A review of the literature has shown educators display a deficiency in education law knowledge and that limited, current research exists discussing teachers' special education law knowledge overall (Delahoussaye, 2016; Dretchen-Serapiglia, 2016; Kessell et al., 2009; Militello et al., 2009; Mirabile, 2013; Schimmel & Militello, 2007). In addition, there is limited research on teachers' perceptions, interpretations,

experiences, and decision-making processes regarding education law in specific education law topics. Moreover, research about fears and threats of litigation and termination among educators is scarce and not current despite calls for educators to receive education law training (McCartney, 1985; Mirabile, 2013; Moore, 1997; Paul, 2001; Schimmel & Militello, 2007).

This study strove to discover, describe, and understand 11 public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law. This study also investigated teachers' critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas of education law such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights. Results of this study expand the narrative regarding educators and education law training by providing a voice for educators regarding their professional development. In addition, the results of this study may inform curriculum designers and school districts about the necessity of proper training for in-service educators in education law. Moreover, the results may support change for teacher education programs to include education law courses, professional development workshops, or both for initial certification for pre-service teachers. Finally, this study's results may influence education policymakers to require all practicing educators have education law professional development workshops, courses, or both to take a proactive stance against litigation.

CHAPTER THREE: METHODS

Overview

The purpose of this collective case study was to discover, describe, and understand 11 public, general, K–12 in-service teachers’ knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers’ critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers’ and students’ rights. Chapter Three will first discuss the design, research questions, participants, and procedures of this study. Finally, the data collection methods, data analysis process, and trustworthiness are discussed.

Design

A qualitative approach to this study was suitable because I preferred “to study selected issues in depth and detail” (Patton, 1990, p. 165) and to “produce a wealth of detailed data about a much smaller number of people and cases” (Patton, 1990, p. 165). Merriam (1988) stated, “A case study is an examination of a specific phenomenon such as a program, an event, person, process, an instruction, or a social group” (p. 9). In a similar fashion, Yin (2009) stated, “A case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (p. 18). In addition, as the purpose of the study was to examine the knowledge, experiences, interpretations, perceptions, and decision-making processes about multiple cases of a phenomenon, a collective case study was appropriate for this study (Yin, 2009). A collective case study was used to discover, describe, and understand 11 public, general, K–12 in-service teachers’ knowledge, experiences, interpretations, and perceptions of education law. In addition,

I investigated teachers' critical decision-making processes in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights.

Research Questions

Research Question One

How do public, K–12, general in-service teachers describe their perceptions, interpretations, and knowledge of education law, including special education law?

Research Question Two

To what extent, if any, are public, K–12, in-service general teachers fearful and threatened with termination and litigation in the education profession regarding student bullying, fights, grades, and students with disabilities?

Research Question Three

How do public, K–12, in-service general teachers' cognitively and behaviorally describe their decision-making process when making critical decisions regarding student bullying, fights, grades, students with disabilities, and teachers' and students' rights?

Research Question Four

To what extent do educators perceive an education law course, professional development workshop, or both as conducive for educators in the education profession?

Setting

This study took place in the United States via the World Wide Web, face-to-face, and telephone. Participants were from the northeastern, midwestern, and southeastern regions of the United States. The United States was chosen to be the site for this study due to the structure, design, focus, scope, boundary, and purpose of the study. Although other countries also have educators, I wanted to expound on the research with regard to educators and education law

training that existed in the United States. In addition, as some regions were not widely represented in existing studies, I wished to recruit participants from all regions of the United States. Some participants came from school districts that represented predominantly Caucasian or African American students. In addition, participants came from union and non-union states. Finally, participants came from rural or urban environments in which some students were on free or reduced lunch.

Participants

The participants in this collective case study were selected using purposeful sampling, and the targeted participants were 10–12 public, general, K–12 in-service teachers from various regions in the United States. A total of 11 participants completed the study. Of the 11 participants, 10 were women and one was male. In addition, of those 11 participants, six were African-American and five were Caucasian. Participants were generally located in the southeastern, midwestern, and northeastern regions of the United States. There were three elementary teachers, six middle school teachers, and two secondary teachers in the study. All but one participant completed a traditional teacher preparation program. Participants' ages ranged from 31 to 61. All participants received education law training in the form of a course, professional development workshop, or both. Participants' teaching experience ranged from three years to 23 years. Table 1 describes participants' demographics and other background information.

Creswell (2013) observed that, when multiple cases are involved, “researchers typically choose no more than four or five cases” (p. 101), and he believed that the “number should provide ample opportunity to identify themes of the cases as well as conduct cross-case theme analysis” (p. 157). In addition, purposeful sampling “selects information-rich cases for in-depth

study” (Patton, 1990, p. 182); thus, purposeful sampling was used for this study because only teachers with at least one year of teaching experience from public elementary, middle, and high school settings were used in the study. Convenience sampling was also used in this study because there were individuals who were “willing and available to be studied” (Creswell, 2005, p. 149) and could “be easily recruited” (Johnson & Christensen, 2004, p. 214) that fit the eligibility requirements of the study. In addition, snowball sampling was used to find “cases of interest from people who know people who know what cases are information rich” (Creswell, 2013, p. 158). Educators were successfully recruited in various communities through snowballing, in-person, email, and recruitment announcements posted on participant recruitment websites.

The term “general” to describe the possible participants in the study referred to teachers who taught core (i.e., English, mathematics, science, social studies) or elective (e.g., business education, physical education, art, foreign language, music, agriculture) courses. Participants were not retired teachers, private school teachers, acting administrators, pregnant, substitutes, teacher assistants, special education teachers, pre-service teachers, school counselors, non-English speakers, or career and technical educators.

Table 1
Participant Information

Participants	Race	Gender	Teaching Experience (Years)	Grade	School Level	U.S. Region	Education Program Type
Alyssa	African American	Female	8	K–12	Elementary	Southeast	Traditional
Esperanza	Caucasian	Female	10	K	Elementary	Northeast	Traditional
Esther	African American	Female	7	K	Elementary	Southeast	Traditional
Ern	Caucasian	Female	22	6th/7th	Middle	Southeast	Traditional
Ken	African American	Male	3	6th	Middle	Southeast	Traditional
Miss C	African American	Female	19	7th/8th	Middle	Southeast	Traditional
Patsy	African American	Female	14	6th/8th	Middle	Southeast	Traditional
Ruby	Caucasian	Female	23	7th	Middle	Midwest	Traditional
Victoria	Caucasian	Female	8	7th	Middle	Northeast	Traditional
Annie	African American	Female	18	9-12	Secondary	Southeast	Traditional
Susan	Caucasian	Female	5	9-12	Secondary	Southeast	Alternative

Procedures

Procedures to conduct the study included a variety of steps. Experts in qualitative research and education law reviewed interview, questionnaire, and vignette questions to ensure the questions were adequate for the collective case study. Before the collection of data in this study, Institutional Review Board (IRB) approval (see Appendix A) was necessary. After IRB approval by the university, a pilot study was conducted to ensure the procedures and data collection methods were appropriate for this study. Two participants who met criteria similar to the eligibility criteria for participation in the study completed a survey, the interview, vignettes, and questionnaire. After the pilot study, some of the procedures and data collection methods were recommended to be reduced, removed, and modified. Two qualitative experts reviewed

new questions to the interview and questionnaire, and the survey instrument was removed. With the approval of the dissertation committee, modifications to the study's data collection method and procedures were sent and subsequently approved by Liberty University's IRB.

The new interview and questionnaire questions, along with the recommended removal of the requirement for participants to log in with a Google username and password to complete the web-based data collection methods, were the finalized procedures and components of the study. I proceeded with the next phase of the study, which included recruitment. I utilized both a verbal and written script to recruit participants via email and chat and in person (see Appendix B). I engaged in recruitment by utilizing a participant recruitment website, teachers' public email addresses from public school websites, organizations, and social media websites. Next, after the written and verbal script, I sent, provided, and posted recruitment letters (see Appendix C) via social media websites to organizations and to participant recruitment websites, teachers' public email addresses from public school websites, chat, or in person to further recruit participants that fit the required criteria for participation and showed interest. The recruitment letter outlined my name, contact information, role, and the purpose and requirements for the study. After the participants confirmed their desire to participate in the study, they emailed me based on the directions presented in the recruitment email, link, document, or announcement. I sent an informed consent form (see Appendix D), electronically or in-person that disclosed the purpose and requirements of the study, which the participants dated, signed, and returned to me. The participants could return the informed consent form via email, in person, or via the United States Postal Service. In addition, participants could sign the informed consent form using Adobe Acrobat Document Cloud if they were unable to return the informed consent form in person or via email. Most of the participants signed the informed consent form via the Adobe Acrobat

Document Cloud, which included layers of security and protection. I also provided an informed consent form to the participants for their records via their email addresses or in person. Once consent had been granted and the informed consent form received, I scheduled dates and times for the interview. Participants, after signing and returning an informed consent form and scheduling an interview session, gained access to the vignettes and questionnaire via email. The participants used computer-mediated communication or “the direct use of computers in a text-based communication process” (Mann & Stewart, 2000, p. 2) to complete most of the study. Some of the benefits of using web-based data collection methods include data being already in text form, the possibility of more extensive data, convenience, reduction in cost and time, access to potential participants, and organization of data (Creswell, 2013; Gall et al., 2007; Hewson, Yule, Laurent, & Vogel, 2003; Mann & Stewart, 2000). Furthermore, Nicholas et al. (2010) believed “online data collection helps create a nonthreatening and comfortable environment, and provides greater ease for participants discussing sensitive issues” (as cited in Creswell, 2013, p. 159). Creswell (2013) supported the use of web-based data collection methods, noting that “individuals designing qualitative projects to include new and creative data collection methods . . . will encourage readers and editors to examine their studies” (p. 161).

For this study, I used Google Forms to create the vignettes and questionnaires. Google Forms is a free service that allowed me to track responses, create instant data analysis capability for qualitative data, receive notification when a participant responded, receive a timestamp when data were completed, and organize the responses in columns similar to a spreadsheet. I also had the option of downloading the data in multiple formats. Finally, I could delete the information three years after data collection by simply going to my Google Drive account and deleting the files.

Participants were not required to log in to complete the web-based data collection methods but were required to include their email address and pseudonym to ensure the data were appropriately linked to the participant. I had the option of not accepting responses after the study was completed. In addition, once one data method had been completed by all respondents, I had the option to unlink the form so that responses would no longer be sent to the spreadsheet used to organize the data. Furthermore, unwarranted responses could be deleted from the data set.

Participants had only one submission per data collection method. A warning would occur if participants closed the questionnaire and vignettes before submitting their data, informing them all data would be lost. Participants were required to complete all questions, but each question also had the option for the participants to not answer the question. Participants were encouraged to set aside an allotted amount of time to complete the data collection methods to avoid data loss. Participants were given the option to withdraw from the study simply by not completing any or all three data collection methods or by requesting to be completely withdrawn from the study. Two participants early in the study engaged in the former action, while others were either ineligible or did not proceed beyond the informed consent form submission. I made contact with participants to confirm their withdrawal from the study and remind them of the informed consent procedures and content.

I allowed participants to complete the study based on their time and convenience. In other words, participants varied in their time of completion of all data collection methods. Although I wished to place at least a one- to two-day span between each data collection method to reduce fatigue or cognitive overload, if participants desired to complete the study in one day, they had the opportunity to do so. Participants were allotted a week to complete the study, although on average, the time was actually longer. I thought it would be beneficial to send each

participant an email version of the data collection methods as a password-protected Microsoft Word document, but due to paper trails and trying to maintain as much confidentiality as possible, I decided it would be best to not send participants an enclosed document for each data collection method.

Finally, pseudonyms and email addresses were used to identify and track the participants in the study. Originally, I planned to use a codebook, but I memorized each participant's pseudonym, so no official codebook was needed. I exercised great caution ensuring the data were connected properly with the correct pseudonym. The pseudonyms were linked properly with the participants using points of contact, email correspondence, and interviews. In addition, participants placed their pseudonym in the appropriate field when prompted to do so via the web-based data collection methods. Dates also corroborated the data with the appropriate participant. Web-based data collected in the study were further protected with multiple layers of verification through the various security options available through Google. Finally, a file cabinet was used to lock and store the data to protect the integrity of the study and its participants. Once all data were completed and all components of the study were completed, participants received \$25 in the form of a PayPal payment or Walmart gift card.

The organization of the data in the Google Forms spreadsheet was personalized to allow for individual or conglomerated data. Individual or group hard copies of the data could also be printed. During and after data collection, over the course of seven months, data analysis procedures such as Yin's (2009) and Merriam's (1988), along with other authors' perspectives on data analysis such as Miles and Huberman (1994), were utilized to organize, seek patterns, code, create categories or themes from the data, create charts and matrixes, and complete within-case and cross-case analysis (Creswell, 2013; Merriam, 1988; Miles & Huberman, 1994; Yin,

2009). Interviews were audio recorded using a digital recorder, reviewed, transferred to my computer, and then sent to a transcription service for an expedited transcription. Hard copies of the transcribed interviews and data from the vignettes and questionnaires for each participant were organized in a labeled folder in order to create a case study database. Analysis using a pencil and four sheets of paper to write down codes was utilized in the beginning stages of the study. After listening to the audio recording of each interview, I circled and underlined important statements and words from each participants' interview and subsequently their data from the questionnaires and vignettes. In addition, along with circling and underlining statements and words, I wrote down codes, some of which were priori codes created from the research questions to focus on the data, beside these underlined and circled words in available margin space (Creswell, 2013). Subsequently, in vivo codes were written and also applied to areas in the data (Creswell, 2013). Every time a code was used, it was written down on the sheets of paper, which resulted in 142 codes after just completing the individual analysis of five participants. This process was later done with the last six participants' data. I then transferred the handwritten codes to an Excel spreadsheet and organized the codes into over five categories, which would later be modified and collapsed and finally produce the themes for the study.

In order to ensure the codes were exhausted and were associated with usable data, I recoded most of each participant's data in the NVivo qualitative software program, which is used to assist in qualitative data analysis as it "can be used to explore trends; build and test theories; and manage, code, interpret, and analyze qualitative data by eliminating the need for many of the manual tasks traditionally associated with qualitative analysis" (Sorensen, 2008, p. 106). NVivo allowed me to see which codes were used often for each participant and among all participants and which statements needed to be recoded. It also displayed statements from participants to

support any findings and allowed me to begin to form a basis for individual and cross-case analysis (see Appendices E and F). I also created a Word document and Excel spreadsheet to enumerate each participant's interview, vignette, and questionnaire data to further organize and review the data to assist in within- and cross-case analysis (see Appendices G, H, and I). Code descriptions were written to ensure again that all codes were associated correctly with the data in the study (see Appendix J). Although a law code was created for participants' knowledge of education law, I felt it was best to ask the participants their thoughts regarding their knowledge of education law. As I realized some codes were not relevant to the analysis portion of the study and others were better understood manually, the decision was made to let the analytical codes related to the interpretations and decision-making process remain in NVivo while others would remain on the printed copies of the data. These codes were more descriptive in nature, and others were transferred to charts for analysis. All codes were then organized, reviewed, categorized, and finally associated with selected themes (see Appendix K). I did attempt to recruit from organizations (see Appendix L), but no participant data came from any established organizations. After participants were given the opportunity to ensure the analysis for their data was accurate, a consistent review of the data was done to ensure all data had been organized, categorized, and supported. The results, discussion, and summary of the collective case study can be seen in Chapters Four and Five.

The Researcher's Role

During the completion of this collective case study, my role as a researcher included being involved in the recruitment of participants from various states and regions of the United States. Once these participants were identified and agreed to participate in the study, I collected data through the use of audio-recorded interviews, web-based vignettes, and finally, a web-based

questionnaire. In addition, I engaged in a variety of data analysis techniques such as coding, pattern matching, creating categories, and finding themes (Merriam, 1988; Miles & Huberman, 1994; Yin, 2009). Finally, I completed within and cross-case analysis to identify any similarities or differences among the participants' data in a final case study report (Creswell, 2013).

I have held the position of social studies educator for three years, teaching a variety of subjects from street law to United States history. I have taught in both middle and secondary institutions of learning and have witnessed changes in school climates and policies over the years, particularly in teacher responsibility. As an advocate of fairness, equality, and effective learning and professional environments, I support parents' rights to access information that could directly affect their children's academic journey. In addition, I support students' right to an effective curriculum and proper instruction, so I do believe in investing in my professional growth as an educator. Finally, I support educators in their right to teach in a school environment in which they are appreciated for their actions, are supported when controversy arises, and have knowledge that could assist them in maintaining their professional standing in the education profession.

Data Collection

Qualitative research employs interviews and observations as tools in data collection, but other methods are utilized as well (Creswell, 2013). In this qualitative collective case study, a combination of data collection strategies were employed, such as interviews, vignettes, and questionnaires. The chosen sequence of the data collection methods is based on a structure that describes the participants' backgrounds, education preparation, and navigation of the education profession. Secondly, the chosen sequence allowed the participants to reflect upon, analyze, and illustrate how education law may have affected them in the education profession by immersing

them into real-life situations. Finally, the chosen sequence hopefully illuminated and illustrated participants' perceptions, interpretations, and knowledge of education law and beliefs regarding future courses, workshops, or both for certification, as well as brought attention to what areas of education law may need to be further discussed in courses and professional development workshops. Through the utilization of data triangulation, my goal was to discover, describe, and understand 11 public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers' critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights, capturing the participants' voices, thoughts, concerns, and recommendations as educational professionals in various domains (Creswell, 2013; Merriam, 1988; Yin, 2009). Data management occurred before, during, and after the collection of the data, echoing the purposes of the case study database (Denzin & Lincoln, 1994). Each participant's data were labeled and placed in separate red folders. Informed consent forms were also placed in a folder and labeled. Other information related to the study was placed in manila folders to distinguish between documents directly associated with the study and documents indirectly associated with the study. Information related to the study was placed in a locked file cabinet and any other data associated with participants' identities were kept in a separate location. Web-based data were protected through multiple layers of security from passwords to passcodes.

Data saturation was reached by the eighth participant, but three more participants who showed interest in the study provided the minimum for the study and corroborated that data saturation had been reached by not producing great amounts of new data that were different from the data that had already been collected (Merriam, 1988). When it was determined no further

recruitment was needed, I decided to move forward with an in-depth analysis. Due to the attempted recruitment of over 1,300 educators via email, a notification was not sent to educators' email addresses to state recruitment had ended as previously planned, but the recruitment letter link provided in the original message was no longer active and available to the public.

Interviews

Interviews have great importance in case studies (Yin, 2009). An interview “is a conversation, the art of asking questions and listening” (Denzin & Lincoln, 2003, p. 48) that “produces situated understandings grounded in specific interactional episodes” (Denzin & Lincoln, 2003, p. 48). In the study, the objective was to reveal participants' thoughts, experiences, and any other relevant data to help answer the research questions, and thus I believed it was necessary “to make it possible for the person being interviewed to bring [me] into his or her world” (Patton, 1990, p. 279). Semi-structured interviews were used because they are more flexible, which allowed me to probe for more information from the participants if necessary (Creswell, 2013). Aside from demographic and background information, closed-ended questions were not used in the interview component of this study because it was expected that the participants would give detailed responses that would be analyzed and interpreted (Creswell, 2013).

The interview questions were constructed based on the various research questions that guided the study. In addition, the interview questions were reviewed by research professionals, and a pilot study was executed to provide feedback on the usage of the interview questions in the study (Maxwell, 1996). I used a pilot study to determine if the questions could be confusing or if some of the questions needed to be reworded or replaced. Two individuals who met criteria

similar to possible participants completed the pilot study (Creswell, 2013). Pilot study results were not used in the results of the main study.

The interviews occurred via the telephone and in person. In-person interviews occurred in a setting convenient for the participant. Interviews were audio recorded with a digital recorder via an external device. Only I had access to the raw data, and, as only I knew the participants' identities in the study, pseudonyms were used to conceal participants' identities during the construction of raw data, during the reporting of the data, and in the final manuscript. Although it did not occur often, I did conduct additional interview sessions for clarification of data, the procedure for which was stated in the informed consent document provided to all participants at the beginning of the study. I attempted to transcribe the first interview but eventually sent the interview and future interviews to a transcription service provider. The data were later analyzed and presented in the dissertation manuscript.

The participants completed interview questions that discussed demographics, background information, and initial perceptions, experiences, interpretations, fears, and decision-making processes of education law from various perspectives.

Standardized Open-Ended Interview Questions

Introduction

1. What is the pseudonym you would like to be called for the proposed study?
2. Please tell me a little about yourself in regards to your family, hobbies, degrees etc.

Demographics

3. What is your race?
4. What is your age?

Educational Background

5. Why did you want to become a teacher?
6. Did you do a traditional or alternative teacher certification program?
7. In what state did you receive your traditional or alternative teacher certification program?
8. Describe your teacher certification program.
9. How long have you been a teacher?
10. In what state do you currently teach?
11. What grade level and subject area do you teach?

Training in Education Law

12. Describe any pre-service and in-service course, professional development workshop, or both you have had in education law.

Training in Special Education Law

13. Describe any pre-service and in-service course, professional development workshop, or both you have had in special education law.

Experiences and Decision-Making Processes in Education Law

14. Describe any threats of litigation or termination you have had as a teacher during your daily activities and responsibilities regarding: (a) student bullying, (b) fights, (c) grades, and (d) students with disabilities.
15. Describe any perceived fears you have as a teacher during your daily activities and responsibilities regarding: (a) student bullying, (b) fights, (c) grades, and (d) students with disabilities.

16. Describe how you make decisions as a teacher during your daily activities and responsibilities regarding: (a) student bullying, (b) fights, (c) grades, and (d) students with disabilities.
17. Describe any experiences you have had as a teacher during your daily activities and responsibilities regarding: (a) student bullying, (b) fights, (c) grades, and (d) students with disabilities.
18. Describe how you would respond to an aggressive colleague.
19. Describe how you would respond to discrimination based on your (a) race and (b) religion.
20. Describe how you would respond to a student reading the Quran or the Bible in your classroom.
21. Describe how you would respond to a student you believe was carrying a weapon.
22. Describe how you would respond to an administrator going through your personal items without your permission in your classroom.
23. Describe how you would respond to what you would deem as an unfair evaluation.

The purpose of the questions under the *Introduction* category was to establish a way to track the participant and receive some initial background information about the participant. Questions one and two established the pseudonym to be used in the study and gave me an initial, abstract perspective on the participant. The purpose of the *Demographics* category was to understand the participants' various demographical characteristics. Questions three and four were developed to account for the diversity of participants and for within-case analysis and thick description.

The purpose of questions five through eleven under *Educational Background* was to

reveal the participants' journey and current teaching position in the education profession. The *Training in Education Law and Training in Special Education Law* categories, which included questions 12 and 13, were used to discover and describe teachers' possible training in education law and special education law. Research has shown that most teachers do not receive any pre-service training in education law and little to inadequate training in in-service training (Kessell et al., 2009; Militello et al., 2009; Mirabile, 2013). Finally, the *Experiences and Decision-Making Processes in Education Law* category, which included questions 14–23, discussed the participants' fears, threats of litigation and termination, specific experiences, and decision-making process as they legally navigate the education profession in the areas of student bullying, fights, grades, students with disabilities, and teachers' and students' rights.

Vignettes

To further analyze participants' knowledge and perceptions of education law as well as their decision-making process, I used vignettes in the study. Miles and Huberman (1994) defined vignettes as “a focused description of a series of events taken to be representative, typical, or emblematic in the case you are doing” (p. 81). Vignettes were used in this study to discover, describe, and understand how participants would respond legally and interpret real-life situations that may occur within the educational setting, noting their emotions, thoughts, feelings, and final solutions. Other purposes of the use of vignettes in the study were to provide information other data methods may fail to reveal, depict real-world or real-life situations the participants may be able to relate to, connect with participants who may not have directly experienced a situation, and allow for comparisons and contrasts between various groups about the same situation (Renold, 2002). Yin (2009) discussed case study vignettes to provide clarification to the reader about case study research. Participants were asked to respond to five

scenarios in the vignettes, supporting their position with written statements on topics such as teacher contracts, negligence, duty to report, and students' First Amendment rights, thus "engag[ing] study participants actively in producing, reflecting on, and learning from the data" (Miles & Huberman, 1994, p. 81). Educational leadership or administration professors at two universities reviewed the content of the vignettes and provided recommendations with regard to the format and design of the vignettes, in addition to any other feedback they wished to provide. During data collection, participants were asked to describe how they would handle each presented scenario through Google Forms. I then used the education law professors' feedback and the text in which the vignettes originated to compare the participants' responses to describe, discover, and understand the participants' understanding and perceptions of some components of education law and analyze their decision-making process.

Standardized Open-Ended Vignette Questions

1. Maxine has bus duty for middle grades students for an entire week in the gym at 3:15 PM. In her section of duty, two students having a shoving match (pushing each other back and forth) fall down the bleachers. The teacher rushes to the students to check for possible injuries. A paramedic is called and the students are rushed to the hospital. The students sustain bodily injuries and their parents threaten to sue the teacher for negligence. How would you have responded to the situation? Do the parents have legal grounds to sue the teacher? Explain why or why not. Please be sure to write all your emotions, feelings, challenges, fears, thoughts, and decision-making process in your answer.
2. Paul is a student in Ms. Begal's second-grade math class. Paul has been telling Ms. Begal for three weeks Todd, a fellow classmate, has been bullying him. Ms. Begal warns Todd

but does not report anything to a principal or school counselor. A week later, Todd jumps Paul in the bathroom and Paul has to go to the hospital. Todd's parents sue Ms. Begal.

How would you have responded to this situation? Do Paul's parents have the right to sue Ms. Begal? Explain why or why not. Please be sure to write all your emotions, feelings, challenges, fears, thoughts, and decision-making process in your answer.

3. Every morning the school news program leads the Pledge of Allegiance at Bay Hawks Middle School. Ms. Daniels, a 7th-grade teacher, notices that Jeremiah, a student in her homeroom, is not saying the Pledge of Allegiance but is standing quietly. Ms. Daniels walks to Jeremiah and tells him he has to say the Pledge of Allegiance and Jeremiah obeys. Jeremiah later goes home to inform his parent that Ms. Daniels made him say the Pledge of Allegiance against his will. Jeremiah's parents sue Ms. Daniels. How would you have responded to this situation? Does Jeremiah's parents have a real case against Ms. Daniels? Explain why or why not. Please be sure to write all your emotions, feelings, challenges, fears, thoughts, and decision-making process in your answer.
4. Sergio Freeman is an eleventh-grade Science teacher. He has been teaching for two years. In the past school year, Sergio increased Brown Red High School's end-of-course test scores by 25%. Sergio is a diligent and effective teacher who passed all his evaluations and his students are well-versed in Science. Some parents believe Mr. Sergio is too hard and informs the principal that the Science course should be easier. Mr. Sergio is using a similar teaching method from the last school year that resulted in successful end-of-course test scores in Science. Mr. Sergio's principal, who knows the parents in the community, requests Mr. Sergio honor the parents' request to make the course easier. Mr. Sergio believes that is unethical and chooses to keep the course the same. Mr. Sergio

does not receive a contract for the upcoming school year. How would you have responded to this situation? Do you believe the teacher's rights were violated? Explain why or why not. Please be sure to write all your emotions, feelings, challenges, fears, thoughts, and decision-making process in your answer.

5. Ms. Whitefield teaches third-grade students. Every day they are allowed to attend recess activities. Recess activities include swings, jump ropes, tricycles, kickball, slides, and rocking horses on the school playground. A group of students in Ms. Whitefield's class decide to go play on the swings. When the students begin to swing, one of the swings detaches and the student falls on his head and back. The student sustains serious bodily injuries and has to be rushed to the hospital. The student's parents decide to sue Ms. Whitefield. How would you have responded to this situation? Do you believe the teacher should be sued? Explain why or why not. Please be sure to write all your emotions, feelings, challenges, fears, thoughts, and decision-making process in your answer.

Questionnaires

At the conclusion of the study, after exposure to some components of education law and special education law, the participants answered a questionnaire with some questions similar to those from the interview, providing recommendations and final thoughts about the training and education law knowledge after they have completed the vignettes. Johnson and Christensen (2004) said "a questionnaire is a self-report data-collection instrument that each research participant fills out as part of a research study" (p. 164). Furthermore, questionnaires "ask the same questions of all individuals in the sample and . . . respondents record their answers" (Gall et al., 2007, p. 228), which can be "written or typed" (Gall et al., 2007, p. 228). A questionnaire allows respondents to complete it "at their convenience, answer the questions in any order, [and]

take more than one sitting to complete it” (Gall et al., 2007, p. 228) during data collection in a study. Questions should be succinct, unambiguous, reflect what the researcher is trying to seek, presented individually and not combined, and be easily understood by the responder (Foddy, 1993). In addition, researchers should provide a response framework to assist respondents to take the appropriate approach to questions. Questions can be answered from a multitude of perspectives such as “moral, instrumental, domestic or political” (Foddy, 1993, p. 89) or “personal or cultural” (Foddy, 1993, p. 89).

In the study, participants were asked to respond to the questionnaire with regard to their perceptions and interpretations of certain education laws. Next, participants provided their perceptions of any perceived fears and their decision making once they became aware of or had a better understanding of some of the education laws that govern the education profession. Finally, the participants were given the opportunity to discuss their perceptions of and recommendations for education law curriculum topics for teacher preparation programs, professional development activities for in-service educators, and requirements for initial and renewal teacher certification. Two professors at two universities reviewed the questionnaire questions. The results of their feedback led to the reduction and combination of some questions. In addition, the questions were focused and strengthened to reflect the purpose of the study. After IRB approval, a pilot study was conducted to determine if the questions were confusing or needed to be reworded or replaced. Two individuals who met criteria very similar to those for the possible participants were contacted to complete the pilot study (Creswell, 2013). Pilot study results were not used in the results of the main study. The questionnaire included open-ended questions only. During the completion of the study, I needed more information based on the respondents’ answers and followed up with participants via a phone call, face-to-face

conversation, or email to get clarification, depending on the participant's preference. Member checking was also used to ensure my conclusions were correct and thorough (Gall et al., 2007).

Standardized Open-Ended Questionnaire Questions

Post Perceptions and Interpretations of Selected Education Laws

1. What are your perceptions and interpretations concerning each of the following education laws:
 - a. Teachers may be charged with assault, in some cases, even if they do not touch a student.
 - b. Teachers can be held liable if they fail to inspect playground equipment that is faulty and a student injures himself.
 - c. Teachers can be fired for insubordination even if it only occurs once.
 - d. Non-tenured teachers are not required to have any reason why their contract may not be renewed or due process.
 - e. Teachers can be denied a renewal contract if their teaching philosophies are problematic and contradictory to their employer.
 - f. Some statements made particularly about a school or superior, even some of those of public concern, are not necessarily protected by the First Amendment.
 - g. In some states, teaching certificates can be pulled for a breach of contract.
 - h. Teachers cannot restrain or seclude a student with emotional or behavior problems if there are other options to discipline the student.

Education Law Awareness and Future Behavior

2. Describe any perceived legal fears you feel you may have as a teacher during your daily activities and responsibilities now that you are aware of or have a better understanding of some of the education laws that govern the education profession.

3. Describe how you will make decisions as a teacher during your daily activities and responsibilities now that you are aware of or have a better understanding of some of the education laws.

Recommendations and Final Thoughts

4. What are your thoughts concerning future educators taking an education law course, professional development workshop, or both for initial certification?
5. What are your thoughts concerning current educators taking an education law course, professional development workshop, or both for renewal certification?
6. What is your perception of in-service teachers having a yearly education law workshop to stay abreast of education law?
7. Describe what topics of education law you think should be included in an education law course and professional development workshops.
8. What are your perceptions of your teacher preparation programs in regard to preparing you to legally navigate the education profession now that you have a better understanding of or exposure to education law?
9. What other information do you perceive as being important that you would like to share about education and special education law as a teacher in the education profession?

The questionnaire included questions 1–9. The data from the questionnaire were analyzed along with the data from other collection methods. The *Post Perceptions and Interpretations of Selected Education Laws* category, which included question one, asked participants about their various perspectives and interpretations of selected education laws. The education laws in the questionnaire came from a variety of text and literature that discussed education laws and corroborated their existence and context of applicability (Essex, 2009, 2012;

Schimmel & Militello, 2007). The *Education Law Awareness and Future Behavior* category, which included questions two and three, asked participants about their perceived fears and decision-making processes once the participants were aware of or had the opportunity to gain a better understanding of education laws. Finally, the *Recommendations and Final Thoughts* category, which included questions four through nine, provided participants an opportunity to discuss their thoughts incorporating education law workshops, courses, or both for pre-service and in-service teachers for initial and renewal certification. Moreover, participants revealed their perceptions of their teacher preparation programs based on how they perceived they legally navigated the education profession after having a better understanding or exposure to education law. Finally, the participants revealed what education law topics they would like to know about while engaging in education law training.

Data Analysis

According to Merriam (1988), “The final product of a case study is shaped by the data that are collected and the analysis that accompanies the entire process” (p. 124). A variety of general analytical strategies were employed in the study, such as theoretical propositions, case description, qualitative and numerical data, and replication logic to assist with data analysis (Yin, 2009). The approaches to data analysis included within-case analysis to first present and describe the individual cases (Creswell, 2013; Merriam, 1988; Yin, 2009). Next, cross-case analysis was used to compare and contrast various themes and other components of the individual cases (Creswell, 2013; Merriam, 1988; Yin, 2009).

After all data were collected and “organized topically or chronologically” (Merriam, 1988, p. 132), they were analyzed utilizing multiple data analysis approaches. The decision to cease data collection and proceed with an advanced level of analysis was based on “saturation of

categories (continuing data collection produces tiny increments of new information in comparison to the effort expended to get them)” (Merriam, 1998, pp. 126–127). As Morse and Richards (2002) stated, “It is saturation that provides the researcher with certainty and confidence that the analysis is strong and the conclusions will be right” (p. 174). During analysis, it was necessary to reduce and consolidate some of the data (Merriam, 1988). In addition, I reflected on the data analysis process by engaging in memoing (Creswell, 2013). Memoing is mainly conceptual and ties “together different pieces of data into a recognizable cluster, often to show that those data are instances of a general concept” (Miles & Huberman, 1994, p. 72).

Furthermore, an important component of data analysis was effective data management. Throughout the study, data were collected and organized (Bloomberg & Volpe, 2008; Denzin & Lincoln, 1994). NVivo, a software program for data analysis (Sorensen, 2008), assisted in creating a database (Yin, 2009). Finally, establishing a chain of evidence allowed individuals “to follow the derivation of any evidence from initial research questions to ultimate case study conclusions” (Yin, 2009, p. 122), which assisted with reliability (Merriam, 1988).

Maxwell (1996) believed data analysis in a qualitative study commences with reading all the data in the study, taking notes, and beginning to create “categories and relationships” (p. 78). Yin (2009) suggested researchers “play with [the] data” (p. 129). I reviewed my research proposal to remind myself of the research questions and the intended audience (Merriam, 1988). As I became familiar with the data by rereading content from the interview, questionnaire, and vignettes, I sought “patterns and regularities” (Merriam, 1988, p. 131), and created codes and categories or themes from the significant statements in each individual case. The previously stated process is called within-case analysis. Within-case analysis is “a detailed description of

each case and themes within the cases” (Creswell, 2013, p. 101). I created a thick description of each individual case.

After within-case analysis, cross-case analysis illuminated what was alike and different between cases with regard to their themes and patterns and provided an interpretation of all the cases involved in the study (Yin, 2009). Cross-case analysis is a “thematic analysis across the cases” (Creswell, 2013, p. 101). To assist with cross-case analysis, Miles and Huberman’s (1994) concept of charts and matrices were utilized. Although a chart may be self-explanatory, Miles and Huberman (1994) described a matrix as “the ‘crossing’ of two lists, set up as rows and columns” (p. 93). Next, a case study report for individual cases “should indicate how and why a particular proposition was demonstrated (or not demonstrated)” (Yin, 2009, p. 56). Yin (2009) further stated, “Across cases, the report should indicate the extent of the replication logic and why certain cases were predicted to have certain results, whereas other cases, if any, were predicted to have contrasting results” (p. 56). Finally, analytical and naturalistic generalizations were developed. Kvale (1996) has described analytical generalization as the “use [of] theoretical concepts to enable a more general perspective on specific qualitative patterns” (as cited in Halkier, 2011, p. 787). Natural generalization has been defined as “generalizations that people can learn from the case either for themselves or to apply to a population of cases” (Creswell, 2013, p. 200).

Trustworthiness

In qualitative research, trustworthiness supports the concept of validating the findings of a study. According to Miles and Huberman (1994), trustworthiness “is supposed to support a finding by showing that independent measures of it agree with it or, at least, do not contradict it” (p. 266). Researchers can use a variety of methods such as triangulation, member checks, audit

trails, peer review, thick description, and prolonged engagement to ensure the results of the study are credible, transferable, dependable, and confirmable (Creswell, 2013; Merriam, 1988; Yin, 2009). In this study, data and theory triangulation, member checks, thick description, and reflexivity were utilized to establish trustworthiness.

Credibility

In research, the purpose of credibility is to attempt “to carry out the inquiry in such a way that the probability that the findings will be found to be credible is enhanced and, second, to demonstrate the credibility of the findings by having them approved by the constructors of the multiple realities being studied” (Lincoln & Guba, 1985, p. 296). Credibility was addressed through triangulation, as triangulation may add strength to a study (Patton, 1990). Triangulation “is the process of corroborating evidence from different individuals . . . types of data . . . or methods of data collection . . . in descriptions and themes in qualitative research” (Creswell, 2005, p. 252). Triangulation was established in this study by utilizing multiple data collection methods through the usage of interviews, vignettes, and questionnaires (Creswell, 2003, 2013; Maxwell, 1996; Merriam, 1988; Yin, 2009). Theory triangulation was also used in this study due to the use of “multiple perspectives to interpret a single set of data” (Denzin & Lincoln, 1994, p. 215). In addition, this study utilized teachers from three different grade levels.

Dependability and Confirmability

Dependability is when “the naturalist seeks means for taking into account both factors of instability and factors of phenomenal or design induced change” (Lincoln & Guba, 1985, p. 299). Dependability was established through the usage of member checks. Member checks permitted participants to review interpretations and content from the data to validate their interpretation.

Member checks also assisted with the reduction of any misunderstandings (Creswell, 2003, 2013; Maxwell, 1996).

Confirmability in research “is concerned with establishing that data and interpretations of the findings are not figments of the inquirer’s imagination, but are clearly derived from the data” (Tobin & Begley, 2004, p. 392). I addressed confirmability by selecting quotes or statements to assist in illustrating points or themes from the data. In addition, reflexivity was used to provide my position on the study, revealing my opinions, experiences, and interpretation of the phenomenon being discovered, described, and understood in this study (Creswell, 2013).

Transferability

Transferability may involve providing “a clear and distinct description of culture and context, selection and characteristics of participants, data collection and process of analysis” (Graneheim & Lundman, 2004, p. 110). Transferability was established using thick description. In research, “thick description means that the researcher provides details when describing a case or when writing with a theme” (Creswell, 2013, p. 252). Thick description was utilized to thoroughly describe the participants, settings, procedures, data collection, and data analysis (Creswell, 2013; Holliday, 2007).

Ethical Considerations

There were a variety of ethical considerations in the study. I sought Institutional Review Board (IRB) permission from the university before data were collected for the study. Once permission had been granted, I sent informed consent documents to participants, informing them that participation was voluntary and they could withdraw anytime from the study without penalty in any form. Other ethical considerations in the study included establishing confidentiality of the participants and data. Pseudonyms were utilized during data collection, data analysis, and the

development of the final dissertation manuscript. To avoid causing any possible harm to participants based on their contributions to the study, it was necessary to utilize a narrative form of writing in some areas of the study (Creswell, 2013). The findings of the study were reported, even if they were not the results I expected. Finally, the data were kept locked in a file cabinet throughout the study. In addition, the content was password protected on a web-based file storage system that was accessed through a password-protected laptop and a two-step verification account via Google. After three years, I will destroy the hard copy and web-based data.

Summary

A qualitative, collective case study approach to this study was used to discover, describe, and understand 11 public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers' critical decision-making processes in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights. Through the use of interviews, vignettes, and questionnaires, data were collected from 11 participants via computer-mediated communication, telephone, or face-to-face. Yin's (2009), Miles and Huberman's (1994), and Merriam's (1988) approaches to case study data analysis such as coding; finding patterns; developing categories and themes, charts, and matrices; within- and cross-case analysis; and other analytical techniques were utilized to create a final report of the case study. NVivo software also assisted with the qualitative data analysis process in the collective case study. To establish trustworthiness, concepts such as member checking, triangulation, thick description, and reflexivity were utilized in the study. Chapter Four will present the findings of the present study.

CHAPTER FOUR: FINDINGS

Overview

Chapter Four discusses the purpose and methodology that led to the findings presented in this chapter. Due to the design of the study, it was imperative to present the individual and cross-case analysis reports. To ensure participants identities and data were not compromised, it was necessary to present certain findings in one combined format.

The purpose of this collective case study was to discover, describe, and understand 11 public, general, K–12 in-service teachers’ knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers’ critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers’ and students’ rights. This study took place in the United States, specifically in the northeastern, midwestern, and southeastern regions of the United States. Participants were 11 educators with at least one year of teaching experience who taught a general subject area at the K–12 grade levels. Interviews, vignettes, and a questionnaire were used to collect data. Coding, patterns, categories, matrices, charts, NVivo, and within- and cross-case analysis were utilized to organize, analyze, and interpret the data (Merriam, 1988; Miles & Huberman, 1994; Sorensen, 2008; Yin, 2009). Finally, trustworthiness was established through member checking, thick description, data and theory triangulation, and reflexivity (Creswell, 2013; Merriam, 1988; Yin, 2009).

Participants

Alyssa

Background. Alyssa is a 36-year-old, African American female from the southeastern

region of the United States. She has been a K–12 physical education educator for nine years, teaching at all grade levels. Alyssa is married and enjoys coaching, helping the elderly, and spending time with her family. To pursue a career in teaching, Alyssa completed a traditional education program in which she received a bachelor's degree in physical education. Alyssa appeared to have a motive and personal perspective when deciding to pursue a career in education. When asked why she wanted to become a teacher, Alyssa discussed how she wanted to assist students in society, not be limited by sitting behind a desk, and have fun. In addition, she explained she wanted to prevent children from dealing with the stigma, both social and physical, that can accompany obesity, so physical education was a great fit for her.

While completing her undergraduate education, Alyssa saw that her teacher preparation program did not provide a required curriculum in education law, including special education law. She did not receive any form of education law training until she became an in-service educator. Although she did not initially consider a review of school policy as education law training, due to the discussion of education law topics such as FERPA and IEPs, she later realized that she did receive some form of education and special education law in-service training, but this was not considered a comprehensive training.

Knowledge, perceptions, and interpretations of education law. Alyssa described her knowledge of education law as inadequate, as she realized that she had limited knowledge of laws that governed the profession.

When analyzing Alyssa's perceptions of education law, I determined that, overall, Alyssa agreed with most of the laws, but disagreed with others, and felt some were based on certain conditions or circumstances. For example, when referring to teachers being held liable for playground equipment, Alyssa stated:

I have to admit that it is a form of negligence. It is no different from putting a child in a car that you know has a leaking fuel pump. The danger is there and we as teachers must seek the safety of the students at all times. Because we are held liable for their safety, properly inspecting playground equipment falls under that bracket. Many teachers just let them play, but we will see the necessity of doing it after a child is severely injured or has passed.

Alyssa's interpretations of education law were based on her belief that teachers are responsible for their actions, but she also mentioned that the laws appear to favor students, blame teachers, implement consequences for noncompliance, and give consequences or reprimands to educators. She stated the following when referring to teachers being mindful of their verbal statements:

Because some statements can be detrimental to the institution and may bring unwanted and unnecessary media, etc., it is important that this be carefully policed. The severity of false accusations or lack of known information can become deadly in some cases for those individuals involved, and because of the possible repercussions of these statements, they cannot be protected. It is not okay for individuals to say just anything, but must be properly documented and proven to be true.

However, when referring to instances of student power, Alyssa illustrated how teachers are the recipients of pressures and expectations without the student having any shared responsibility but being perceived as the victim.

Fears and threats. As a practicing educator, Alyssa had not been threatened with litigation or termination. However, she did have fears with regard to fights, grades, and students

with disabilities, but not of termination or litigation. When discussing her fear of fights, Alyssa stated:

They have become very violent. Communication is the last resort instead of the first resort; however, we have been trained to try to talk the situation down . . . and eventually it does happen, but there have been times that yes, I've had fear that there would be a fight and that some kids could potentially get hurt very, very badly.

Decision-making process. Within the education profession, decisions are made daily, which may include both cognitive and behavioral processes. Alyssa's cognitive approach to decision-making begins with morals, which include values, beliefs, and ethics, followed by what she deems to be safe for students, school policy, school environment, and protocol. For example, when making decisions regarding grades, Alyssa stated, "I do not feel that we should give any special services or special attention to students that are athletes." While discussing how she would respond to a student she believed was carrying a weapon, Alyssa said, "I do know that it's not wise for me to get in harm's way, but as a teacher you would rather you be harmed than your students if you care about your students."

Alyssa used morals, safety, school policy, school environment, and protocol to cognitively make decisions in the education profession. Behaviorally, however, Alyssa mainly utilized teacher-student conferences as well as documentation, colleague support, external assistance, in-house regimens, and educational leadership support to make decisions. For example, in reference to bullying, Alyssa stated, "I informed the student of the possible consequences and legal consequence that could come from that student being written up for bullying."

Education law training. At the conclusion of the study, Alyssa was asked whether she would recommend education law training for future and current educators for initial and renewal certification, as well as a yearly workshop for in-service teachers to stay abreast of changes in the education profession. Alyssa supported education law training for both pre-service and in-service educators, as well as a yearly workshop for in-service educators. When discussing the possibility of future educators having education law training, Alyssa stated, “I think that it is long overdue that these classes be integrated in the education program of all post-secondary institutions.” With regard to in-service educators having education law training, she also supported education law training because she felt that teachers should understand the legal foundations of the education profession and the possibility of litigation. Finally, Alyssa stated that she would support in-service educators having a yearly workshop and believed it would have a seamless inclusion in the existing professional development workshops educators have to already attend. She also stated that she would like to learn about specific education law topics such as student bullying and playground safety.

Esperanza

Background. Esperanza is a 32-year-old Caucasian female from the northeastern region of the United States. She has been an educator for nine years and currently teaches kindergarten. Esperanza likes camping, traveling around the world, farming, and gardening. Esperanza has a bachelor’s degree in elementary education with an emphasis in reading and a master’s in educational policy and has completed a traditional educational preparation program. When asked why she wanted to be a teacher, Esperanza reflected on her childhood, illustrating how early she had the desire to teach. She stated, “My mother had a book where every year we wrote in school what we wanted to be, and after kindergarten when I wanted to be a ballerina, I just

always wanted to be a teacher.” While completing her teacher education program, Esperanza had embedded education law training in her education courses on mandated reporting and IEPs. As a practicing educator, Esperanza also received professional development training in mandated reporting and IEPs.

Knowledge, perceptions, and interpretations of education law. When asked about her knowledge of education law, Esperanza stated that she perceived she had an inadequate knowledge of education law. When provided the opportunity to share her perceptions of education law, Esperanza disagreed with most of the laws, agreed with some, and thought a few were circumstantial. For example, Esperanza believed that only slanderous statements should not be protected but everything else should be. She stated, “I am a *firm* believer in First Amendment rights, so as long as it is not slander then it should be protected.”

Esperanza primarily interpreted education laws to be unrealistic regarding educators’ responsibilities. Esperanza stated the following when referencing teachers and supervision: “How is a teacher to be responsible for an entire section of a bleacher full of students?” She also interpreted the education laws as consequences or reprimands, blaming the teacher, not being the responsibility of the teacher, elements of parent and student power, effects on the education profession, and the possibility of seeking a new education employer.

Fears and threats. Esperanza stated that she had some fears as an educator but no fears of litigation or termination. Particularly, Esperanza stated she had fears regarding grades and students with disabilities:

I just get afraid that I can’t keep my eyes on all 24 of them at one time, and I’ve got a couple that it makes me afraid that something will happen, where I’ll get — responsible for it, where I have said there’s way more children than there should be in this classroom.

In addition, Esperanza stated that, at her previous place of employment, she had fears regarding student bullying, but at her present school, where she worked as a kindergarten teacher, she had no fear of student bullying, noting a distinction between locations.

Regarding threats of litigation and termination, Esperanza stated she had received an empty threat of litigation. She noted that a parent did threaten her with litigation concerning a situation with students with disabilities, but it was basically an empty threat.

Decision-making process. When discussing her decision-making process, Esperanza cognitively utilized morals and the law, but she also considered school policy, protocol, and safety to assist in her decision-making. Behaviorally, Esperanza used administrator assistance and the union as actions during her decision-making processes. In addition, Esperanza utilized external assistance, documentation, communication, in-house regimen, colleague support, and church support. For example, when referring to student bullying, Esperanza stated, “First I would talk to, first the child. If we can’t remedy it in the classroom, then I would go to the parent. Then, if it wasn’t resolved with that, then I would go to the administration.” In another statement, Esperanza observed how the union and the church may get involved in an incident involving religion discrimination if it occurred, which was quite surprising. She stated, “After, if it wouldn’t be resolved through administration and I guess then through my union, I would then approach the church because I don’t think it would be well—it wouldn’t be accepted here based on the religious group.”

Education law training. Finally, when asked about her beliefs concerning education law training for current and future educators for initial and renewal certification, overall, Esperanza stated she supported such action. Esperanza specifically stated that a course in education law would be acceptable for pre-service teachers. With regard to in-service education law training,

Esperanza supported keeping educators abreast of the changes that occur in education law during yearly workshops for in-service educators. She stated, “As laws change, teachers need to be updated on these changes.”

Esther

Background. Esther is a 51-year-old African American female from the southeastern region of the United States. She has been a teacher for seven years and currently teaches kindergarten. Esther enjoys reading and watching television. Esther has a bachelor’s degree in early childhood education and a master’s in teacher leadership and teaching and learning with technology. When asked why she wanted to become a teacher, Esther stated that, since childhood, she just enjoyed interacting with children. As an undergraduate, Esther completed a traditional program but did not receive any training in education or special education law. As an in-service teacher, Esther did receive training in education law but not special education law.

Knowledge, perceptions, and interpretations of education law. When asked to describe her knowledge in education law, Esther stated that she had a somewhat adequate knowledge. Esther disagreed with most of the education laws presented in the study, agreed with some, and thought a few were circumstantial. For her interpretations of education law, Esther saw that some laws were the responsibility of the teacher, but, in addition, she also interpreted some education laws as including elements of student power, opportunities to seek new employment, shared responsibility, blaming teachers, not the responsibility of the teacher, parent power, and a perspective of the education profession due to education law. When referring to a vignette regarding reporting student bullying, Esther stated, “If that child kept coming to her and telling her, that was her job to make sure that this wasn’t occurring. Even if it was me, if a child came up to me and I don’t do anything, it’s my fault for not saying something about it.”

Fears and threats. Esther has not been threatened with litigation or termination, but she does have some fears regarding certain areas of education law. Esther stated she has fears regarding students with disabilities:

Now that would be a little fear for me because I don't know every great detail . . . for students with disabilities—what kind of help that we're supposed to help them get or receive. In the school we don't cover a lot for kindergarten. They always tell us that they'll start looking into that when they get in first grade. So with kindergarten, it's not really dealt with to me. A lot of the kindergarten teachers, we discuss that, we talk about it a lot. When we're mentioning it to some of the administrative or some of the people that review the services to it, they always tell us "Well, just wait for a little bit, maybe they'll grow out of it." They'll give us little teeny things to work with them on it. We thought like if you get them at an early age and just work with them on it maybe that would help.

Decision-making process. When making decisions cognitively in the education profession, Esther mainly relied upon school policy, but also utilized concepts of morality, personality, protocol, and safety. When responding to a question regarding how to handle a student with a weapon, Esther stated:

I tell them there's a zero [tolerance] policy for kids bringing guns, bringing knives, any kind of weapon. I tell them that even pretending to make guns with your hands—that's not allowed in the school or the classroom—that you'll automatically get suspended for that.

Behaviorally, Esther mainly utilized administrator assistance, but she also utilized communication, documentation, in-house regimens, colleague support, and avoiding conflict when making decisions.

Education law training. Regarding education law training for future and current educators for initial and renewal certification, Esther supported future educators completing a course in education law. For current educators, Esther supported an education law course, professional development workshop, or both. Esther stated, “These courses would be a valuable asset to new educators as well as the old. I would have enjoyed learning more about laws in the profession that I am working in.” Finally, Esther also supported educators taking a yearly workshop to stay abreast of changing education laws.

Ruby

Background. Ruby is a 46-year-old Caucasian female from the midwestern region of the United States. She has been teaching for 23 years, but currently teaches middle level science. Ruby completed a traditional education program, receiving a bachelor’s degree in elementary education and a master’s degree in curriculum and instruction. When asked why she wanted to become a teacher, Ruby’s reason had components of a dream and matters of the heart. Ruby did not receive any general education law training but did complete a one-credit course in special education law. As an in-service teacher, Ruby did not receive any general education law training, but did complete a professional development workshop on special education law.

Knowledge, perceptions, and interpretations of education law. Ruby believed that she had adequate knowledge in education law. Ruby disagreed with most laws, agreed with some, and felt circumstances played a role in a few. For example, Ruby disagreed with the law regarding what was considered assault. She stated, “That seems wrong to me. I think assault by

definition requires physical contact. If there is no touching, there is no assault.” Ruby’s interpretations of education law are embedded in the concept of teachers receiving consequences for noncompliance, but also included teacher responsibility, teachers not being responsible for some requirements of the law, parent power, seeking new employment, shared responsibility, unrealistic responsibility, and receiving consequences or reprimands.

Fears and threats. When asked had she had any fears and threats of litigation, Ruby stated she did not experience any threats of litigation or termination. She also responded that she did not have any fears of litigation or termination but did have some fears regarding student bullying and students with disabilities. For example, when referring to students with disabilities, Ruby stated that she had fears:

Not with the meetings themselves, but with following the IEP because we have so many. I have probably 23 or 24 students right now with IEPs, and I have to try to remember who needs what, especially kids who have behavior plans and how you’re supposed to react to them or deal with them if a situation comes up.

Decision-making process. Ruby’s decision-making process cognitively involved concepts of morality. In addition, Ruby considered personality, the school environment, school policy, and safety when making decisions. When discussing how she made decisions regarding grades, Ruby noted:

Once again, I think they find that I’m fair and I’m willing to give second chances, and I’m always available for help and that I want all the kids to do their best, and that’s all I ever ask of them is just, “Do your best.”

When making decisions behaviorally, Ruby mainly utilized teacher-student conferences, but she also utilized educational leadership support, in-house regimens, communication, colleague support, and documentation.

Education law training. Ruby felt that pre-service teachers should have at least a professional development workshop. For in-service educators, Rudy supported educators taking a course, professional development workshop, or both. Finally, Ruby believed that teachers would benefit from a yearly workshop to stay abreast of changes in education law. She stated, “That sounds reasonable to me.”

Victoria

Background. Victoria is a 32-year-old Caucasian female from the northeastern region of the United States. She has been teaching for eight years and currently teaches middle level English and social studies. Victoria enjoys reading and writing. She has bachelor’s degrees in English, history, and education. She also has a master’s in education. When Victoria discussed why she wanted to become a teacher, she said the thought had existed since childhood, and she wanted to assist others in society. As a pre-service educator, Victoria did receive training in education law but not in special education law. As an in-service teacher, Victoria did not receive any training in education law or special education law.

Knowledge, perceptions, and interpretations of education law. Victoria felt that she had an adequate knowledge of education law. Victoria disagreed with most of the laws, but also felt some laws were circumstantial and agreed with a few. For example, when responding to the law regarding insubordination, Victoria noted:

This is incredibly excessive. What one administrator sees as insubordination could be simply a failure to understand the instruction, or a small oversight. I feel that the threat of firing when a teacher is legitimately trying to do what they should be is too much.

Victoria's main interpretation of the education laws in this study was teacher responsibility, but she also included other interpretations such as no responsibility, shared and unrealistic responsibility, parent power, interpretations of the profession due to laws, consequences for noncompliance, and teacher consequences or reprimands.

Fears and threats. Victoria stated she did not receive any threats of litigation or termination, but she did discuss how she had once feared termination regarding grades and had some fears regarding student bullying and fights. When discussing her fear of termination due to grades, Victoria stated:

We're obviously not supposed to [fail] special education students, which I understand, but there is a process that you have to go through to fail a regular education student. If you accidentally miss one step of the process, you can get written up and eventually fired for it.

Decision-making process. Victoria's cognitive decision-making process was based on morals, but also included school policy, safety, protocol, and the school environment. Behaviorally, Victoria relied upon her union, but she also utilized educational leadership support, documentation, in-house regimens, colleague support, communication, and other personal education actions. For example, when asked how she would respond to discrimination, Victoria stated, "That's actually really, really difficult. I would say I would try and, again, go maybe above the union rep's head in this case to the actual union, and discuss with them what can be done to alleviate it."

Education law training. Finally, Victoria supported education law training for future and current educators for initial and renewal certification as a course, professional development workshop, or both. As she noted, “I think again that it is a good idea so that teachers are aware of legal situations with their profession.” In addition, Victoria supported current educators taking yearly workshops to stay abreast of changes in education law: “It would be a good idea because it is important to know changing laws and ensure that teachers are able to use the resources they have.”

Patsy

Background. Patsy is a 61-year-old African American female from the southeastern region of the United States. Patsy enjoys playing the piano, writing, and crafts. She has been teaching for 14 years and currently teaches middle-level English language arts. Patsy’s educational journey began with a bachelor’s in elementary education and ended with a doctorate in educational leadership. Patsy’s endeavor to shape and influence students’ futures led her to a career in education. Patsy did not receive any education law training as a pre-service teacher, but she did complete an undergraduate course for special education law training. As an in-service teacher, Patsy did complete education leadership certification, so she completed a course in education law and a professional development workshop. Patsy, however, had no in-service special education law training.

Knowledge, perceptions, and interpretations of education law. Patsy perceived her knowledge of education law to be adequate. Patsy largely disagreed with laws governing education, but did view circumstances playing a role in some laws, and agreed with a few. Displaying a level of disagreement, Patsy responded to a law regarding assault without physical contact: “I am totally against this. On what grounds would the teacher be charged? Students

could falsely accuse a teacher.” Patsy’s interpretations of education law were mainly based on what she interpreted as a teacher’s responsibility, but also included interpretation of no responsibility, shared responsibility, and consequences or reprimands. For example, when referring to making statements and the First Amendment, Patsy stated, “I agree that teachers need to be careful because they could be saying things that could be misinterpreted.”

Fears and threats. Patsy stated that she had no fears or threats of litigation or termination regarding student bullying, grades, fights, and students with disabilities. When asked why she did not have any fears regarding fights, Patsy stated, “I guess because I work with children of all ages, and if you treat children with respect, even if you have to discipline them, they’ll always respect you. I just didn’t have a problem with that.”

Decision-making process. When making decisions in education, Patsy mainly utilized school policy, but also considered the school environment. For example, when referring to students with disabilities, Patsy stated:

I believe that [there] are guidelines and procedures for emotional or behavior problematic students. [Behavior Intervention Plans] BIPs and [Individual Education Plans] IEPs are law-binding documents that let teachers know how such behavior by students should be addressed. If these are not followed, the teacher, school and district can be held liable.

For behavior, Patsy mainly utilized administrator assistance, as well as other components of educational leadership support, documentation, communication, in-house regimens, external assistance, and other personal educator actions. When referencing what she would deem as an aggressive colleague and grounds for seeking administrator assistance and a colleague-to-colleague conference, Patsy replied,

Basically, I'll get the colleague alone: "Can I speak with you?" I'll ask them is there something that I've done or something that's bothering the person. Then, maybe if the person is willing to share, maybe not, but at that point, I would just leave the person alone, if they didn't want to talk. If it's where they are in my face, then I would have to get administration involved.

Education law training. Finally, with regard to education law training, Patsy supported future educators taking a course in education law. For current educators, Patsy supported educators taking a course, professional development workshop, or both for education law training. Patsy also supports current educators attending a workshop every two years, but not necessarily every year, to stay abreast of changes in education law. She stated, "Yearly may be too often, but at least every two years."

Ken

Background. Ken is a 31-year-old African American male from the southeastern region of the United States. He has been teaching for three years, and he is currently teaching middle level mathematics. Ken completed a bachelor's in English and mathematics. During his teacher education program, Ken did not receive any education law training in education law or special education law. As an in-service teacher, Ken did complete professional development workshops in education law, focusing on FERPA and HIPAA. In addition, Ken received special education law training as an in-service teacher, focusing on IEPs and 504s. When asked why he wanted to be a teacher, Ken stated that he wished to be a role model for the males in the community, preventing them from becoming a statistic.

Knowledge, perceptions, and interpretations of education law. Ken described himself as having "decent knowledge" of education law. Ken's disagreed with most of the law

discussed, agreed with some, and felt a few were circumstantial. For example, he disagreed that a teacher should be denied a contract due to contradictory teaching philosophies. Ken stated, “Teachers are put in place to educate children. Yet, in some places they are let go because they go against the buddy system. It is not fair to the teachers who takes teaching seriously.”

Ken’s interpretations of education law mainly were interpretations of the education profession due to the law, as well as shared responsibilities, teachers experiencing the blame game, unrealistic responsibilities, student power, consequences or reprimands, parent power, and changes in teaching jobs. About the law’s effect on the profession, Ken stated, “People are walking away from the profession because it isn’t worth the risk anymore.” In addition, when referencing what he deemed as students’ knowledge of the school system, aligning with the concept of student power, Ken stated, “Students know the system and what they can do and how much can be done to them.”

Fears and threats. Ken stated that, although he had not been threatened to be litigated or terminated nor had he any fears of litigation and termination, he did have fears regarding student bullying, students with disabilities, and fights. Ken described one of his biggest fears were fights:

One [of the] biggest fears I have of fights is when, being in the classroom alone, you’re trying to stop a fight, one student gets the upper hand on another and then parents are upset with the teachers for trying to break it up instead of just letting them fight it out until the child got hurt. I feel like a fight in the classroom is a no-win situation for teachers and you putting yourself in harm’s way kind of thing. They don’t care about that. They don’t care who or what they hit as long as they, they [are] trying to get to the other person.

Decision-making process. Ken's cognitive decision-making process mainly included his personality, but other cognitive processes also included the school environment and morals. Ken illustrated his personality through his stance on grades:

I'm straightforward. At the beginning of each year, I send home my grading scale . . . and I let them know the category weights, everything, what to expect from each category. I give some type of assessment at the end of every week. We do daily grades. We do homework grades. We have a notebook check where they're responsible for keeping up with notes. They're responsible for keeping up with graded papers. They're responsible for keeping a math glossary, different stuff like that.

For behavior, Ken's main decision-making process included administrative assistance, as well as other educational leadership support, communication, documentation, in-house regimen, colleague support, external assistance, and other personal teacher actions. For example, Ken stated:

As far as bullying, I had a couple of girls, they were arguing over a boy and they got to the point where they were calling each other names and they wouldn't calm it down, so I sent both of them to administration to be handled because I felt like it was about to get physical.

Education law training. Finally, Ken supported both future and current educators taking a course for initial and renewal certification. Ken also supported current teachers taking yearly professional development workshops to stay abreast of education law. As he observed, "Education law should be provided during professional development opportunities on a regular basis. All law can't be learned in a short amount of time."

Ern

Background. Ern is a 47-year-old Caucasian female from the southeastern region of the United States. She has been teaching for 22 years and currently teaches middle level social studies and English language arts. Ern has a bachelor's degree in elementary education and a master's in learning disabilities. When asked why she wanted to be a teacher, Ern said it was her mother's career choice and she wanted to have an impact on individuals' lives. As a pre-service teacher, Ern did not receive any education law training in education law or special education law. As an in-service teacher, Ern did complete an education law course and received some training regarding FERPA. For special education law, Ern completed a professional development workshop as an in-service educator.

Knowledge, perceptions, and interpretations of education law. Ern perceived her education law knowledge as adequate. Ern's opinions of education law were mainly of disagreement, although she agreed with some, and thought a few were circumstantial. Ern noted educators' limitations in speech, saying that "Hostile work environment—but bite your [tongue] if [you] like [your] job which is really bad [because] we should be able to have a voice." Ern interpreted the education laws in the study as consequences and reprimands, a shared responsibility, teacher responsibility, interpretation of no responsibility, unrealistic responsibility, change of teaching jobs, and the interpretation of the profession due to laws. For example, when addressing an incident regarding supervision, Ern stated that it is the teacher's responsibility to be vigilant in her designated area:

This is a tough situation but the teacher is liable for their designated spot. I would be concerned about the students' [well-being]. I would try to discuss this with the parent. I would hope that admin would be [supportive] of me. There is a reason to be a member of

a group that provides legal representation. They would be immediately contacted and they could handle all legal aspects of it. However, teachers must be aware of surroundings at all times, but they can't control [spontaneous] disruptive behavior.

Fears and threats. When asked about fears and threats of litigation and termination, Ern stated she had none regarding fights, grades, students with disabilities, or student bullying.

Decision-making process. For decision-making processes, cognitively, Ern mainly utilized morals, but also utilized personality, school environment, protocol, and in-house policy. Behaviorally, Ern mainly used teacher-student conferences, but also used colleague support, in-house regimen, educational leadership support, documentation, external assistance, and communication. When addressing how she would respond to bullying, Ern replied, "I go up and talk to them, I ask them how would they feel if someone was doing that to them and I say, 'You don't want that lifestyle, be nice to one another.'"

Education law training. Finally, Ern supported future educators taking courses for education law training. She also supported current educators taking a course, professional development workshop, or both for education law training for initial and renewal certification. As Ern stated, "They [should] be required courses along with a few in [special education]." She also noted that "they all need to [be] up on this. It helps in knowing" the law. Ern also encouraged educators to have a yearly workshop to stay abreast of any changes in education law.

Miss C

Background. Miss C is a 45-year-old African American female from the southeastern region of the United States. She has been teaching for 19 years and currently teaches middle level mathematics. Miss C enjoys reading, exercising, and relaxing. When asked why she decided to become a teacher, she replied that she wanted students to have a positive impact on

society opposed to a negative one. Initially, Miss C was a nutrition educator, earning a bachelor's degree in family and consumer Science but later, she received a master's in family counseling with an emphasis in math education, which led her to teacher certification. With regard to pre-service education, Miss C did not receive any education law training, but did receive special education law training during a professional development workshop. As an in-service educator, Miss C, through NEA training and a course in education law, did receive education law training. In addition, as an in-service educator, Miss C received special education law training during a professional development workshop.

Knowledge, perceptions, and interpretations of education law. Miss C perceived her knowledge of education law as somewhat inadequate. Miss C also greatly disagreed with most of the laws presented in the study, agreeing with others and viewing some as circumstantial. For example, when referring to liability for faulty playground equipment, Miss C stated: "Teachers should not be reliable for playground equipment. I believe custodians should check playground equipment." Miss C interpreted education laws mainly as not the teachers' responsibility, a shared responsibility, and as consequences or reprimands. When referring to liability for faulty playground equipment, Miss C cited an interpretation of no responsibility. She stated, "The teacher is not responsible for the injuries to students who play on school equipment."

Fears and threats. Miss C stated she had experienced neither fears nor threats of litigation or termination.

Decision-making process. Miss C cognitively made decisions by following protocol, morals, and what she deemed to be safe for students. For example, when responding to discrimination based on race and an administrator going through her items, Miss C stated she would "follow the chain of command." Behaviorally, Miss C mainly utilized documentation, but

she also used educational leadership support, colleague support, in-house regimens, external assistance, communication, and other personal education actions. When referring to making decisions about students with disabilities, Miss C highlighted how she utilized documentation and communication:

The key thing with my decision making with students with special abilities is I communicate with the child a lot, with the parent a lot, and then with my peers as well and keep a written documentation of when those types of conversations are taking place.

Education law training. Miss C did support future and current teachers receiving education law training in the form of courses for initial and renewal certification. She stated, “I think [an] educational law course would benefit teachers.” Although she would support yearly education law workshops for current educators to stay abreast of education laws, she did note that there could be some limitations: “I believe it would benefit the profession greatly. It will afford the teachers an opportunity to be proactive as well [as] better decision makers.” In addition, she said that “My perception of in-services for teachers is clearly limited opportunities to discuss teachers’ rights.”

Susan

Background. Susan is a 38-year-old Caucasian female from the southeastern region of the United States. She completed a nontraditional teacher education program, initially receiving a bachelor’s degree in psychology with a minor in French, with coursework in history and English. When asked why she wanted to become a teacher, Susan stated she had always wanted to be a teacher and enjoys talking about something she loves. As a pre-service educator, Susan did not receive any education law training but did receive special education law training in the form of a course. As an in-service educator, Susan received training in education law in the form

of a course when she pursued education leadership certification, but did not receive any special education law training.

Knowledge, perceptions, and interpretations of education law. Susan perceived her education law knowledge as proficient. Susan disagreed with most of the education laws presented in the study and agreed with some. For example, when asked about teachers receiving due process for not receiving a contract, Susan replied, “Nope. Teachers cannot be denied a renewal contract without due process.” As for interpretations of education law, Susan interpreted the laws and instances of law as the teacher’s responsibility but also included other interpretations such as unrealistic responsibility, no responsibility, consequences or reprimands, and interpretation of profession due to laws. For example, Susan felt it was the teacher’s duty to report bullying: “Teachers have the duty to protect students and report bullying.”

Fears and threats. In her years as an educator, Susan has not been threatened with litigation or termination but stated she did have fears as an educator regarding student bullying and fights. She noted her fears of fights were based on employment locations, but there were no fears of litigation or termination. Susan also noted that “I’m always afraid that I won’t pick up on a student being bullied in my class—that I genuinely just will not catch it and that something will happen as a result.”

Decision-making process. With regard to decision-making processes, Susan mainly considered the school environment, closely followed by morals, along with personality, protocol, and school policy. For example, when responding to an experience with a colleague, Susan discussed her personality influencing her decision:

She never came up to me and intimidated me, but she underhanded me. If I did something good, she would take credit for it for the department. I just left because I’m

not confrontational, and I should've been. In that instance I should've been more assertive and stood up for myself, but it's just not in my nature, so I left and went to the neighboring county that paid more.

Behaviorally, Susan mainly utilized administrator-teacher conferences closely followed by educational leadership support, other forms of communication, external assistance, in-house regimens, and documentation. For example, when responding how she would handle what she deemed an unfair evaluation, Susan stated, "If I thought the evaluation was unfair I would ask the evaluating administrator, which could be either the principal or the vice principal, to explain why they felt that evaluation merited that particular marking."

Education law training. Regarding Susan's support for education law training for future educators, Susan supported one course or one professional development workshop for initial certification. In addition, for current educators, Susan supported a course, professional development workshop, or both for renewal certification. Susan observed that "future educators should have at least one class in their initial certification course work or one PD [professional development] workshop concerning education law." Finally, Susan supported a yearly workshop for current educators to keep them abreast of education law: "I think this is also a great idea. Education laws change every year."

Annie

Background. Annie is a 38-year-old, African American female from the southeastern region of the United States. Annie enjoys reading and traveling. She has been an educator for 19 years, and she currently teaches secondary mathematics. Annie completed a traditional education preparation program and has an associate's, bachelor's, master's, and PhD. She also has certification in secondary mathematics and educational leadership. When asked why she

wanted to be a teacher, Annie said that she wanted to give back and do just as much for individuals as she had in the health field. While completing her teacher preparation program, Annie did not receive any training in education and special education law. As an in-service educator, Annie did complete an education law course while pursuing educational leadership certification. For in-service special education law training, Annie completed a course and professional development workshop.

Knowledge, perceptions, and interpretations of education law. Annie perceived that she had a proficient knowledge of education law. Annie disagreed with most of the laws in the study, agreed with some, and believed others were circumstantial. For example, when responding to the law regarding a non-renewal contract without due process, Annie stated:

I believed that nontenured teachers do have to have reason(s) why their contracts are not renewed. Teachers are generally told by their building principal or district personnel of their contract not being renewed. If for some reason the teacher was told initially that their contract may not be renewed, then they would not need a reason.

Annie's main interpretation of education laws was that some were the teacher's responsibility, but other interpretations included no responsibility, shared and unrealistic responsibility, and consequences or reprimands. For example, when referring to teacher statements, she stated, "I believe that teachers have to be mindful in all situations about what they say or do on a daily basis to students and parents."

Fears and threats. Although Annie had never been threatened with litigation or termination, she did state that she had fears regarding student bullying, fights, and an actual slight fear of litigation. She stated, "There's a little slight fear. The reason why there's a little

slight fear there of someone is because if someone—if you touch their child then you could possibly get sued.”

Decision-making process. When making decisions, cognitively, Annie mainly utilized protocol, followed by school policy, morals, in-house policy, and safety. When describing how she would respond to discrimination based on race, Annie stated:

If it got to a point where I really felt where it was hindering me, I think I would follow up with the protocol and take it, you know, school level, district level, state level, if that’s where I had to go.

Behaviorally, Annie mainly utilized administrator assistance, followed by documentation, in-house regimens, external assistance, and personal educator actions to make decisions. When discussing how she would respond to an aggressive colleague, Annie stated:

I’m probably going to look at them and— I probably would avoid the situation, you know, leave from wherever they are and depending on how they react, I would try to be proactive and not even entertain whatever is going on, but I probably would just try to find out what’s going on and probably go let me administrator know about the incident if that incident took place right then.

Education law training. Finally, Annie supports future and current educators receiving education law training for initial and renewal certification. She stated, “I believe that all future educators should be totally aware of what the law states about regular as well as special education students and know how to protect yourself.” In addition, Annie advocates for current educators taking a yearly workshop to stay abreast of education laws, noting that “education law workshops should be incorporated into yearly in-service activities. Teachers need to know the importance of following the law as well as know their rights and responsibilities.”

Results

Theme Creation Process

Four research questions guided the study, and three theoretical frameworks were used to understand the findings. After participants provided consent, email contact was made to get their phone number and set a date and time for the interview. During the interviews, which lasted between 40 and 50 minutes, I used a digital recorder to record the discussion and took notes on a legal notepad. After the interviews, I listened to the interviews and took more notes. The audio-recorded interviews were sent individually over the course of the data collection phase to a transcription service to be transcribed. Within 24–48 hours after the interviews were completed, I sent participants the links to the vignettes and questionnaire, which were returned usually within five to ten days. The transcribed interviews were returned within 24–72 hours. Data from the participants' transcribed interviews were underlined, circled, and annotated in the margins. As the vignettes and questionnaire were web-based data collection methods with alphanumeric user input fields, no transcription was necessary for those two data collection methods. After each data set from the vignettes and questionnaire from each participant, along with the interviews, became available, individual participants' data were stored in red folders. The red folders were labeled with the participants' pseudonyms.

I engaged in the coding process for all three data collection methods. Whenever a new participant's data were available and coded, any new codes from that data set were compared with other data sets in the study. I repeatedly reviewed the data to ensure all applied codes were included in each individual data set. After all coding had been manually completed, I realized there were over 100 codes. Some codes referred directly to the study and some were basically

descriptive in nature. After a process of recoding and determination of relevance, codes were collapsed, removed, or renamed.

As the codes for certain research questions, such as participants' interpretations and decision-making processes, were quite numerous, the decision was made to further analyze some research questions through a software program called NVivo (Sorensen, 2008). Each participant's data set (interviews, vignette, and questionnaire responses) was individually loaded in NVivo projects to analyze the data individually. I had to go through each data set for each participant and code his or her interpretation and decision-making codes retrieved from the manual coding process and transfer them to NVivo. Some codes were no longer relevant, and some new codes emerged. These changes were made to reflect the aforementioned statement regarding codes and were applied to each individual participant's data set, where applicable. Individual NVivo data sets were later merged to create one project to allow for the cross-case analysis process of all participant data. From all manual and computer-aided coding, a total of 69 codes emerged.

To further engage in within-case and cross-case analysis, charts and matrices were also used (Miles & Huberman, 1994). Using coded interview, vignette, and questionnaire data, participants' education law perceptions were manually recorded in a chart. This chart was labeled with each participant's pseudonym and each education law topic in the study. In addition, a decision-making chart was used to manually record participants' individually coded cognitive and behavioral decision-making process responses regarding certain education law topics. Finally, a master data matrix assisted in analyzing the remaining research questions, such as fears and threats of litigation and termination, knowledge of education law, and perceptions of instituted education law training for pre-service and in-service educators. Participants'

individual findings were manually recorded to the master data matrix, which included categories reflective of the research questions in the study.

Throughout the data analysis process, member checking occurred as participants were consistently asked about their data for clarification and accuracy through email contacts and telephone correspondence. As a final layer of member checking, individual case findings were sent to each participant's email address or discussed over the telephone to ensure the content was accurate. Although two participants did not engage in this phase of the member checking process, due to the consistency of member checking during the data collection phase, components of the study had previously been deemed accurate and clarified.

In summary, coding, pattern matching, categories, themes, charts, and matrices assisted in within and cross-case analysis (Creswell, 2013; Merriam, 1988; Miles & Huberman, 1994; Yin, 2009). Sixty-nine codes emerged from the data and were later categorized. A final analysis led to the development of themes that were aligned with each research question. Individual participant case report results were presented, reflecting research question topics guiding the analysis. Cross-case analysis results are presented below, organized by headings related to each research question (see Figure 1).

Research Question	Heading (s) Associated with Research Question
1. How do public, K–12, general in-service teachers describe their perceptions, interpretations, and knowledge of education law, including special education law?	Knowledge, Perceptions, and Interpretations of Education Law
2. To what extent, if any, are public, K–12, in-service general teachers fearful and threatened with termination and litigation in the education profession regarding student bullying, fights, grades, and students with disabilities?	Fears and Threats
3. How do public, K–12, in-service general teachers' cognitively and behaviorally describe their decision-making process when making critical decisions regarding student bullying, fights, grades, students with disabilities, and teachers' and students' rights?	Decision-Making Process
4. To what extent do educators perceive an education law course, professional development workshop, or both as conducive for educators in the education profession?	Future Education Law Training

Figure 1. Research question headings.

Cross-Case Analysis

Participants. A total of 11 general K–12, in-service educators from public institutions in the United States participated in this study. Each participant holds at least a bachelor's degree, 10 participants hold a master's degree, two participants (Patsy and Annie) have doctorate degrees, and four participants have pursued educational leadership certification, though only two (Patsy and Annie) received it. Of the participants in the study, 10 are female and one is male (Ken). Participants included six African Americans (Ken, Patsy, Annie, Alyssa, Esther, and Miss C) and five Caucasians (Victoria, Ruby, Susan, Ern, and Esperanza). Regarding age, six are in their thirties; three are in their forties; one is in her fifties; and one is in her sixties. There were two participants (Esperanza and Victoria) from the northeastern region of the United States; one participant (Ruby) is from the Midwest; and eight participants (Ken, Patsy, Annie, Alyssa,

Esther, Ern, Susan, and Ms. C) are from the Southeast. All African American participants came from the Southeast, and four Caucasian participants came from the Northeast and Midwest. All participants but Susan completed a traditional teacher preparation program. There was a total of three current elementary level educators (Alyssa, Esperanza, and Esther), six middle level educators (Ruby, Victoria, Patsy, Ken, Ern, and Miss C), and two secondary level educators (Susan and Annie) in the study. Two educators (Esperanza and Esther) teach all subject areas, two teach mathematics (Annie and Miss C), one teaches physical education (Alyssa), one teaches science (Ruby), and four teach more than one subject area (Victoria, Ern, Ken, and Susan). Five participants have been teaching for fewer than 10 years (Ken, Alyssa, Esther, Victoria, and Susan), four participants have been teaching fewer than 20 years but at least 10 years (Miss C, Annie, Patsy, and Esperanza), and two participants have been teaching more than 20 years (Ern and Ruby).

Training. With regard to pre-service and in-service education law training, including special education law, only two participants (Esperanza and Victoria), both from the same region, received pre-service education law training. Five participants (Miss C, Patsy, Esperanza, Susan, and Ruby) received pre-service special education law training. Nine participants (Alyssa, Annie, Ken, Susan, Miss C, Esperanza, Patsy, Ern, and Esther) received in-service education law training. Six participants (Ern, Ken, Esperanza, Annie, Miss C, and Ruby) received in-service special education law training. The majority of the participants did not have a course or professional development workshop as pre-service teachers but did as in-service teachers. Five participants (Ern, Miss C, Patsy, Susan, and Annie) took an education law course as in-service teachers, but no participants took an education law course as a pre-service teacher. Three participants took a special education law course as a pre-service teacher (Susan, Patsy, and

Ruby), but only one participant (Annie) took a special education law course as an in-service teacher. Nine participants completed professional development workshops as in-service teachers in either education law, special education law, or both, but only two participants revealed they completed professional development workshops as pre-service educators solely in special education law. Two participants revealed they had embedded education law topics in their coursework either at the pre-service (Esperanza) or in-service (Miss C) level. Two participants failed to disclose their pre-service training method when reporting school law (education law and special education law) training.

Knowledge. Despite variations in training, most participants perceived they had an adequate knowledge in education law. Two participants (Susan and Annie) felt they had proficient knowledge of education law. Three participants (Patsy, Ern, and Ruby) believed they had an adequate knowledge of education law. One participant (Ken) described his knowledge as “decent.” Two participants (Victoria and Esther) perceived they had somewhat adequate knowledge. Finally, one participant (Miss C) described her knowledge as somewhat inadequate and two participants (Eperanza and Alyssa) described their knowledge as inadequate.

Perceptions and interpretations. Education laws were presented to teachers to discern their interpretations and perceptions. When presented with the law that teachers can be charged with assault without touching the student, five participants disagreed (Ern, Patsy, Victoria, Ruby, and Esther), two agreed (Alyssa and Annie), and two (Ken and Miss C) felt certain circumstances had to be present. For the law regarding teachers failing to inspect playground equipment and a student being injured, thus making the teacher liable, eight participants disagreed (Annie, Susan, Miss C, Esperanza, Patsy, Ern, Victoria, and Ken). Ruby and Esther felt circumstances played a role and only Alyssa agreed with the law. When presented with the

law that teachers can be fired for insubordination even if it occurred once, five participants (Annie, Ken, Ern, Susan, and Miss C) disagreed, five participants (Alyssa, Patsy, Ruby, Victoria, and Esperanza) cited certain circumstances would have to apply, and only Esther agreed. For non-tenured teachers not receiving a reason why a contract is not renewed or failing to receive due process, all participants except Ruby disagreed. For the non-renewed contract due to teaching philosophies being problematic or contradictory to the teacher's employer, seven disagreed (Ken, Patsy, Ruby, Susan, Esperanza, Miss C, and Esther), two agreed (Annie and Alyssa), and two (Ern and Victoria) felt the law was circumstantial. Regarding the law that certificates can be revoked for a breach of contract, five agreed (Annie, Patsy, Victoria, Miss C, and Esther), and five disagreed (Alyssa, Ern, Ken, Ruby, and Esperanza). Finally, with regard to students not being restrained or secluded if there are other options, five participants agreed (Annie, Ern, Susan, Miss C, and Victoria), Esperanza disagreed, and three participants (Alyssa, Patsy, and Esther) felt the law would be based on circumstances.

Vignettes were also used to assess participants' interpretations and perceptions of education law. Statements from the vignettes were grouped together and yielded the forthcoming results. With regard to an educator being sued and responsible for two students playing during afternoon bus duty, nine participants did not believe the teacher should be sued if he or she responded properly. With regard to a bullying incident in which a teacher failed to report bullying to proper authorities and a student was jumped (attacked), all 11 participants felt the teacher was responsible for reporting the bullying, but some did not perceive the teacher should be sued. With regard to the scenario in which a teacher forced a student to say the Pledge of Allegiance and later was sued, nine participants believe that the teacher does not have the right to force the student to say the Pledge. For the scenario in which the teacher was asked by

the principal to reduce the rigor of his science course and the teacher refused and did not receive a contract for the upcoming school year, ten participants felt the teachers' rights were violated and at least three participants stated they would have sought another place of employment. Finally, regarding the teacher being sued and responsible for faulty playground equipment, nine participants disagreed the teacher should be sued.

Fears. When asked about fears, with regard to student bullying, grades, fights, and students with disabilities, some participants had no fears, while others had a plethora of fears for different reasons. At least three participants did not have any fears (Patsy, Miss C, and Ern). The other eight participants expressed fears regarding student bullying (Ken, Esperanza, Susan, Annie, Ruby, and Victoria), fights (Ken, Susan, Alyssa, Annie, and Victoria), students with disabilities (Ken, Esperanza, Esther, Alyssa, Annie, and Ruby), and grades (Esperanza, Victoria, and Alyssa). Two out of 11 participants stated they had either a fear of litigation or termination. One participant (Annie) stated that she had a slight fear of litigation regarding fights, and another participant stated that she had a fear of termination regarding grades (Victoria).

Threats. No participant but Esperanza had been threatened with litigation or termination. Esperanza had been given an empty litigation threat by a parent regarding a student with disabilities.

Decision-making process. Throughout the study, participants provided information, primarily through interviews and vignettes, regarding decision-making processes—both cognitive and behavioral—regarding grades, fights, students with disabilities, student bullying, and teacher and student rights. Cognitive and behavioral codes were utilized to identify what participants used to make their decisions. For incidents regarding student bullying, the cognitive code law was cited five times, and school policy and morals were cited four times each. For

fighting incidents, school environment was cited three times. For discrimination incidents, protocol was cited three times. With regard to incidents involving grades, morals were cited twice. With regard to students with disabilities, school policy was cited five times, and law was cited twice. For incidents regarding grades, morals were cited twice. With regard to students being searched, protocol and law were cited two times each. For incidents regarding evaluations, school policy was cited twice. With regard to students and their religious beliefs, law was cited four times and morals were cited twice. With regard to First Amendment rights, law was cited five times. For incidents regarding supervision, law was cited three times. In other areas, participants used a combination of cognitive codes that had no true majority.

With regard to participants' behavioral actions when making decisions, when responding to questions regarding experiences and hypothetical situations dealing with student bullying, nine participants (Alyssa, Annie, Ruby, Susan, Miss C, Esperanza, Patsy, Ern, and Esther) stated they would engage in a teacher-student conference. For fights, seven participants (Annie, Patsy, Ruby, Alyssa, Miss C, Ern, and Esther) stated they would seek administrator assistance, and seven participants (Esperanza, Ken, Victoria, Patsy, Esther, Susan, and Annie) also said they would separate the students. For situations involving grades, six participants (Annie, Ruby, Ken, Esperanza, Annie, and Victoria) stated they would use or had provided documentation. For situations involving students with disabilities, six participants (Ern, Ruby, Esperanza, Ken, Victoria, and Patsy) stated they would use a special education director, liaison, or teacher to resolve the issue. When encountering an aggressive colleague, seven participants (Susan, Esther, Alyssa, Ern, Ruby, Patsy, and Esperanza) stated they would engage in a colleague-to-colleague conference. When facing discrimination based on race or religion, four participants (Susan, Esperanza, Ern, and Annie) stated they would seek administrator assistance. When responding

to a student reading a holy text, such as the Bible or Quran, six participants (Annie, Alyssa, Esther, Ken, Ern, and Esperanza) stated they would not bother the student. When encountering a student with a weapon, nine participants (Alyssa, Ken, Ruby, Susan, Miss C, Patsy, Ern, Victoria, and Esther) stated they would seek administrator assistance. When asked how they would respond to an administrator going through their personal items without their consent, six participants (Ruby, Patsy, Ken, Esther, Susan, and Esperanza) stated they would have a conference or conversation with the administrator. Overall, most participants used morals (cognitively) and administrator assistance (behaviorally) to make decisions in selected areas of education law.

Experiences. All participants except Ern have had an experience dealing with student bullying. Seven participants (Patsy, Ern, Ken, Esperanza, Esther, Victoria, and Ruby) had an experience regarding a fight. Although some experiences were grade inquiries from parents, six participants (Patsy, Ern, Ken, Alyssa, Ruby, and Annie) had an experience regarding grades. Only four participants (Ruby, Annie, Alyssa, and Esperanza) had experiences regarding students with disabilities.

Several participants have had what I would deem serious experiences that may have legal or ethical implications. For example, two participants had an experience with a fight that resulted in injury. One incident actually resulted in the educator having to apply for worker's compensation. Another participant stated she had an incident in which a student brought a pellet gun to school, but due to the lack of response of the school district, she had to file an independent police report. Two participants felt they had been given inaccurate teacher evaluations. One participant received what she deemed as an unfair evaluation as the evaluator came at a time when it was expected students would be antsy and rambunctious. The participant

researched what options she had. She found out that she could have a new evaluation and the final evaluation was more of a reflection of her teaching abilities. The other participant was asked to sign an evaluation that did not actually reflect her attributes, and she refused to sign. It was finally revealed that the evaluator had never had a second-year teacher have a perfect score. Another participant was told to change her instruction after an evaluation, but she later found out that her method of instruction was appropriate, as the other educators were doing the same thing. Two participants have had incidents in which individuals searched their personal items without their consent. One participant had an incident in which parents could not accept that their child had received a grade less than an A, and the educator had to defend herself by providing grades that were given in the year to demonstrate why the student had earned a B for the first time.

Post perceptions and decision-making. When asked whether they would make any changes in decisions or had any fears after the completion of the study now that they were aware of or had a better understanding of some laws, some participants stated they now had some fears in areas such as special education law, fights, and dealing with issues related to religion. One participant stated the following regarding job security: “My fear is that I will lose my job if I’m attacked by a student and I defend myself.” Another participant, discussing students with disabilities, said, “I fear not being aware of and following student IEPs or 504 plans.” Finally, regarding grade issues, another participant said, “I do fear that a student may be angry because of grades and may accuse [the] teacher of something.”

When asked if they would make any decision-making process changes, some participants stated they would make some changes such as being more careful, increasing communication, and having documentation, while others offered that they would just avoid conflicts. One participant said, “I will always make decisions based off of what I know not only

to be legal, but also to be right. I will continue to document any out-of-the-ordinary situations, and report instances of bullying and abuse.” Another participant observed:

Now that I’m aware of some of these laws, I will better prepare myself and look and think carefully concerning the things that may qualify me for insubordination and also look for other jobs now that I know that at any time and for no valid reason I can be dismissed from employment. I will be quicker to document bullying as well as make sure other documentation is in place moving forward.

One participant said, “I am mindful daily of the students I teach and I let the pertinent people know of any situations that may be controversial. I will not compromise myself and livelihood in any way by being irresponsible.”

Future education law training. All 11 participants supported future educators receiving some form of education law training, some specifically suggesting a course for initial teacher certification. All participants also supported current educators taking an education law course, professional development workshop, or both for renewal certification. All participants except Patsy stated that they would support a yearly workshop to keep participants abreast of education laws. Patsy suggested that the workshop should occur every two years opposed to every year. In support of education law training courses, Esther stated, “These courses would be a valuable asset to new educators as well as the old. I would have enjoyed learning more about laws in the profession that I am working.” In agreement, Victoria stated, “I think again that it is a good idea so that teachers are aware of legal situations with their profession.” Finally, Ruby voiced support for professional development workshops. She stated, “I think it is important for all future educators to know the basics and know how to get help. New teachers can use mentors

for guidance. A professional development workshop seems the minimum for pre-service teachers.”

Teacher preparation program post thoughts. Most participants stated that they did not believe their teacher preparation program adequately prepared them to legally navigate the education profession, while others felt their institutions were making teachers more aware of legal issues. One participant reflected on her teacher preparation program, saying:

I do think my institution could have done a little better at preparing us about the current laws that were in place. Economically I can see where it could be expensive to constantly update the curriculum every two years as laws change, but it is their responsibility as [a]n institution to fully prepare individual[s] for the field that they are preparing to have a career in.

Likewise, another participant stated:

I wasn't really prepared. I learned most of what I know on the job and after many years. But that is true of most of what I know about teaching. Being in the classroom is the best way to learn about how to be in the classroom.

One participant displayed gratitude for in-service professional development for education law training. She stated, “My teacher preparation program did not prepare me for the various issues that educators face today. I’m glad the school districts offered training in education law.”

Finally, another participant echoed the sentiments of previous participants in the study: “I was not nearly prepared enough. I did not know many of the things pointed out in this study and I find that worrisome.” The majority of respondents felt that teacher education programs did not prepare them to navigate the education profession in terms of legal issues. Participants may have

seen the need of a more extensive or developed teacher preparation program to prepare future educators about education law.

Education law topics of interest. When asked what education law topics they would be interested in learning about during their training, participants stated they would like to know more about special education law, bullying, teacher and student rights, and benefits. Susan specified, “Special education law, laws concerning bullying, free speech, and teacher due process rights in regard to hiring/firing.” Annie stated:

I believe that any topic involved in the school environment and related to education law should be included in an education law course and professional development workshops such as teaching and learning for regular education as well as special education students.

Victoria described her areas of interest as “special education laws and laws based on certification and administrator/teacher rights.” Alyssa stated, “If not any other it should be about bullying and playground safety.” Finally, Ken was interested in learning “the proper things to say. The proper ways to discipline students. The proper ways to handle children with learning disabilities.”

Final thoughts regarding education law. Finally, when teachers were given the opportunity to share any other thoughts concerning education law training, they stated that teachers should stay abreast of the law, communicate with each other, and find external support. For example, one participant said, “Teachers should communicate with other[s] about situations they’ve been through and how they were handled.” Another participant noted:

I think they need to also integrate in their curriculum state benefits, retirement, and how it will affect the individuals if they leave the profession and if [there] are any laws or policies against that as well. After doing this survey, I realize that teachers are highly

misinformed and or uninformed of the detriment that teaching is, and for some, they will find another profession because you don't get paid enough and the current stress is almost too much as it is. To be able to get sued and lose your job for almost anything, is a sure sign that education is not something most younger generation educators would like to retire in.

Research Questions

The results of the study were presented individually and collectively based on participants' interview, vignette, and questionnaire data. Individual findings were presented for each participant. After cross-case analysis, final themes for the study were created and answered the research questions (see Figure 2). A brief discussion of each theme for each research question is presented.

Research Question	Heading(s) Associated with Research Question
1. How do public, K–12, general in-service teachers describe their perceptions, interpretations, and knowledge of education law, including special education law?	<p>Perceptions: <i>Theme One: Educators Are at Odds with Certain Laws that Govern the Education Profession.</i></p> <p>Knowledge: <i>Theme Two: Most Educators Believe They Have at Least an Adequate Knowledge of Education Law Despite Various and Limited Education Law Training.</i></p> <p>Interpretations of Education Law: <i>Theme Three: Education Law is More of a System of Blame and Punishment than Protection and Support. Theme Four: Educators Accept, Deny, or Share Responsibility Depending on the Law</i></p>
2. To what extent, if any, are public, K–12, in-service general teachers fearful and threatened with termination and litigation in the education profession regarding student bullying, fights, grades, and students with disabilities?	<p>Threats: <i>Theme One: Threats of Termination or Litigation Are Plausible but Not Prevalent</i></p> <p>Fears: <i>Theme Two: Teachers Do Experience Fears in the Education Profession, but Fears of Termination and Litigation are not Prevalent</i></p>
3. How do public, K–12, in-service general teachers cognitively and behaviorally describe their decision-making process when making critical decisions regarding student bullying, fights, grades, students with disabilities, and teachers' and students' rights?	<p>Decision-Making Process: <i>Theme One: Educators use an Eclectic Approach When Cognitively and Behaviorally Making Legal Decisions in the Education Profession.</i></p> <ul style="list-style-type: none"> • <i>Cognitive</i> <ul style="list-style-type: none"> ○ <i>Personal Attributes</i> ○ <i>Guidelines</i> ○ <i>Environment</i> • <i>Behavioral</i> <ul style="list-style-type: none"> ○ <i>Communication</i> ○ <i>Educational Leadership</i> ○ <i>Evidence</i> ○ <i>Colleague Support</i> ○ <i>In-house Regimen</i> ○ <i>External Advocacy</i> ○ <i>Personal Educator Actions</i>
4. To what extent do educators perceive an education law course, professional development workshop, or both as conducive for educators in the education profession?	<p>Education Law Training: <i>Theme One: Educators Support a Proactive Opposed to a Reactive Stance when Legally Navigating the Education Profession.</i></p>

Figure 2. Research question themes.

Research question one. How do public, K–12, general in-service teachers describe their perceptions, interpretations, and knowledge of education law, including special education law?

Theme one. This study's design included the opportunity for participants to provide their perceptions of education law. After analysis, results revealed what educators perceived about selected laws that govern the education profession. Participants either agreed or disagreed with the law or saw circumstances as an important component. If the participants' opinion was not clear due to uncertainty or a participant decided not to answer the question, the result would be inconclusive. Within the parameters of the study, more participants disagreed with laws than agreed. Some participants (Patsy, Ern, Ken, Esther, Susan, Annie, Esperanza, and Miss C) disagreed with more education laws, while others (Ruby and Victoria) were rather close between outcomes of agreement, disagreement, and circumstances regarding education laws. The participants discussed how some laws were just not fair, inconsiderate of circumstances, and just not interpreted as their responsibility. Participants mainly disagreed with laws regarding supervision, negligence, academic freedom, insubordination regarding academic freedom, contracts, and due process. Participants mainly agreed with laws regarding bullying and the First Amendment. Finally, participants had mixed perceptions regarding laws related to assault and insubordination. Overall, participants appeared to have the greatest disagreement regarding laws related to teachers' rights, or possibly teachers' limitations in laws that are supposed to protect them.

Theme two. Although this study indicated that educators are receiving education law training, some participants completed courses, while others completed workshops that may have focused on a few topics but were not comprehensive. Some of the the participants had training before and after they became teachers, while others had pre-service education law training but no

in-service education law training and vice versa. In addition, some participants received training in education law but none in special education law and vice versa. Despite these variations in training, three participants (Patsy, Ern, and Ruby) believed they had an adequate knowledge of education law. Two of the participants (Patsy and Ern) had also completed or attempted to complete educational leadership certification and therefore had taken an education law course. Two participants (Ruby and Patsy) had a pre-service special education law course. Two participants (Susan and Annie) felt they had proficient knowledge in education law, and one participant (Annie) had received educational leadership certification and took both an education law and special education law course as an in-service teacher. Susan had taken a special education law course as a pre-service teacher and an education law course as an in-service teacher. One participant (Ken) described his knowledge as “decent,” although he did not explicitly cite any legal terms or phrases. In addition, Ken did not take any education law courses, but he did receive in-service professional development in both education and special education law. Two participants (Victoria and Esther) perceived they had somewhat adequate knowledge, although Victoria only had pre-service training in education law, and Esther only had in-service training in education law, but neither took an education law course. Finally, one participant (Miss C) described her knowledge as somewhat inadequate despite completing an education law course, embedded education law coursework, and professional development workshops as a pre-service (special education law) and in-service (education law) teacher. Two participants (Eperanza and Alyssa) described their knowledge as inadequate despite one participant (Esperanza) having pre-service and in-service education law and special education law training and utilizing law along with morals to cognitively make decisions. Alyssa only had

in-service training in education law. Neither Alyssa nor Esperanza took any courses in either education law or special education law.

Theme three. Codes based on the data for interpretation of education laws, theme three, included consequences or reprimands, interpretation of profession due to laws, parent and student power, blame game, change teaching jobs, and consequences for noncompliance. The data for two participants (Ken and Esperanza) contained six of the codes. Esther's responses had five of the codes. Four of the codes were located in the data from Victoria, and three participants' (Alyssa, Ruby, and Ern) data had three of the codes. Susan's information had two of the codes, and finally, three participants' (Miss C, Patsy, and Annie) data had one of the codes. Ten participants viewed laws and instances of education law as a system of consequences and reprimands. Six participants viewed the law as negatively impacting the education profession. Five out of 11 participants viewed parent power as issues in some instances of the law. Four participants viewed some laws as concepts of student power, as a concept of the blame game, and possibly leading to a decision to change employment locations. Finally, three out of 11 participants viewed the law as a consequence for noncompliance. Participants interpreted education law as a system of punishments and blame that does not support the profession or the educator, which coincides with their perceptions of education law, which consisted more of disagreements with education laws than agreements.

Theme four. Codes based on the data for interpretation of education laws, theme four, included teacher responsibility, interpretation of no responsibility, unrealistic responsibility, and shared responsibility. Data for four participants (Annie, Ruby, Ern, and Victoria) had all four codes. Three participants' (Esther, Susan, and Patsy) data had three codes, and four participants' (Miss C, Alyssa, Esperanza, and Ken) data had two codes. Nine participants interpreted some of

the laws as not being the responsibility of educators. Nine participants also interpreted some laws as a shared responsibility, which could include the parent, student, teacher, and/or the administrator. Eight participants interpreted some of the laws as being the teacher's responsibility, and seven participants viewed the laws as an unrealistic responsibility. As some of the reasons for disagreement included a belief in displaced responsibility, and reasons for agreement included a teacher's responsibility, participants were more accepting of laws that appeared more within their role as a teacher, such as reporting bullying and less accepting of those laws that did not appear to fit their role as a teacher, such as checking playground equipment before student usage.

Research question two. To what extent, if any, are public, K–12, in-service general teachers fearful and threatened with termination and litigation in the education profession regarding student bullying, fights, grades, and students with disabilities?

Theme one. Of the 11 participants in the study, only one participant, Esperanza, had been threatened with litigation in an incident involving a student with a disability, and it was considered an empty threat. Other participants stated that they had not been threatened with litigation or termination.

Theme two. Of the 11 participants in the study, eight stated they had fears regarding student bullying, fights, grades, and students with disabilities, with the fewest fears with regard to grades. Annie stated she had a slight fear of litigation regarding fights, and Victoria had a fear of termination regarding grades. Participants cited fears regarding supervision, academic performance, physical transformation (one participant was a physical education teacher), and physical confrontations that may result in high injury.

Research question three. How do public, K–12, in-service general teachers’ cognitively and behaviorally describe their decision-making process when making critical decisions regarding student bullying, fights, grades, students with disabilities, and teachers’ and students’ rights?

Theme one. As the participants described their decision-making processes, both cognitively and behaviorally, it was necessary to organize the codes under multiple themes and sub-themes. Participants used a combination of the sub-themes under both the cognitive and behavioral themes, but one code best reflected their main cognitive and behavioral decision-making process based on its usage frequency in the data. Cognitively, personal attributes such as morals appeared to assist a majority of educators in their decision-making processes. Behaviorally, educational leadership, through the utilization of administrator assistance, appeared to assist a majority of educators in the decision-making processes.

Cognitively. There were a number of sub-themes for the cognitive component of the decision-making process. Sub-theme one was personal attributes. For personal attributes, which included the codes morals and personality, five participants (Ern, Ken, Esther, Ruby, and Susan) used one of the two cognitive process concepts. Five participants (Esperanza, Victoria, Miss C, Alyssa, and Annie) used both cognitive process concepts, and Patsy used no personal attribute codes. Although 10 participants used morals as a component of their cognitive decision-making process, six participants (Alyssa, Ruby, Victoria, Ern, Esperanza and Annie) mainly used morals, while one participant mainly used personality (Ken).

Sub-theme two was guidelines, which included the codes law, school policy, protocol, and in-house policy. Annie used all four cognitive process concepts. Six participants (Esther, Ern, Susan, Esperanza, Victoria, and Alyssa) used three cognitive process concepts. Three

participants (Miss C, Patsy, and Ruby) used two cognitive process concepts, and Ken used one cognitive process concept. Although all 11 participants used law, eight participants used school policy and protocol. Two participants used in-house policy. Patsy and Esther primarily utilized school policy. Miss C and Annie mainly utilized protocol. Esperanza mostly used law along with morals. For some participants, established guidelines either appeared to work in conjunction with their inner selves or were the main method of the cognitive component of the decision-making process.

Sub-theme three was environment. For the environment, which included the codes school environment and safety, three of the participants (Ern, Ruby, and Alyssa) used both cognitive process concept codes. Eight participants (Susan, Annie, Ken, Esperanza, Esther, Victoria, Miss C, and Patsy) utilized at least one of the cognitive process concept codes. While eight participants used safety or the school environment, one participant (Susan) mainly used the school environment, which included concepts of classroom management, supervision, and school location as her cognitive process when making decisions.

Behaviorally. There were a number of sub-themes for the behavioral component of the decision-making process. Sub-theme four was communication. The sub-theme communication consisted of action codes teacher-student conferences, colleague-to-colleague conferences, parent conferences, administrator-teacher conferences, parental contact, unofficial communication, main office contact, and non-specific meetings. For communication, Esperanza utilized all eight actions. Esther used seven actions. Two participants (Ern and Patsy) used six actions. Three participants (Ruby, Alyssa, and Ken) used five actions. Three participants (Susan, Annie, and Miss C) used four action codes, and Victoria used three action codes. All 11 participants utilized teacher-student conferences. Eight participants used parental contact.

Seven participants used colleague to colleague conferences. Seven participants used unofficial communication. Four participants used parent conferences, and two participants used a non-specific meeting. Ern, Alyssa, and Ruby used teacher-student conferences for their main behavioral action. Finally, Susan utilized administrator-teacher conferences as her main behavioral action for decision-making.

Sub-theme five was educational leadership. The sub-theme educational leadership consisted of action codes administrator assistance and district administrative contact. Five participants (Patsy, Alyssa, Ken, Susan, and Annie) used both administrator assistance and district administrative contact. Six participants (Esperanza, Esther, Ern, Ruby, Miss C, and Victoria) either utilized administrator assistance or district administrative contact. All 11 participants used administrator assistance. Six participants used district administrative contact. Patsy, Ken, Annie, Esperanza, and Esther mainly utilized administrator assistance when facing decisions as an educator.

Sub-theme six was evidence. The sub-theme evidence included only the code documentation. All 11 participants utilized documentation, but Miss C mainly used documentation as an action for decision-making. Participants referred to grades, anecdotal notes, and evidence of communication records for documentation. Documentation appears to assist educators in their defense or rebuttal of incidents that could become legal issues, such as properly following the requirements of an IEP or following the steps of rectifying a behavioral or academic incident.

Sub-theme seven was colleague support. The sub-theme colleague support consisted of the codes guidance counselor, resource officer, special education liaison, fellow teacher, and school disciplinarian. Four participants (Alyssa Ken, Miss C, and Ruby) contacted or sought

support from three colleagues. Four participants (Ern, Esperanza, Patsy, and Victoria) contacted or sought support from two colleagues. Annie contacted or sought support from one colleague, and two participants (Susan and Esther) contacted or sought no colleague support. Six out of 11 participants contacted the guidance counselor. Five participants contacted the resource officer and special education liaison, director, or teacher. One participant contacted a fellow teacher, and one participant contacted the school disciplinarian.

Sub-theme eight was in-house regimen. The sub-theme in-house regimen consisted of the action codes separate students, verbal reprimand, students removed, de-escalation, isolate students, extra credit, student assistance, and close proximity. Victoria and Alyssa used four actions, three participants (Patsy, Annie, and Esther) used three actions, and six participants (Ruby, Miss C, Ken, Esperanza, Ern, and Susan) used two actions. Eight participants separated students. Six participants used verbal reprimand. Five participants used student removal and de-escalation. Three participants isolated students. Two participants used research, extra credit, and student assistance. None of the previous actions were used as a main behavior during the decision-making process. Although some actions appear to be various components of an established policy or protocol, others appear to be instinctive.

Sub-theme nine was external advocacy. The sub-theme external advocacy consisted of the action codes union, legal assistance, board of education, legal organization, external assistance, and church support or contact. Esperanza used three of these actions. Two participants (Annie and Susan) used two. Six participants (Alyssa, Victoria, Patsy, Ern, Ken, and Miss C) used one action. Two participants (Esther and Ruby) used zero action codes. Four participants used legal assistance. Three participants used the union. Two participants used the board of education and a legal organization. Victoria mainly used the union when making

decisions. Most participants in the South relied on communicating with the district, being a member of a legal organization, or seeking legal assistance. Participants in the southeastern region did not have the ability to rely on unions as most of those participants in the northern and midwestern regions of the United States.

Sub-theme ten was personal educator actions. The sub-theme of personal educator actions consisted of the action codes file a complaint, communicate problems to the school system, file a grievance, countersue, research, lock and key personal items, seek a witness, ignore, avoid conflict, and rely on religion. Miss C used four actions. Three participants (Patsy, Esther, and Victoria) used two actions from these codes. Five participants (Susan, Annie, Ruby, Ken, and Alyssa) used one action, and two participants (Ern and Esperanza) used zero action codes. Although none of the participants utilized any of the codes as their main behavior component of decision-making in this sub-theme, seven participants used the code avoid conflict. Two participants used research and religion. Various participants used one of the following codes only once: file a grievance, countersue, lock and key personal items, seek a witness, and ignore for some of their decisions.

Research question four. To what extent do educators perceive an education law course, professional development workshop, or both as conducive for educators in the education profession?

Theme one. All 11 participants supported both future and current educators receiving education law training in the form of a course, professional development workshop, or both for initial and renewal certification. In addition, all participants supported educators taking a workshop to stay abreast of education laws, but 10 participants supported this workshop being

taken yearly while only one participant, Patsy, supported the workshop being taken every two years.

Summary

Chapter Four presented the results of the study. A brief reminder of the purpose of the study, setting, and data collection and analysis were presented. Individual cases and results were presented. Participants' results were compared and contrasted for cross-case analysis. Next, themes were revealed to answer each research question. Chapter Five will provide the discussion, implications, limitations, and recommendations for future research.

CHAPTER FIVE: CONCLUSION

Overview

The purpose of this collective case study was to discover, describe, and understand 11 public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law. In addition, the study investigated teachers' critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights.

Chapter Five includes a summary and discussion of the findings. In addition, practical, empirical, and theoretical implications are discussed, followed by the delimitations and limitations of the study. Finally, Chapter Five concludes with recommendations for future research and a summary.

Summary of Findings

Research Question One

Research question one sought to discover, describe, and understand teachers' knowledge, interpretations, and perceptions of education law. The participants in the study varied when describing their knowledge of education law, although these variations were not explicitly based on years of teaching experience, education law training, race, age, or grade level taught. There were differences between and among participants from similar backgrounds. The participants mainly described their knowledge as at least adequate, while only three participants perceived they had a somewhat inadequate or inadequate knowledge of education law. In most cases, education law was not the main source used to respond to the questions in the study, even in the presence of education law training. As some participants' education law training was limited to

certain topics, pedagogy, and various times of completion within their careers, variation in usage was expected but not scarcity of usage. Although assessing whether the responses were accurate was not the goal of the study due to variations in state laws, it was still evident that some participants had issues understanding laws regarding teacher rights and responsibilities and the application of law in various circumstances.

Questions on teachers' overall perceptions of education law revealed most participants disagreed with a significant portion of the laws and instances of the law presented in the study. Only one participant, Alyssa, agreed slightly more often than disagreed with laws and instances of law presented in the study. Participants did not agree or disagree with all laws, however. They perceived that some laws were relevant if only certain conditions were present. Overall, participants are at odds with certain laws that govern the education profession.

With regard to teachers' interpretations, in conjunction with their perceptions, participants mainly viewed these laws as a system of punishments and blame that do not support the profession or the educator. In addition, participants interpreted education laws based on what they questioned as their responsibility as an educator. Participants appeared to view the laws, in the form of an incident or the law itself, as failing to be a system to support the teacher; instead, it is a system in which the teacher and the profession take the abundance of the burden and the teacher is automatically guilty, at fault, or required to appease the other stakeholders or lose their job. In addition, participants knew there were responsibilities that the teacher must accept, but there were also some responsibilities placed on teachers that were interpreted to be unrealistic, shared, and just not their responsibility.

Research Question Two

Research question two asked participants whether they have any fears and threats of termination and litigation. There were two fears regarding litigation and termination and one threat of litigation. One participant had a fear of litigation regarding fights, but it was minor, and another participant stated she had a fear of termination regarding grades. Another participant had been threatened with litigation regarding an incident regarding a student with disabilities but it was an empty threat. Although an actual threat of termination or litigation had not occurred in most of the participants' careers, the fears regarding students with disabilities, fights, grades, and student bullying suggest the fears beyond litigation or termination reflect possible confusion regarding teacher liability within the education profession. It is suggested more should be done to reduce those concerns of liability, particularly through a better understanding of the law and the rights teachers have when facing critical incidents in those various education law areas.

Research Question Three

Research question three asked participants how they cognitively and behaviorally made decisions while navigating the education profession. Cognitively, almost all participants utilized morals as one of their methods of making a decision, and morals were also the most-cited cognitive code, although certain participants mainly used guideline cognitive methods such as law, school policy, or protocol. Behaviorally, administrator assistance was used by all participants to make a decision and was the most cited, although certain participants mainly used certain behavioral methods such as teacher-student conferences and documentation. This research question revealed that, holistically, for those participants in the study, despite having education law training, education law is secondary in decision-making for most participants, and the individual self is primary. In addition, behaviorally, although there are numerous methods

educators can use to make decisions, the main method is to rely on the leadership of the administrator, which is somewhat expected. The issue that arises, however, is that some administrators may look to other sources for legal assistance and may fail to have a strong comprehension of education law, which suggests inadequate legal leadership.

Research Question Four

Research question four sought to discover to what extent educators perceive education law training to be beneficial in the education profession. The participants appear to support a proactive opposed to a reactive stance regarding education law to avoid, if possible, incidents in which they can be held liable and to legally navigate the education profession. The participants unanimously supported education law training for future educators for initial teacher certification. Similarly, the participants supported education law training for current educators for renewal certification. Finally, to stay abreast of education law, all but one participant supports current educators taking a yearly professional development workshop. One participant suggested that the workshop occur every two years. The participants appeared to illustrate that educators wish to take responsibility for their actions when given the opportunity and are supportive of their professional growth. In addition, participants provided topics they desired to discuss during education law training such as special education law, teacher and student rights, benefits, and playground safety.

Discussion

The results of this study appear to support some existing literature regarding educators and education law. Moreover, this study opened doors to new discussions regarding teachers and education law training, teacher experiences that would suggest a district-level or legal inquiry or response, teachers' various cognitive and behavioral actions during decision-making processes in

the education profession, teachers' various perceptions and interpretations of selected education laws, and fears of liability opposed to litigation among educators in selected areas of the education profession. Overall, the results of this study support the perceived need for education law training for pre-service teachers and increases the conversation of in-service educators receiving professional development workshops or a course to enhance education law knowledge beyond teacher preparation programs. Results of this study will be discussed from both empirical and theoretical perspectives.

Empirical

Education law training. While educators are trained in education law, the greatest difference is in how they are being trained. Some participants in the study had coursework in their teacher preparation program before they were officially teachers, and some had coursework after their teacher preparation program when they decided to pursue other areas of education such as administration certification or completed higher level degrees. Some participants also completed professional development workshops before they became teachers, and some completed professional development workshops after they became teachers. Moreover, some participants stated they received information regarding education law embedded in coursework throughout their teacher preparation programs, which reflects some methods higher education institutions have tried to incorporate education law into the curriculum (Militello & Schimmel, 2008). In addition, some participants had some form of training from their organization memberships and conferences and during discussions regarding school policy at their place of employment, which is also reflective of methods that have been recommended for education law training (Littleton, 2008).

Participants' education law training variance is reflected in the literature, as most participants failed to have pre-service training in education law and special education law. In addition, some participants did not have any in-service training, but overall, in-service training was more prevalent than pre-service training (Kessell et al., 2009; Militello et al., 2009; Mirabile, 2013). In methodology, there were more professional development workshops than courses overall for in-service education law training, but for special education law, the number of courses were more prevalent in pre-service than in-service. In addition, there were more professional development workshops in special education law at the in-service level than pre-service. Although some of the education law training may have been unofficial, unstructured, and not comprehensive, varying in degree, detail, time, and prevalence, the study does appear to illustrate that some education law training occurs but may need to be restructured to enhance knowledge and application of education law concepts (Bruner & Bartlett, 2008; Militello & Schimmel, 2008). Some methods for education law training for pre-service education preparation programs may include a seminar, a single session (cited as the most prevalent method), or integrated or embedded topics (Militello & Schimmel, 2008). Although "the combined usage of questions and lectures is currently the predominant teaching method for school law" (Bruner & Bartlett, 2008, p. 40), other methods include court case studies, case methods, technology-based methods such as presentations and websites, games, role-playing, and cooperative learning (Bruner & Bartlett, 2008).

Gajda (2008) noted differences in the requirements of education law training among states. Wagner (2008) discussed the inadequacy of literature "about the structure of a preservice education law course" (p. 11), although some authors attempted to report some recommended structures (Bruner & Bartlett, 2008; McCarthy, 2008; Militello & Schimmel, 2008). Some

participants did share some details regarding their education law training. One participant described her education law courses as “very in-depth.” Another participant noted that “Each year we go through a district handbook of things we can and can’t do as educators.” Miss C stated, “For special education, those workshops were embedded into the professional development undergrad as well as at the graduate level.” Susan said:

Mainly the training that I had was special education law because I went for that alternative special education degree. We had a class that explained all the different laws, starting with IDEA, the American Disabilities Act, and going forward. Honestly, I did not have any public school law classes until I went and started my administration certification.

Finally, Patsy stated, “Professional development, we had training on cultural diversity and being responsible educators and protecting the rights of other people. We also had pre-service on using corporal punishment because that was a hot issue for a while.”

Knowledge. Since education law training did occur even though it varied in topic, method, time, and structure, most of the participants in the study responded that they perceived they had at least an adequate knowledge of education law. Only three participants stated that they had either an inadequate knowledge of education law (Alyssa and Esperanza) or somewhat inadequate (Miss C) knowledge of education law. In addition, all three of the aforementioned participants have at least a master’s degree, are female, and range from 32 to 45 years of age. Two are from the same region (Miss C and Alyssa), while Esperanza is from another region. In addition, Alyssa, Esperanza, and Miss C teach different subject areas, two teach similar grade levels, two are African American, and one is Caucasian. Moreover, Alyssa, Esperanza, and Miss C have been teaching between 8 and 18 years and have received various training in education

law. In comparison, the participants with somewhat an adequate to proficient knowledge of education law have been teaching between 3 and 22 years, have a higher-level degree, and were between the ages of 31 and 61. In addition, participants with a somewhat adequate to proficient knowledge of education law received a variety of education law training, were from different regions (three in all), were Caucasian and African American, were more female than male, and taught a combination of different and similar grade levels and subject areas. The results may demonstrate that there were more similarities than differences among different participants regarding their knowledge of education law. The previous assertion, although based on a perception and not an assessment, reflects findings from the literature that certain factors such as years of teaching experience, educational attainment, and gender may have little influence on education law knowledge (Joyner, 1999; Moore, 1997; Tilson, 2011), although this could be debated by other findings that suggest there could be significant differences in knowledge of education law based on teaching experience, age, location, and membership in organizations (Littleton, 2008).

Although there was no true attempt to assess participants' actual education law knowledge, the results of the study suggest that education law training may influence an individual's knowledge of education law. As all participants had some form of education law training and only three felt their knowledge was inadequate, it appears there was some presence of confidence regarding education law knowledge, which supports Bandura's (2001) self-efficacy theory. Future research regarding education law training and assessment of education knowledge may reflect previous studies findings that suggest education law training may increase education law knowledge (McCartney, 1985; Moore, 1997; Paul, 2001; Schustereit, 2010).

Interpretations and perceptions. The study also sought to investigate educators' interpretations and perceptions of education law. Although my review of the current literature did not reveal any information directly related to educators' explicit descriptions of their perceptions and interpretations of education law, the literature may provide explanations for their perceptions and interpretations. Past studies (Delaney, 2009; Schimmel & Militello, 2007) have revealed educators' various perceptions of education law holistically, utilizing data collection methods such as surveys. In this study, participants did strongly disagree with most of the education laws with regard to teacher rights, supervision, insubordination, academic freedom, and religion. The results of this study regarding interpretations are a new, current finding and may change with different participants in other studies. Participants interpreted selected education laws as a matter of responsibility and as a system of punishments and blame not supporting the profession or the educator. Their interpretations and perceptions of education law could be due to a lack of concrete understanding and application of education laws as well as their observations and experiences as educators. As pre-service and in-service education law training is recommended, instructors or presenters should take into consideration concepts of adult learning that may enhance the learning process for adults (Bruner & Bartlett, 2008; Chan, 2010), which may shift educators' education law cognitions. Such an assertion aligns with various perspectives of constructivism, which suggest cognition is "fundamentally adaptive and that knowledge needs only to be 'viable' rather than true" (Baerveldt, 2013 p. 157).

Unfortunately, as some educators have an inadequate knowledge of education law, they may not be aware that despite their interpretation of no responsibility, some incidents may fall in the category of supervision and thus are their responsibility, not necessarily shared with others. It is evident participants' perceptions of accountability and liability are not in agreement with the

laws that govern the education profession possibly due to inadequate understanding and application of education law. Essentially, educators sense systemic or institutionalized disempowerment.

Two concepts that could provide an interpretation of the aforementioned findings are Greenberg's (1995) organizational justice (as cited in Shapira-Lishchinsky & Rosenblatt, 2009) and teachers' job satisfaction (Norton, 1999). Components of teachers' job satisfaction, particularly those such as support from parents and leaders, student behavior, and educational leadership (Norton, 1999), are reflected in the participants' statements such as the use of words or phrases related to consequences, blame, support, responsibility, and fairness. As one participant stated, "If I had to check in with the principal about my philosophies or teaching methods every time, I would regret the loss of autonomy and creativity that teaching currently affords and would probably leave." With regards to grades, another participant observed that "From that moment out, I said, these kids don't get in trouble for that here, I did. I wasn't going to put myself in that situation ever again." Although reaching a conclusion regarding educators' job satisfaction based on their interpretations of education law is far-fetched, it would be an interesting discussion for a future research study.

Greenberg's (1995) organizational justice may be another concept that illuminates teachers' interpretations of education laws (as cited in Shapira-Lishchinsky & Rosenblatt, 2009). Organizational justice is what Greenberg (1995) defines as "describ[ing] the role of fairness in the workplace" (as cited in Shapira-Lishchinsky & Rosenblatt, 2009, p. 731). Participants discussed that they felt some responsibilities were unrealistic and should be shared with other stakeholders such as parents or other staff members. Furthermore, the dynamics of their profession and the participants' role as an educator appear to influence their interpretations of

education law as blaming and punishing the educator as opposed to those whom the burden of fault should fall. Some of these thoughts were also embedded in the concept of responsibility. For example, when educators viewed the law regarding playground equipment inspections, they regarded that responsibility as that of the custodial staff or other members who may have been trained to complete such a task. When educators were informed that if a child were to get injured on faulty playground equipment that they could be held responsible if they failed to inspect the playground equipment before the child utilized the equipment, participants disagreed and felt that they were being blamed and punished for an incident that was not their responsibility. One participant responded, "Ms. Whitefield is not a maintenance person. How is she to know what could happen to a piece of playground equipment? I hope this isn't real, this is just silly. I guess I would hire a lawyer." Other commentary from the participants regarding supervision, fights, and grades also echoed similar sentiment as participants felt certain circumstances were out of the control of teachers but the teacher would receive the blame. Other examples are when students choose not to be productive but teachers are blamed for their low grades, when parents have their demands appeased due to lack of support from administrators, and when some students with disabilities have IEPs and choose not to do their work but are not allowed to receive a failing grade from the educator. For example, one participant noted, "I would feel that the teacher didn't have control of the situation and outcome and did the best she could. Students can get rowdy at the worst times, and it is unfair to sue her for what could be very easily construed as both kids' faults for being out of hand." Another participant stated, "This is a simple case of children complaining to their parents and the parents trying to bend the rules to help them. The worst part is that he would have to prove that the school is wrong and either hire a lawyer or find another job." As some participants stated that the education

profession was stressful and discussed leaving the profession, it would be beneficial to conduct a future study to investigate if educators' perceptions and interpretations of education law may affect their concept of organizational justice and job satisfaction in the education profession.

Fears and threats. Fears and threats of litigation and termination were another concept investigated in this study and may actually have some connection to educators' perceptions and interpretations of specific education laws. Common Good asserted that there is no prevalence of fear of litigation in the education profession (Zirkel, 2006). In addition, Imber (2008) discussed the various myths surrounding educators and education law from education malpractice to litigation trends. The results of the study revealed that one educator did have a slight fear of litigation over fights. Another participant stated she had a fear of termination regarding grades. Most of the fears the participants discussed having were outside of litigation. Aside from fears, threats of litigation or termination were also investigated. When asked had they had received any threats of litigation or termination in the areas of student bullying, fights, students with disabilities, and grades, participants had more fears outside of litigation and termination, and actually being threatened by litigation or termination was scarce. Only one participant had actually been threatened with litigation by parents concerning a student with disabilities, and she stated that the threat did not result in any action. This finding appears to suggest that, although there may be a number of fears that educators may have, an actual fear or threat of litigation or termination is unlikely to occur. Such results may reflect Holben's (2009) opinion that there could be "perceptions of fear of liability" (p. 75), as participants did discuss fears beyond litigation in selected areas of education. In addition, such a finding could suggest that administrators or superintendents may not have an adequate knowledge of law to influence a fear or threat of litigation or termination among educators. The finding could also suggest that

because principals and superintendents may have some knowledge of education law, they are aware of the boundaries that exist in education law that limit their actions. Finally, although existing literature has not assessed the extent of education law knowledge, if any, that parents and students possess, it is a possibility that parents and students may not be aware of the education laws and thus not able to identify when they have been broken. A future study regarding student and parent education law training and its correlation with the number of fears and threats of litigation and termination should be conducted. Such a study could determine if expansion of education law knowledge among other stakeholders would increase the incidents of threats and fears of litigation and termination among practicing educators. The results of this study may also suggest that educators may have a false sense of reality or be misinformed about the various components of education law due to inadequate knowledge (Call & O'Brien, 2011; Kessell et al., 2009; Militello et al., 2009; Mirabile, 2013; Schimmel & Militello, 2007). Finally, I perceive that due to a lack of threats of litigation or termination, there would also be a lack of fear of litigation or termination. Future studies would need to investigate that if there were an increase of threats of litigation and termination due to an increase in education law knowledge among various stakeholders, if this would lead to an increase of fear of litigation or termination among educators. Future investigation is needed to generalize or apply these findings to other populations and should include more education law topics beyond grades, students with disabilities, student bullying, and fights.

Decision-making processes. Another goal of the current study was to investigate how educators cognitively and behaviorally made decisions while legally navigating the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights. Initially, the goal of the study was to compare and contrast

groups of participants that had training in education law and those who had not; as all of the participants had some form of education law training, certain contrasts and comparisons could not be explicitly conducted. The findings from this analysis revealed that, cognitively and behaviorally, participants used an eclectic approach when making decisions as they legally navigated the education profession. The main cognitive approach used when making a decision was morals, although some participants used personality, school policy, law, and protocol. This finding can best be illustrated through Colnerud's (1997) interpersonal norm, which includes elements of truthfulness, self-preservation, individuality, and fairness. In addition, in Call and O'Brien's (2011) study regarding First Amendment rights, when making decisions, participants in their study also used concepts similar to morals such as "their belief as to what was 'right' or 'wrong' to do in that situation" (p. 125). In addition, as some participants in my study used school policy or protocol as the main cognitive component of their decision-making process, similarly, Call and O'Brien's (2011) participants also used "school or school board policy" (p. 125) as criteria for decision-making. The aforementioned literature reflects the participants' commentary. One participant noted that "I think in the education field what is earned should be what is earned, and if Johnny has a 45 then Johnny should not be given a 60." Another participant observed, "When I see that you're getting the best of somebody, and just keep going and won't let it go, that means you trying to destroy that person and I don't go for that." In addition, another participant stated, "[I] will always make decisions based off of what I know not only to be legal, but also to be right. I will continue to document any out-of-the-ordinary situations and report instances of bullying or abuse." It appears that morality may supersede legality depending on certain circumstances but does not necessarily function alone, as other cognitive concepts were used in conjunction with morality. This may not mean that educators

dismiss education law, but it may mean that other methods may be deemed more credible, dependable, or accessible, and in this study, the individual self is dominant. This assertion would need to be supported through future studies using different populations from different regions and areas of focus.

Aside from cognitively making decisions, participants also took action by citing specific behaviors they would complete when making decisions in the areas of grades, student bullying, fights, students with disabilities, and teacher and student rights. The results of this study revealed that participants behaviorally mainly used administrator assistance although they also used other behaviors such as documentation and teacher-student conferences. The results of the study may demonstrate a need for education administrators to be not just managers of an institution through leading discipline, fiscal responsibility, and instruction, but also legal leaders. As the research demonstrates, educational leaders lack adequate knowledge in educational law (Militello et al., 2009; White, 2012), but participants in the study mainly sought their assistance when encountering critical incidents that could have legal ramifications. Thus, educational leaders should become more competent regarding education law and the application of education law to properly assist and lead others within the education profession. It may also be necessary for higher education institutions to review their curriculum and instruction regarding principals and their required education law courses as they could be an effective model in the revamping and implementation of education law courses for educators.

Education law training support. Finally, the results of the study regarding participants' decision to support or not support education law training for future and current educators for initial and renewal certification appears to reflect past studies in the literature that recommend educators receive education law training (McCartney, 1985; Mirabile, 2013; Moore, 1997; Paul,

2001; Schimmel & Militello, 2007). All 11 participants supported education law training for future and current educators for initial and renewal certification. They also stated that a yearly professional development workshop to stay abreast of education laws would also be beneficial for educators, although one participant stated a workshop occurring every two years may suffice. Participants' support of yearly professional development workshops is supported by the literature as authors from previous studies "commonly offered the recommendation for more undergraduate and graduate course work, with a further recommendation to incorporate periodic—and frequent—professional development sessions on education law to practicing teachers" (Littleton, 2008, p. 74). Participants' commentary on why they supported education law training reflects three of Delaney's (2009) themes for positive effects for educators regarding education law: awareness of laws, professionalism, and making decisions. These findings appear to shift the responsibility of education law training to both higher education institutions that grant initial teacher certification and to the school districts that will employ educators. These findings are reflected in the literature, as the participants stated that they would support education law courses and professional development workshops (Campbell, 2002; Koch, 1997; O'Connor, 1976, Paul, 2001; Wheeler, 2003). In addition, the results support Gajda's (2008) belief that, at the state level, policies could be enforced to "ensure that new teachers have acquired legal literacy" (p. 16) and Littleton's (2008) recommendation for school districts to institute education law professional development workshops periodically. Finally, when participants provided topics in which they would be interested in learning, they identified special education law, bullying, teacher and student rights, and teacher benefits. Such topics are supported by Gullatt & Tollett (1997b), as they suggested the discussion of special education and teacher and student rights during pre-service education legal instruction. The results of the study not only support

education law training, but also illuminate educators' thoughts and concerns regarding education law in specific areas, how they make their decisions, whom they depend on for their decisions, and what they wish to know about education law.

This study provides a true starting point for the necessary discussion about educators and education law. Those discussions should include how educators can have more confidence in education law; how higher education institutions can adequately prepare both principals and teachers to be legally responsible for the actions they take and do not take; how school districts can better prepare their educators for legal changes in the education system; and how the federal, state, and local legislatures can impact the education profession by impacting policy that could transform teacher preparedness in the education profession by requiring legal literacy. It has also been recommended that educators have "membership in organizations that inform members of legal issues" (Littleton, 2008, p. 75), which at least one participant in this study recommended. The results of the study support the perceived need to provide educators with education law training so they can soundly avoid legal ramifications when they encounter legal incidents in the education profession.

Theoretical

Although education law and its relationship with teachers have been studied for decades, approaches to these studies have been limited in design, topic, and participants. Given the limitations in what educators perceived, interpreted, and experienced, as well as what decisions were made, I used theories that focused on realities, knowledge, dissonance, and self-efficacy (Bandura, 1977; Chapanis & Chapanis, 1964; D. M. Williams, 2010; Young & Collin, 2004). The participants in the study responded to questions based on their individual realities, their beliefs regarding their capability to do a task or know about a certain topic, and why and how

they would respond to an incident regarding education law. Initially, educators were asked about their background such as years of teaching experience, age, race, sex, grade level taught, education law training, etc. Surprisingly, there were more similarities than differences among the participants; however, all the participants' responses were based on a combination of factors, both internal and external. In this study, some theories were relevant to more than one finding while other findings were best explained by one theory.

Constructivism and some cognitive dissonance. As the root of constructivism is based on an individual's cognitive process (Young & Collin, 2004), it was a relevant theory to assist in shaping the study. The research questions asked participants to describe their perceptions, interpretations, fears, and decision-making processes when encountering certain instances based on education law and certain education law topics. Most of the participants disagreed with most of the education laws in the study but also cited how circumstances affected their responses. In some cases, participants cited morals, fairness, courtesy, and support or lack thereof as the reasons for their disagreement or why they perceived circumstances would make a difference. For example, when responding to the law regarding non-tenured teachers, contracts, and due process, Ken said, "That's not fair because people should have reasoning why they're not being retained." In a similar fashion, when responding to a law regarding insubordination and teacher termination, Annie noted that she did not "believe teachers should be fired for their first incident of insubordination." When responding to a question regarding disciplining students with certain problems, Alyssa responded, "I do not agree with that because restraining the student may be the only option that protects the teacher and the remaining students."

For interpretations, many participants' responses also reflected a plethora of influential factors. Participants interpreted laws as a question of responsibility and a system of blame and

punishment opposed to one of support for educators and the education profession. The responsibility theme echoes the belief that in society there are a set of beliefs regarding roles. As some of these roles were deemed as the teacher's responsibility, others' responsibility, and unrealistic responsibilities, this brought up a form of inner conflict, which echoes dissonance. "an intervening variable whose antecedents are the private internal cognitions of a person" (Chapanis & Chapanis, 1964, p. 3). As the other theme reflected conflicts of power, blame, and support or lack thereof, the participant's reality is that the laws appear to place educators and the education profession in a parameter of punishment, blame, and non-support. One participant stated, "They're not going to do everything fair that's right or wrong. They're going to make a decision of is best for them at that school. To me, they don't always look at that teacher as being right." In agreement, another participant said, "So the pressures of teachers with grading is that these kids refuse to listen, refuse to learn, and what we are being held accountable for the choice of a child."

As the argument of constructivism is that individuals' thoughts are distinctive and assist in creating meaning of their experiences (Gordon, 2008; Karagiorgi & Symeou, 2005; Young & Collin, 2004), that would infer that participants in the study, if they have not experienced certain legal entanglements or been exposed to education law concepts, would lack knowledge of education law until they experienced it or observed it. With that assertion, the individual mind would be limited to exposure and interpretation. In addition, one would question when an individual would deem a cognition to be applicable to an incident in which knowledge would need to be used (Baerveldt, 2013). If constructivism suggests the mind can adapt (Baerveldt, 2013), if the world does not provide meaning to the individual, then one would question how he would adapt and thus modify what originated in the mind without anything externally modifying

it. The mind may play a role in knowledge creation and meaning, but it cannot operate only within itself.

Another criticism of constructivism is that it limits knowledge creation to the individual experience (D'Agnese, 2015). In disagreement, D'Agnese (2015) argued if the individual can only learn from his experience, he is essentially limited in knowledge that cannot be modified. D'Agnese's (2015) perspective, for this study, would mean participants would only understand some elements or concepts of education law based on their individual experiences even if someone else's experience could provide new insight on how to respond to critical incidents in the education profession. This limited acquisition of knowledge could also affect how one is able to apply the knowledge in real-life situations. In agreement with D'Agnese's (2015) argument, I propose that knowledge construction and the meaning attached to it is not an individual cognitive process but also relies on external factors that shift the individual paradigm. Moreover, a paradigm shift also shifts an individual's reality and therefore may influence one's perceptions, interpretations, and ultimately decisions.

As education law knowledge may be enhanced possibly through courses or professional development workshops, as well as vicarious observations and experiences, the various perspectives of constructivism should unify. A perspective unification in the constructivism theory is suggested as knowledge and meaning may come from the individual; the world as a system; in this study, the education profession; and finally, the interactions and relationships in society, which could include family, colleagues, leaders, and the community. In this study, through observations, personal experiences, and the experiences of others, some participants suggested they modified and shifted their paradigms regarding how to navigate the education profession when encountering certain critical incidents. In addition, participants were asked how

would they change their behavior in the presence of new insights in education law. Some participants stated they would make changes to their actions, and there was also a shift in cognition regarding the education profession. The weakness of constructivism is it fails to explain how distinctive individuals such as the participants in the study could reach, in some cases, similar changes in cognitions independent of their individual cognitions, various experiences, and observations, if any. Finally, it is asserted individuals provide meaning to their world and not vice versa (Karagiorgi & Symeou, 2005), but it is difficult to accept the notion that the world does not provide meaning to individuals. On the other hand, it is also my belief that, regardless of the external environment, including relationships and interactions that may exist, it is still the individual mind that processes the external environment to create a final perception of reality that still involves an individual process; thus the existing foundation of constructivism does have some applicability to this study.

Self-efficacy. When asked to respond to various scenarios and incidents in the education profession, participants appeared to have made decisions based on their morals, environment, or guidelines. In addition, participants chose behaviors ranging from educational leadership support to personal educator actions when responding to incidents in the education profession. Participants seemed to illustrate a high sense of self-efficacy regarding legally navigating the education profession (Bandura, 2012). As some participants could only respond from a hypothetical perspective, participants' self-efficacy beliefs may encounter what Bandura (2012) discusses as a distinction of skill and application during "ambiguous, unpredictable and stressful elements" (p. 24).

Bandura (2012) discusses various ways in which self-efficacy can develop, such as social persuasion, social modeling, and choice processes. Social persuasion could be a factor in this

study, as some participants may have great confidence in themselves to navigate the education profession despite challenges. Social modeling could also be illustrated in this study, as participants over the years of their education profession may learn to conquer difficult tasks. Finally, choice processes could also be reflected in this study, as participants could have made past decisions that were beneficial and thus useful in future decision-making (Bandura, 2012).

Other findings in the study were that most participants perceived their education law knowledge to be at least adequate, and all participants supported education law training for initial and renewal certification and a yearly workshop to stay abreast of changes in education law. These findings appear to demonstrate that participants had what Bandura (1977) called outcome expectancies, as they believed that, if they had education law training, they would be able to help students on their journey, keep their jobs, and avoid illegal situations. One participant stated, “I feel that educators need to be better [educated] about any laws that pertain to educating our students as well as to being prepared to better help them along their journey.” In agreement, another participant said, “I believe professional development [will] help teachers avoid illegal situations.” Finally, another participant observed that “It’s a good idea to stay current. I think most teachers want to do what’s best for kids and they want to keep their jobs, so being [knowledgeable] about the law is helpful.” To what extent these expectancies might influence self-efficacy could be determined in a future study. It is important to note that Bandura’s (2001) social cognitive theory would have also been beneficial to analyze participants’ decision-making processes, as some participants’ observations of their environment and past experiences also influenced what decisions they would make in selected areas of the education profession. For example, one participant stated, “Our school has a very good administrator, and I would feel very comfortable going in and saying, ‘Look, this is the situation. What do you recommend?’—I feel

very comfortable going to my principal.”

Cognitive dissonance. Participants provided cognitive and behavioral actions they used to make decisions when encountering critical legal incidents in the education profession. The main cognitive process involved was morals, although some participants referenced their personality, school policy, protocol, law, or the environment. Participants illustrated their attempts to reduce the tension of their “discrepant cognitions” (Chapanis & Chapanis, 1964, p. 3) through their use of personal attributes, guidelines, and the environment. This result appeared to reflect existing literature regarding conditions of dissonance, as some incidents conflicted with participants’ beliefs and knowledge (Ivy et al., 1978). Morals appeared to be based on what participants deemed right or wrong, fair or unfair, ethical or unethical, and just or unjust. For example, one participant asserted that “It is still unethical if the administrator’s decision to deny the individual a contract is on the basis of unethical values.” School policy and protocol appeared to be based on what measures exist to ensure certain actions were taken based on a set of abstract parameters. Another participant noted, “We do have a bullying policy where you have to refer it to guidance and then they can intervene as well as and take necessary steps.” Personality appeared to be based on what participants deemed to be discomfort or comfort or whether they were bold or timid. As one participant said, “I would just try to handle it on my own. That’s just the kind of person I am.” Finally, for environment, it appeared participants took into consideration if the school dismisses or supports educators; if the administrator is supportive of his or her teachers; if there is a working relationship with the students, parents, community, and church; and if the students, parents, community, and church have more power to control outcomes than the teacher. As one participant stated, “Our school has a very good administrator, and I would feel very comfortable going in and saying, ‘Look this is the situation.

What do you recommend?’—I feel very comfortable going to my principal.”

As the cognitive tension was reduced (Chapanis & Chapanis, 1964), participants proceeded to make decisions which, in this study, mainly reflected educational leadership support through the actions of seeking the assistance of administrators, closely followed by documentation such as grades, emails, or anecdotal notes of communication or incidents in the classroom, and communication through teacher-student conferences. In this study, most participants’ behavioral response to various incidents was to seek administrator assistance, which reflects the literature in that one form of reducing dissonance is seeking support (Ivy et al., 1978). For example, one participant stated the following when it became necessary to contact the administrator during a fight: “If a fight broke out or whatever, I would just go ahead and reference what was actually happening and refer to the school leader to handle.” In a similar fashion related to discrimination, one participant observed, “If I really felt that I was being discriminated against because of my race, I would speak to my administrator about it first and find out what was going on.” One participant stated in regard to communication, “I try to get their individual stories about a situation that’s going on and is there anything that happened maybe outside of the class that this has now been brought into the class that maybe I need to know about.” Future studies should explore other critical incidents that may occur in the education profession to either further support the findings of this study or to explore more ways in which participants cognitively and behaviorally make decisions as they legally navigate the education profession. In addition, findings in this study can later be investigated to discover how they may correlate, if at all, with methods to reduce dissonance such as seeking support, questioning the origin of the cognition, and denying the dissonance’s existence (Ivy et al., 1978).

Conclusion

Educators' perceptions and interpretations of education law are based on their realities. Most educators perceived they had at least an adequate knowledge of education law despite having various backgrounds from education attainment to education law training. In addition, they perceived education law training in the form of a professional development workshop, course, or both, increased their professionalism as educators from a legal foundation and as a method to avoid consequences such as litigation. Although participants appeared to provide both cognitive and behavioral processes to navigate the education profession that did not mainly include legal terms or phrases, educators believe there are positive outcomes of receiving education law training. Therefore, education law training may subsequently influence participants' decision-making process, which could possibly decrease their fears of liability (Holben, 2009) while also keeping any threats and fears of litigation and termination from surfacing. In addition, as education law training could create a new reality for the participants, this very well could influence their perceptions and interpretations of education law to be more positive.

It is important to note that the expected outcome (Bandura, 1977) for following the law may not always occur; thus, some individuals may make the decision to not follow the law and rely on other methods they may deem distinctively appropriate. This may occur, for example, when a teacher reports that an institution is fixing grades, but the superintendent or board does not take action. This could also possibly explain why some teachers do not report incidents of harassment or discrimination because a principal may be friends with the union leaders, the state board of education leaders, or local lawyers. In some cases, some educators seek justice and push through the bureaucracy of the education system and take a stand against the discrepancies

that exist within, sometimes sacrificing their livelihoods for the betterment of others. Overall, education law training appears to be more beneficial for teachers than detrimental. Proper channels should exist to ensure every teacher trained in the United States is equipped to handle any situation legally and morally that could jeopardize their ability to provide for their family, educate the future leaders of tomorrow, and further demonstrate the professionalism of those in the teaching profession.

Implications

Theoretical

The participants in the study had mixed perceptions of education law. Some agreed with laws, some disagreed, and some believed the laws could be right or wrong based on circumstances. Most of the participants, however, disagreed with most of the laws, except for one participant. It is plausible that their beliefs regarding what is fair, what is just, what is realistic, or what is reasonable may have led to these results. They could have been thinking about a past or current employer location, or they could have brought their morals, the law, policy, and common sense into their conscience. Despite their different backgrounds, demographics, training, years of teaching experience, regions, grade levels taught, and subject areas, most of the participants disagreed with most of the laws presented in the study. To the participants in the study, some of the laws that govern the education profession do not reflect their realities as educators, their individual cognitions of what is fair or just, nor their positions of autonomy as teachers. As participants mainly disagreed with laws that involved supervision and teacher rights reflective of autonomy and individuality, it can be argued that educators feel they have no voice, even in the matters that personally concern them and in outcomes beyond their control. For example, as some participants cited issues with classroom size in which they have

to supervise a great number of students, participants felt they are placed in circumstances beyond their control yet are expected to perform as if they were in normal circumstances. In addition, in cases where teachers may be challenged by parents, students, and the administrator concerning the curriculum, teachers feel that it should not be deemed insubordination if a teacher chooses not to accept a principal's request to reduce the rigor of a course due to external pressures; however, in a case where a teacher is disrespectful or dismissive of the educational leader, they deem such a circumstance as fair. Finally, in relation to contracts, teachers are concerned with the elements of non-renewed contracts, as there could be unjust or unfair elements that allow those in power to make decisions regarding their futures for frivolous reasons, but due to the law on its face, teachers have no choice but to relinquish their positions at the end of a school year as they are only on a yearly contract. Although teachers cited needing to know the law despite their disagreements of certain laws, their perceptions suggest that some laws should be reviewed for fairness in construction and execution for all stakeholders involved and should be more supportive of the education profession.

Interpretations. As participants disagreed with most of the laws presented in the study, it was not surprising their interpretations of the laws in the study were a combination of neutral and negative. The main interpretations of selected education laws in this study reflected elements of role conflict and the lack of empowerment. Participants see conflict in some of the education laws opposed to a system of functionality, as they did not interpret the laws as being supportive of educators nor the education profession as a system. Furthermore, participants perceived their expected duties in the education profession were beyond their perceived duties as a teacher. In some cases, participants feel they are expected to perform beyond their abilities and roles as educators and absorb blame even when they perceive they are the victims. They also feel

confined to a box of rules and regulations that do not support their profession or way of life. Some participants were so negatively affected by the laws that govern their profession that they considered leaving the profession all together. Overall, participants feel the laws that govern the education profession do not favor the teacher or the system in which he or she works. It is also important to note that, as each role carries with it a level of responsibility, educators wish not to be blamed or punished for an incident or occurrence that was not initially, in their opinion, their responsibility. Hence, role conflict appears to be an issue regarding participants' interpretation of education. Participants understood that as an educator, it is expected that he or she is responsible for classroom management, lesson plans, understanding and enforcing school policy regarding reporting elements of child abuse or neglect or student bullying, and monitoring students' behaviors. The issue that arises, however, is when teachers are expected to engage in activities possibly beyond their perceived responsibilities and training. For example, participants did not agree with the law that they are responsible for checking playground equipment in which a failure to do so could result in a claim of negligence if a student was injured. The participants felt the school system is responsible for ensuring playground equipment is safe for use and thus educators should not be held accountable. Participants felt that various stakeholders in the education profession must also take responsibility for their actions or inactivity and the concept of responsibility should not be defaulted to the educator beyond their training, expectations, or reality.

Fears and threats. Participants' fears of liability, but not necessarily their fears and threats of litigation and termination, may be reduced if participants had a better understanding of education law. Wagner (2008) asserted that "litigation fears influenced the attitudes and behaviors of teachers, principals, and university professors" (p. 11). This presents an

opportunity for further inquiry into the factors that may impact educators' education law realities. In reflection, even if an educator's beginning perspective or interpretation of anything begins and ends with a cognitive process, mitigating factors such as past experiences, existing or past relationships, the environment, and personality may have shaped their reality (Bandura, 2001). Training may have to stress that one's personal approach to a situation may not be the legal approach. The reality of an individual and the fact of a situation are not necessarily congruent, but there were small windows of consensus despite the various realities of the participants. The findings of the study open the possibility of discovering if various factors create the stage for a consensus of interpretations or if it is by chance. It is possible that similar realities may exist depending on the trajectory of one's experiences, observations, personality, and other unknown factors.

Decision-making processes. For the behavioral component of decision-making processes for this study, educational leadership, communication, documentation, and colleague support appear to be necessary options for an educator to legally navigate the education profession. On the other hand, in terms of cognition, personal attributes (morals and personality) or guidelines (school policy, protocol, and in-house policy), may be used to determine what actions are components mirroring cognitive dissonance (Chapanis & Chapanis, 1964). For example, if a teacher chose to contact a school counselor regarding bullying, a teacher may have seen an incident, news article, or received training that made that a requirement. The same could be said about a teacher avoiding confronting a colleague or administrator. One may have observed a teacher being scolded, or one's timid personality may create dissonance because the individual is not confrontational (Chapanis & Chapanis, 1964).

The decision-making processes discussed in the study suggest that many factors are involved when legally navigating the education profession beyond education law, even in the presence of education law training. The previously noted suggestion may not mean that an educator purposely breaks a law or is not aware of the law. Teachers' various cognitive processes and behavioral actions during the decision-making process could imply that, depending on the individual, the law is secondary to personal attributes such as morals or religion. In other words, what one deems the basis of cognitive dissonance could become the reason for cognitive dissonance (Chapanis & Chapanis, 1964), and subsequently, what contributes to the reasoning for decision-making. One would need to further investigate this topic. The results of the study suggest that it is the inner self that ultimately leads the decision-making process, although other cognitive processes may come into play at different levels of the decision-making process. The previously stated results may also suggest that some participants, in lieu of or in conjunction with their inner conflicts, may choose to follow established procedures in the education profession. In addition, although other cognitive components may have a primary role in participants' decision-making, participants may still take into consideration their physical environment based on factors such as the safety of the students; being aware of the nonverbal cues of their physical environment based on the behavior and attitudes of the students; and receiving support from the administrator, community, or other individuals who may influence the school system.

In addition to cognition, behavioral actions were also analyzed in the decision-making process. As administrator assistance was the most often used behavioral response to incidents in this study, the results suggest educator leaders must be prepared to assist their educators in legal incidents, as most teachers in the study sought their assistance, even if at the later stage of the

behavior component of their decision-making process. Educational leaders should be well-equipped to provide the best legal responses to situations that arise. Moreover, participants utilized an array of communication actions during this study; thus for participants, communication is an important component of resolving issues that may have legal foundations. The differentiation within communication suggests that certain appropriate communication actions may be effective in resolving an issue, depending on such factors as existing teacher-student-administrator relationships and trust. Colleague support was yet another action used to remedy incidents in the education profession. This illustrates that participants viewed the education system as a community that seeks the assistance of others to respond to various incidents. The importance of roles is evident, as the participants mentioned specific individuals who could rectify specific situations based on their perceived abilities. This would also suggest that these individuals (other colleagues) should be better prepared to respond to incidents legally and thus should be well-versed in education law to make sure the result of a decision continues to follow the policies, protocol, or law that have been established in the profession. This also suggests a decision-making process is, at times, interdependent, as the decision maker's various decisions are contingent on the expected decisions of others. Participants in this study also sought to contact external members of society regarding their incidents in the education profession. The results suggest that participants were willing to contact individuals beyond the immediate building and school district supervisors to rectify incidents in the education profession. In some cases, participants were willing to go beyond the school district and seek assistance from legal experts and utilize collective bargaining organizations such as unions and the church, but access to such individuals in this study were limited by region. This would suggest that there are limitations in external legal advocacy for educators, which could affect

perceptions of empowerment and access to justice. However, as some participants noted, existing political and personal relationships within the system could thwart the execution of certain procedures and policies, and access to external advocacy may not always result in a fair or ethical outcome. Finally, some participants used very distinctive actions to remedy incidents in the education profession, but one action, avoid conflict, was used among the participants in the study. Avoiding conflict was not exclusively related to personality, as the context of the action was also based on participants' individual approaches to a situation being serious or not serious or its impact on their professional functionality. It was more of a response of the individual than the initial thoughts of the individual.

Education law training. Finally, with regard to education law training, educators did support education law training for pre-service and in-service educators. I believe that if the participants did not believe education law training would increase education law knowledge or make a difference to their profession, they would have not supported the action of yet another course in a teacher preparation program or another professional development workshop during their educational career. This reflects Bandura's (2012) self-efficacy theory and concept of outcome expectancy (Bandura, 1977), as participants believe education law will enhance their ability to legally navigate the education profession. It is imperative to look at adult learning theories to further explore this component of the study in the future (Bruner & Bartlett, 2008; Chan, 2010).

Practical

The results of the study suggest educators support education law training for current and future educators. The results also demonstrate that some educators do not have a strong ability to apply education law in certain circumstances and that educators only have a basic

understanding of teacher rights, tort law, and various grounds for teacher dismissal. Most of the participants mainly completed professional development workshops as in-service teachers, a few teachers had a course or professional development workshops as a pre-service teacher, and some participants took courses both in education law and special education law. Despite participants' education law training, the results of the study suggest a more established, comprehensive, and structured education law training initiative is imperative for higher education institutions and school districts. As Werling (1986) asserted that a stand-alone unit within a course in education law is not enough to improve education law knowledge, higher education institutions may employ other course designs such as a course or seminar (Militello & Schimmel, 2008) opposed to a stand-alone unit. In addition, Bruner and Bartlett (2008), Joyner (1999), and O'Connor (1976) suggest using various methods such as role-playing, simulations, case studies, and class discussions to teach education law.

State teaching agencies, higher education institutions, and local school districts should take responsibility in ensuring educators acquire education law literacy (Imber, 2008; Littleton, 2008; Wagner, 2006). The practical implications of this study could begin at the federal level, although the federal government's role in the affairs of education is supposedly limited and responsibility is left to the states, but it is evident that there are exceptions. As the federal government is the ultimate leader, not necessarily the ultimate enforcer, I would suggest the Department of Education recommend that all states have educators literate in the law through the proper curriculum and instruction from the state level through higher education institutions and state-mandated testing policies. To follow the chain of the proposed responsibility, the individual state boards of education should require each higher education institution that provides state-approved teacher certification programs to institute a required education law

curriculum over the course of the education curriculum. The education law curriculum could be a blend of courses and professional development workshops that could adequately prepare teachers for a formal certification assessment in education law knowledge, which should be added to an existing assessment required for teacher certification. Higher education teacher faculty should be well versed in education law if they are to provide this training; thus, the higher education institution should hire a combination of lawyers and faculty that demonstrate a sufficient level of school law knowledge to provide these required courses and professional development workshops. Higher education institutions also have the option to adequately train their existing faculty or require they take a series of education law courses within a restricted period. Educators who are already certified should be required to take a series of education law courses and attend state-required training sessions that are specific, structured, and comprehensive over the course of a year or two and be required to complete an updated assessment that includes education law content for renewal certification similar to the content an aspiring educator would have to take for certification.

Educators should also take responsibility for their professional development and knowledge by joining unions and legal organizations, contacting lawyers, or engaging in research to continuously develop their knowledge of education law and to have a rebuttal or advocate if faced with a legal decision (Littleton, 2008). Finally, in agreement with Littleton's (2008) opinion that "school district personnel would be wise to provide periodic training on education law topics specific to the teaching environment" (p. 76), I also propose that school districts should have more comprehensive training regarding school policies to ensure educators are aware of the vast number of legal parameters that exist within the education profession. Imber (2008) suggests that "school districts or state certification agencies to develop interactive

online tutorials that teachers would be required to complete periodically” (p. 96) in order to “dispel the most pervasive and damaging teacher-held myths concerning education law” (p. 96). Similarly, I propose that school districts should also ensure educators are well versed in school policy by requiring a school district-based assessment. This assessment should occur on school grounds, include a pool of possible questions based on the school policy, and include an algorithm that randomly selects from the pool to deter any possibility of predictability. Wagner (2006) suggested the existing law-related education program (LRE) that exists in all 50 states that assists high school teachers teach law to students could be modified to teach educators various legal topics. McCarthy (2008) presented a design for an education law course, which included various assessments, activities, and presentations for students. Education law training may shift participants’ cognitions regarding education law, which may influence their perceptions and interpretations of education law, thus possibly dispelling litigation myths that exist in the education profession (Imber, 2008).

Empirical

The existing, current literature failed to adequately reveal or discuss the thoughts teachers have regarding education law, what experiences they have actually encountered as educators with possible legal entanglement outcomes, their decision-making processes, and their overall thoughts regarding education law training.

Perceptions and interpretations. The research conducted has implied that educators disagree with certain education laws, particularly those related to due process, insubordination, supervision, contracts, academic freedom, and religion. The research also implies that teachers’ interpretations of education law are based on what they deem to be their responsibility, others’ responsibility, and unrealistic responsibilities in the education profession. In addition, educators

believe that education law does not support educators or the education profession but places blame and punishes. Essentially, educators sense systemic or institutionalized disempowerment within the education profession. Education law training may assist educators understand the legal framework that governs the education profession, which may give educators a new perspective regarding the guidelines and procedures that govern the education profession.

Fears and threats. The study also drew attention to the fear and threats educators may face. The results of the study imply that educators do have some level of fear of being litigated but that this fear is not prevalent, which supports Zirkel's (2006) and Imber's (2008) beliefs that fears of litigation in the education profession are exaggerated. Another component of the study sought to discover whether educators had ever been threatened with litigation or termination, and the results implied the chances of being threatened to be litigated or terminated were not prevalent as well. Overall, participants had more fears of liability, which was a concept Holben (2009) proposed in a dissertation regarding fears of litigation and sustaining command in the school system. Education law training may reduce educators' fears of liability by providing various examples in which they can be held liable for their action or inaction.

Experiences. In conjunction with revealing any fears and threats of litigation and termination in various areas of education law, participants were also given the opportunity to reveal their experiences in the education profession. Participants shared their experiences, some of which were handled through various means such as conferences, documentation, and educational leadership support. Some participants, however, have had what I would call "critical incidents" that justified at least a legal or district-level inquiry or response, such as filing a grievance and civil claims. Essentially, participants encountered what Winchester (2009) called moral and legal dilemmas during their daily activities and responsibilities in the education

profession. Some participants were given an unfair evaluation, injured during student disputes, or threatened by students. Others had their items searched without a just cause or their authority dismissively undermined. Additionally, due to an administrator failing to follow protocol regarding teachers and students with weapons, one participant had to go to the police station personally to press charges against the student. These experiences could have influenced educators' perceptions and interpretations of education law. In addition, these experiences may also suggest a culture of abuse of power and authority and distrust, as there were incidents in which laws, protocol, and procedures were not followed even when they were known. This implies there should be more accountability for the leaders that govern the laws, rules, and regulations of the education profession. This also implies knowledge of education law, in some cases, may fail to make a difference. More studies in this area will need to be conducted to illustrate various perspectives of educators who made the right decision legally but may have been limited in the full execution of the laws by those in power.

Decision-making processes. Few studies investigated this the cognitive and behavioral decision-making component of education law, particularly in real-world situations in a variety of education law topics. The results of the study imply that, despite training in education law, educators may actually use more than education law to make their decisions. In fact, educators in this study mainly relied on personal attributes such as morals as opposed to guidelines such as school policy and protocol. More surprising, education law was rarely mentioned; however, what was protocol or school policy could be based on elements of education and special education law, but such an assertion would need to be investigated in future studies through document analysis and other data collection methods (Holben, 2009). Behaviorally, educators primarily relied on educational leadership support. Educators most relied on administrator

assistance, followed by communication, teacher-student conferences, and documentation. This implies that educational leaders should operate as legal leaders within the education environment, as educators not only look to them as instructional leaders but also as agents of legal advocacy (Imber, 2008). As past studies have illustrated that administrator support is an instrument in teacher turnover (Oster, 2007; Vierra, 2001), it is imperative that administrators enhance their knowledge of education law to become better leaders to assist and lead their educators and to provide a fair and just working environment.

Education law training. Finally, as most recommendations in past studies have supported educators receiving education law training (Brown, 2004; Delaney, 2009; Holben, 2009; McCartney, 1985; Mirabile, 2013; Moore, 1997; Paul, 2001; Schimmel & Militello, 2007; Wagner, 2006), this study actually asked educators their thoughts regarding education law training for future and current educators for initial and renewal certification. The results of this study illustrate that participants supported education law training. Participants in this study also shared they had new fears in selected areas such as fights, special education, and religion after being informed of the laws that exist in the education profession. Some changes participants stated they would make included being more careful, avoiding conflict, and increasing their documentation and communication practices. Finally, when sharing their thoughts regarding their teacher preparation programs, some participants perceived that their program did not prepare them well and could have done better, and they stated they received training through the district or just learned on the job. All the participants in this study agreed that they should have education law training, and, more specifically, noted how they wanted to be trained and what topics should be discussed during training, which included special education law, bullying, teachers' and students' rights, and playground safety. Finally, participants supported yearly

workshops to stay abreast of any changes in education law, which also brings in the state or school district to take responsibility for the continued education law training of educators.

The results of the study suggest educators should have an intricate role and voice in the decisions that affect their present and future in the education profession. As participants support education law training for current and future educators, higher education institutions and school districts should develop a partnership with future and current educators to investigate the needs of educators professionally and to ensure students have the most effective and productive learning environment. The aforementioned actions could reduce teacher turnover rates, increase the perception of organizational justice in the education profession, and clarify any misunderstandings educators may have regarding the laws that govern the education profession.

Delimitations and Limitations

Delimitations

A variety of delimitations exist in this study. The study was open to only K–12, in-service teachers who met the qualifications from any geographical region of the United States and not a particular school. Purposeful sampling was used to retrieve a sample of participants with at least one year of teaching experience. The participants were from public schools only, with and without education law professional development workshops, courses, or both, and with regard to race, grade level, and sex for a diverse number of participants in the study for cross-case analysis purposes. Due to the lack of regard in participant selection for age, gender, subject area, and geographical location, any generalizations to the population should be reviewed with caution. Finally, participants could not be retired teachers, private school teachers, acting administrators, pregnant, substitutes, teacher assistants, special education teachers, pre-service teachers, school counselors, non-English speakers, or career and technical educators.

I also incorporated Web 2.0 or 3.0 communication tools such as Skype, chat, email, Adobe Acrobat Document Cloud, and Google Forms to accommodate participants due to geographical constraints and convenience and for instant analysis and accessibility to data collection methods asynchronously. Most of the data collection process occurred via the World Wide Web, but participants were also engaged in an audio-recorded interview that mainly occurred over the phone and face-to-face. Telephone discussions and email were mainly used for follow-up questions and clarification of data. In addition, NVivo, a qualitative software program, assisted in the qualitative data analysis process. I also used a participant recruitment website and teachers' public email addresses from public school websites to access more diverse participants and reach data saturation. Finally, participants who met the eligibility criteria of this study and completed all components of the study received a Walmart gift card or PayPal payment for 25 dollars.

Limitations

As previously discussed in Chapter Three, a number of limitations were present in the study initially. As this was a qualitative study, although attempts were made to have literal and theoretical replication, this study is not a sample of a population and thus the results cannot be generalized for the entire teacher population. Multiple cases were employed in the study to provide an analysis of the phenomenon across a variety of cases (Johnson & Christensen, 2004; Yin, 2009). Furthermore, the study's data were based on the honesty of the participants and comfort level during the data collection process.

The study was open to the entire United States of America, including the District of Columbia, but ultimately, only five states were represented in the study and most of the participants (eight) came from the Southeast. The study had only one male participant, and there

were more African Americans than Caucasians. Of the participants in the study, six taught at the middle grade level, three taught at the elementary level, and two taught at the secondary level. All 11 participants had some form of education law training; thus, no comparisons were made between those educators who did not have any education law training and those that did. Some participants provided more in-depth information than others, although all participants provided adequate data for the study. In addition, participants' years of experience, teaching locations, and personal attributes may result in a diverse perspective, which was actually beneficial for the study. All teachers but one completed a traditional preparation program. One participant completed an alternative teacher preparation program. Only one participant in the study taught elective courses. The other participants taught core subject areas.

Recommendations for Future Research

Future research should include longitudinal studies that involve future educators receiving education law training or not receiving education law training before student teaching and investigating their experiences and decision-making processes as student teachers would be a great addition to the presented study. Another variation of the previous idea would be to follow first-year teachers who have had education law training and first-year teachers who have not received education law training to investigate their decision-making process and experiences. As Bruner and Bartlett (2008), Joyner (1999), and O'Connor (1976) suggested a plethora of pedagogical methods such as case method, technology, role-playing, and cooperative learning to teach an education law course during a pre-service education law program, future research should explore the effectiveness of such methods with various teachers from diverse backgrounds and certification levels. Effective methods for in-service professional development workshops would also need to be explored. Virtual K–12 educators, elective teachers, special

education teachers, school counselors, higher education faculty, nurses, substitutes, office personnel, assistant principals, and district-level administrators and directors would also need to be properly assessed about their education law knowledge, their decision-making processes, experiences, if any, and to what extent they would need to know education law in their respected fields.

Summary

The purpose of this collective case study, which used a qualitative approach, was to discover, describe, and understand 11 public, general, K–12 in-service teachers' knowledge, experiences, interpretations, and perceptions of education law and their critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as student bullying, fights, grades, students with disabilities, and teachers' and students' rights. Data were collected through interviews, vignettes, and a questionnaire from 11 participants. The data were analyzed using coding, finding patterns and themes, charts and matrices, and within- and cross-case analysis (Merriam, 1988; Miles & Huberman, 1994; Yin, 2009). Trustworthiness was also established through member checking, triangulation, thick description, and reflexivity (Creswell, 2013; Merriam, 1988; Yin, 2009). Findings in the study were that most educators disagreed with most of the laws in the study. Most participants in the study also interpreted the laws and instances of law as not being supportive of the educator or the education profession and as a question of responsibility. For participants in the study, decision-making processes involved both abstract and concrete actions, particularly things seen and unseen that are involved in making decisions. These include morals, educational leadership, and communication. Participants in this study had fears of liability; however, fears and threats of litigation and termination were not prevalent. Participants also supported a proactive versus a

reactive stance regarding operating within the legal parameters of their profession. This stance included supporting education law training for initial and renewal certification for future and current educators as well as a yearly workshop to stay abreast of changing education laws. Participants also wished to know more about education law topics such as special education, playground safety, teachers' rights, and benefits. Finally, participants did encounter experiences that may require a district-level or legal inquiry or response. The research implies that a more structured, comprehensive training model should be established for higher education institutions and school districts that may provide pre-service and in-service training. In addition, as education law training support exists among educators, federal, state, and educational policy leaders should answer the call for education law training to be adopted into education policy. Subsequently, higher education institutions should provide adequate education law curricula and instruction in their teacher preparation programs. Finally, school districts, with assistance from the state, should ensure their educators continue the journey of knowledge acquisition in education law by establishing effective professional development opportunities for educators.

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APPENDIX A

Institutional Review Board Approval

LIBERTY UNIVERSITY.
INSTITUTIONAL REVIEW BOARD

September 11, 2015

Mary Anne Jones

IRB Approval 2284.091115: An Investigation of Teachers' Knowledge, Experiences, Interpretations, and Perceptions of Education Law and their Decision-Making Processes during the Legal Navigation of the Education Profession: A Collective Case Study

Dear Mary,

We are pleased to inform you that your study has been approved by the Liberty IRB. This approval is extended to you for one year from the date provided above with your protocol number. If data collection proceeds past one year, or if you make changes in the methodology as it pertains to human subjects, you must submit an appropriate update form to the IRB. The forms for these cases were attached to your approval email.

Thank you for your cooperation with the IRB, and we wish you well with your research project.

Sincerely,

G. Michele Baker, MA, CIP
Administrative Chair of Institutional Research
The Graduate School

LIBERTY
UNIVERSITY.
Liberty University | Training Champions for Christ since 1971

APPENDIX B

Recruitment Scripts

There were various methods utilized in this study to recruit participants. The methods I will use to contact former colleagues, relatives, individuals in my community, and participants that meet the criteria for the study will include the telephone, email, chat, social media websites such as Facebook, LinkedIn, and Twitter, other websites from the World Wide Web, participant recruitment websites, organizations, teachers' public email addresses via public school websites, and face-to-face communication.

For web-based communication methods such as social media, participant recruitment websites, teachers' public email addresses via public school websites, chat, and email, a brief introduction followed by a link to the recruitment letter (see attachments) was sent or posted or the full recruitment letter may be displayed for viewing.

The introduction was the following: Are you aware of the laws that govern the teaching profession? Are you making the right decisions in the classroom to avoid or decrease the chances of litigation, termination, or a reprimand? Court cases, legislation, laws, and policies affect the teaching profession on a daily basis from instruction, liabilities, supervision, students' and teachers' rights, contracts, and discipline. My name is Mary Jones, and I am conducting a study entitled: An Investigation of Teachers' Knowledge, Experiences, Interpretations, and Perceptions of Education Law and Their Decision-Making Processes during the Legal Navigation of the Education Profession: A Collective Case Study. If you are a K–12, public, general educator with at least one year of teaching experience, please view the recruitment letter for more information about this study. Participants who meet the eligibility criteria of the proposed study and complete all components of the study will receive a Walmart Gift Card or PayPal payment in the amount of 25 dollars (\$25). Thank you in advance.

For telephone communication, the verbal script will read as follows:

Hello. My name is Mary Jones and I am conducting a study entitled: An Investigation of Teachers' Knowledge, Experiences, Interpretations, and Perceptions of Education Law and Their Decision-Making Processes during the Legal Navigation of the Education Profession: A Collective Case Study. Court cases, legislation, laws, and policies affect the teaching profession on a daily basis from instruction, liabilities, supervision, students' and teachers' rights, contracts, and discipline. Are you aware of these laws that govern the teaching profession? Are you making the right decisions in the classroom to avoid or decrease the chances of litigation, termination, or a reprimand? If you are a K–12, public, general educator with at least one year of teaching experience, I would like to discuss in detail the components of the study and send you a recruitment letter with further information. Participants who meet the eligibility criteria of the proposed study and complete all components of the study will receive a Walmart Gift Card or PayPal payment in the amount of 25 dollars (\$25). Thank you in advance.

For face-to-face communication, I will, in a conversational tone, paraphrase the following script:

Hello. My name is Mary Jones and I am conducting a study entitled: An Investigation of Teachers' Knowledge, Experiences, Interpretations, and Perceptions of Education Law and Their Decision-Making Processes during the Legal Navigation of the Education Profession: A Collective Case Study. Court cases, legislation, laws, and policies affect the teaching profession on a daily basis from instruction, liabilities, supervision, students' and teachers' rights, contracts, and discipline. Are you aware of these laws that govern the teaching profession? Are you making the right decisions in the classroom to avoid or decrease the chances of litigation, termination, or a reprimand? If you are a K–12, public, general, in-service educator in the United States of America with at least one year of teaching experience and are interested in knowing more about the proposed study, please take this recruitment letter, review it, and use the provided contact information if you have any questions. Participants who meet the eligibility criteria of the proposed study and complete all components of the study will receive a Walmart Gift Card or PayPal payment in the amount of 25 dollars (\$25).

APPENDIX C

Recruitment Letter

Date:

Dear Future Participant:

As a graduate student in the Graduate Education Program at Liberty University, I am conducting research as part of the requirements for a Doctor of Education in Curriculum and Instruction and to better understand - and its perceived effects on the education profession. The purpose of the research is to discover, describe, and understand public, general, K–12, in-service, teachers' perceived knowledge, experiences, interpretations, and perceptions of education law. In addition, the study will investigate teachers' decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as (a) student bullying, (b) fights, (c) grades, (d) students with disabilities, and (e) teachers' and students' rights. I am writing to invite you to participate in my study.

Participants who wish to complete my study must be public, K–12, general, in-service teachers with at least one year of teaching experience, with or without a course, professional development workshop, or both in education law. The term “general” to describe the possible participants in the study will refer to teachers who teach core (English, Mathematics, Science, Social Studies) or elective (Business Education, Physical Education, Art, Foreign Language, Music, Agriculture) courses. Participants cannot be retired teachers, private school teachers, acting administrators, pregnant, substitutes, teacher assistants, special education teachers, pre-service teachers, school counselors, non-English speakers, or career and technical educators.

If you are willing to participate, you are asked to review and sign an informed consent form, complete an audio-recorded interview face-to-face, over the phone, or via Skype and complete a questionnaire and vignettes (scenarios) via online through Google Forms. I will communicate with you via the telephone, email, chat, in person, Skype, or all the aforementioned methods for further clarification depending on your geographical location if further information is necessary for the completion of the study or if you have any questions. It should take approximately one to seven days for you to complete the data collection component of the study.

After data has been collected and during and after data analysis, participants was asked to review the analysis of their data to confirm the data reflects their thoughts and meaning. Some participants could complete the data collection portion in the study in one day but a week was given to accommodate all participants and the researcher. Your participation in this study is voluntary and confidential. Your email address and pseudonym was used to track your participation in the study when you complete the online data collection methods. Pseudonyms will be used to refer to you in the interview transcripts, during data analysis procedures, in the final report in the manuscript, and any future publications and presentations related to the study. **Participants who meet the eligibility criteria of the proposed study and complete all required components of the study will receive a Walmart Gift Card or PayPal payment in the amount of 25 dollars (\$25).**

If you are interested in the study, please complete the following procedures:

1. Write down my email address ([REDACTED]).
2. Using an email address preferably not associated with your employer, email the researcher at [REDACTED] stating you would be interested in the study and would like more information or you wish to participate in the study. After emailing the researcher, you may call her at [REDACTED] for any questions you may have about the study.
3. If after questions and confirmation you wish to participate in the study, I will email or give you an informed consent form, which, once signed and returned, allows you to participate in the study.
4. You will sign your official name on the document along with the date, scan it, attach it to an email, and send it to [REDACTED]. You also have the option of sending the informed consent form via the United States Postal Service, the Adobe Acrobat Document Cloud digital signature method, or providing the researcher a signed copy in person.
5. Once all the information concerning the study has been understood and the informed consent form has been signed and returned to the researcher, the researcher will contact you about the various data collection methods utilized in the study and provide you with the necessary information to complete the study.

Thank you for your time and patience. Please feel free to contact the researcher if you have any questions.

Sincerely,

Mary Anne Jones
Doctoral Candidate at Liberty University

[REDACTED]

Skype: [REDACTED]
[REDACTED]

APPENDIX D

Informed Consent Form

Consent Form adopted from Liberty University's Graduate Education Program

An Investigation of Teachers' Knowledge, Experiences, Interpretations, and Perceptions of
Education Law and Their Decision-Making Processes during the Legal Navigation of the
Education Profession: A Collective Case Study

Mary Jones
Liberty University
School of Education

You are invited to be in a research study about education and law. You were selected as a possible participant because you are a public, K–12, in-service, general educator who has taught within the education profession for at least one year, and you may or may not have participated in an education law course, professional development workshop, or both. The term “general” to describe possible participants in the study will refer to teachers who teach core (English, Mathematics, Science, Social Studies) or elective (Business Education, Physical Education, Art, Foreign Language, Music, Agriculture) courses. Participants cannot be retired teachers, private school teachers, acting administrators, pregnant, substitutes, teacher assistants, special education teachers, pre-service teachers, school counselors, non-English speakers, or career and technical educators. I ask that you read this form and ask any questions you may have before agreeing to be in the study.

This study is being conducted by Mary Anne Jones, a doctoral candidate in Liberty University's School of Education.

Background Information:

The purpose of this collective case study is to discover, describe, and understand 11, public, general, K–12, in-service, teachers' perceived knowledge, experiences, interpretations, and perceptions of education law. In addition, the study will investigate teachers' critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as (a) student bullying, (b) fights, (c) grades, (d) students with disabilities, and (e) teachers' and students' rights. Your participation in the study will assist the researcher in (a) providing a voice for educators, (b) informing curriculum designers and school districts about the necessity of proper training for in-service educators in education law, (c) supporting change for teacher education programs to include education law courses, professional development workshops, or both for initial certification for pre-service teachers, and (d) influencing education policy to require all practicing educators have education law professional development workshops, courses, or both to have a proactive stance against litigation.

Procedures:

Participants in this study will complete an interview, questionnaire, and vignettes over the course

of one to seven days. The audio-recorded interview can be completed in one hour. The vignettes and questionnaire will each take approximately one hour to complete. Participants should prepare to spend at least a total of two to three hours over the course of one to seven days completing the data collection component of the study, but some participants may take less time depending on their individual schedules and rate of completion of the data collection methods. Various data analysis techniques were used in the study to develop themes and explanations of the data and participants were asked to confirm that the data reflects their thoughts and meaning during and after data analysis. Once **all** aforementioned **and** required components of the study are completed, the participants will be compensated for their voluntary participation in the study.

If you agree to be in this study, I would ask you to do the following:

- Participants are being asked to complete an audio-recorded interview, a questionnaire, and vignettes. The questionnaire and vignettes will all be completed privately online via Google Forms. The interview may be completed via Skype, the telephone, or face-to-face and was audio-recorded and transcribed either by the researcher or a transcription service provider. Confidentiality was exercised and pseudonyms were used.
- Participants are being asked to provide a reliable email address to be used during the duration of the study for communication and the completion of the study. It is preferred that participants use an email account not associated with their employer.
- If necessary, participants are being asked to engage in further communication with the researcher based on the needs of the study such as clarification or more data. The communication options may include telephone, email, chat, voice over internet protocol such as Skype, or face-to-face communication.
- Participants are being asked to allow their data, with protective measures, such as pseudonyms opposed to their real names, locations, name of employment, etc., to be used in the final dissertation manuscript. The researcher may also utilize the results and components of the study for future publications and conferences, which includes, but is not limited to: magazines, journals, books, conferences, and professional development training and curriculum design courses.
- Confidentiality was exercised to the full extent of its capability before, during, and after the proposed study.
- Participants are being asked to keep the contents, responses, and the process of the study to themselves. Please do **not** share your activities in this study with anyone.
- Participants are being asked to be as thorough as possible during the collection of the data.
- Participants are being asked to designate at least one to seven days to complete the data collection component of the study. Future contact was necessary to ensure data interpretation and analysis reflect what the participants were trying to convey. The researcher will contact participants via email, chat, or face-to-face.
- Participants are being asked to delete all emails from the researcher when given clearance to do so.
- Participants are being asked to allow their interviews to be audio-recorded and transcribed either by the researcher or a transcription service.

Risks and Benefits of Being in the Study:

- The study involves minimal risks, which are no more than the participant would encounter in everyday life. There are no known risks associated with the proposed study. It is understood the participants was participating in the study as private citizens sharing their thoughts, experiences, perceptions, interpretations, and decision-making process on public issues of concern in the education profession and education law. Individual or personal attacks are not encouraged or permitted.
- As the proposed study benefits society, participants will not receive a direct benefit for their participation in the study.

Compensation:

Participants who meet the eligibility criteria of the proposed study **and** complete **all** components of the study will receive a Walmart Gift Card or PayPal payment in the amount of 25 dollars (\$25).

Confidentiality:

I will not include any information that will make it possible to identify a participant. Research records was stored securely and only the researcher and necessary individuals will have access to the official data records. For example, the researchers' committee members may wish to validate the data from the research. Due to the usage of online tools, although pseudonyms were used, the researcher will try to protect the identities of all participants within her reasonable abilities. Password protected technology and file access will have multiple layers of security to protect the data from unauthorized usage and access. The researcher will keep all notes, documents, emails, audio recordings, transcribed data, raw data, and all data collected via the questionnaire, interview, and vignettes in a secure location (file cabinet) under lock and key. In addition, the technology-based data was password protected on a secured laptop. At the conclusion of the study, the interview, questionnaire, and the vignette data and results, and any other documents and material utilized in the study was destroyed after three years. The researcher may utilize the results and components of the study for future publication which includes, but is not limited to: magazines, journals, books, conferences, and professional development training and curriculum design courses.

Voluntary Nature of the Study:

Participation in this study is voluntary. Your decision whether or not to participate will not affect your current or future relations with Liberty University. If you decide to participate, you are free to not answer any question or withdraw at any time without affecting those relationships.

How to Withdraw from the Study:

The participant may contact the researcher at [REDACTED] or at

_____ if he wishes to withdraw from the study. The participant does not have to state why he wishes to withdraw from the study. The researcher will end all contact and will delete the data provided by the former participant when given permission from the Institutional Review Board (IRB).

Contacts and Questions:

The researcher conducting this study is Mary Anne Jones. You may ask any questions you have. If you have questions later, you are encouraged to contact her at _____ or _____ . You may also contact Mary Jones' faculty advisor, Dr. Smith at _____.

If you have any questions or concerns regarding this study and would like to talk to someone other than the researcher(s), you are encouraged to contact the Institutional Review Board, 1971 University Blvd, Carter 134, Lynchburg, VA 24515 or email at irb@liberty.edu.

You was given a copy of this information to keep for your records.

Statement of Consent:

I have read and understood the above information. I have asked questions and have received answers (if applicable). I consent to participate in the study.

- Audio recordings
- Transcriptions
- Interviews
- Questionnaire
- Vignettes
- Web-based tools (Google Forms, etc.)
- Publications and Presentations
- Confidentiality
- And all other elements stated in the informed consent form.

By signing my name and date in the area below, this acts as my official signature for informed consent to participate in the proposed study and I agree with all the terms and information stated in the document for participation in the proposed study.

Signature: _____ Date: _____

Signature of Investigator: _____ Date: _____

APPENDIX E

Codes

Name	Participants	Sources	References	Description
1. Administrator Assistance	11	19	48	Decision-Making
2. Morals (Values, Beliefs, Ethics)	10	18	37	Decision-Making Process
3. Documentation	11	16	36	Decision-Making
4. Teacher-Student Conference	11	14	35	Decision-Making
5. Teacher Responsibility	8	20	32	Interpretation
6. School Policy	8	13	31	Decision-Making
7. Law	10	17	29	Decision-Making
8. Consequences or Reprimand	10	15	24	Interpretation
9. Administration-Teacher Conference or Conversation	9	12	24	Decision-Making
10. School Environment (Supervision, Classroom Management, Location)	8	8	21	Decision-Making Process
11. Unofficial Communication (Nodes)	7	7	20	Decision Making Process
12. Interpretation of No Responsibility	9	14	19	Interpretations
13. Protocol	8	12	19	Decision-Making
14. Separate Students	8	11	18	Decision-Making Process
15. Shared Responsibility	9	12	16	Interpretation
16. Unrealistic Responsibility	7	13	16	Interpretation
17. Main Office Contact	9	10	16	Decision-Making
18. Safety	8	9	14	Decision-Making Process
19. Parental Contact	8	10	14	Decision-Making Process
20. Interpretation of Profession Due to Laws	6	8	13	Interpretation
21. Guidance Counselor	6	9	12	Decision-Making
22. District Administrative Contact	6	7	12	Decision-Making
23. Blame Game	4	5	11	Interpretations
24. De-escalation	5	5	11	Decision-Making
25. Union	3	5	11	Decision-Making Process

26. Personality Determines Response	5	5	10	Decision-Making Process
27. Student Power	4	6	10	Interpretation
28. Colleague to Colleague Conference	7	7	10	Decision-Making
29. Consequences of for Noncompliance	3	4	9	Interpretation
30. Special Ed Liason, Director, or Coordinator Contact	5	6	8	Decision-Making Process
31. Parent Conference	4	5	8	Decision-Making Process
32. Parent Power	5	6	7	Interpretation
33. Verbal Reprimand	6	7	7	Decision-Making
34. Students Removed	5	5	7	Decision-Making
35. Avoid Conflict	7	7	7	Decision-Making
36. Change Teaching Jobs	4	6	7	Interpretations
37. Resource Officer	5	6	6	Decision-Making
38. Legal Assistance	4	4	5	Decision Making Process
39. Faculty or Staff Assistance	2	2	4	Decision-Making Process
40. Board of Education	2	2	4	Decision-Making
41. Isolate Student	3	3	4	Decision-Making Process
42. Research	2	2	3	Decision-Making
43. Extra Credit	2	2	3	Decision-Making
44. In - house Policy	2	2	3	Decision-Making Process
45. Religion	2	2	3	Decision-Making Process
46. School Disciplinarian	1	1	2	Decision-Making
47. Student Assistance	2	2	2	Decision-Making
48. Legal Organization	2	2	2	Decision-Making
49. Meeting (NO SPECIFICS)	2	2	2	Decision-Making Process
50. Grievance	1	1	2	Decision-Making Process
51. File a Complaint	1	1	2	Decision-Making Process
52. Close Proximity	1	1	1	Decision-Making
53. Seek a Witness	1	1	1	Decision-Making
54. Church Support or Contact	1	1	1	Decision-Making Process

55. Counter-Sue	1	1	1	Decision Making
56. Lock and Key Personal Items	1	1	1	Decision-Making Process
57. Ignore	1	1	1	Decision-Making Process
58. Communicate Problems to the School System	1	1	1	Decision-Making Process

APPENDIX F

Sample of Individual Participants' Codes

Annie

Name	Sources	References	Description
Protocol	3	8	Decision-Making
School Policy	2	6	Decision-Making
Teacher Responsibility	3	5	Interpretation
Administrator Assistance	1	5	Decision-Making
Documentation	2	4	Decision-Making
Morals (Values, Beliefs, Ethics)	2	3	Decision-Making Process
De-escalation	1	3	Decision-Making
Law	2	3	Decision-Making
Safety	1	2	Decision-Making Process
Administrator Non-Support	1	2	Interpretation
Interpretation of No Responsibility	1	2	Interpretations
Faculty or Staff Assistance	1	2	Decision-Making Process
District Administrative Contact	1	2	Decision-Making
Separate Students	1	2	Decision-Making Process
Parent Conference	2	2	Decision-Making Process
Administration-Teacher Conference or Conversation	2	2	Decision-Making Process
In - house Policy	1	2	Decision-Making Process
Shared Responsibility	1	1	Interpretation
Unrealistic Responsibility	1	1	Interpretation
Administrator Support	1	1	Interpretation
Consequences or Reprimand	1	1	Interpretation
Verbal Reprimand	1	1	Decision-Making
Seek a Witness	1	1	Decision-Making
Students Removed	1	1	Decision-Making
Avoid Conflict	1	1	Decision-Making
Teacher-Student Conference	1	1	Decision-Making
Main Office Contact	1	1	Decision-Making
Board of Education	1	1	Decision-Making
Parental Contact	1	1	Decision-Making Process

Ken

Name	Sources	References	Description
Interpretation of Profession Due to Laws	3	8	Interpretation
Administrator Assistance	2	7	Decision-Making
Shared Responsibility	3	5	Interpretation
Blame Game	1	4	Interpretations
Administration-Teacher Conference or Conversation	1	4	Decision-Making Process
Unrealistic Responsibility	2	3	Interpretation
District Administrative Contact	1	3	Decision-Making
Documentation	1	3	Decision-Making
Main Office Contact	1	3	Decision-Making
Separate Students	1	3	Decision-Making Process
Administrator Non-Support	1	2	Interpretation
Personality Determines Response	1	2	Decision-Making Process
Student Power	2	2	Interpretation
Consequences or Reprimand	2	2	Interpretation
Guidance Counselor	1	2	Decision-Making
Teacher-Student Conference	2	2	Decision-Making
Parent Power	1	1	Interpretation
Environment (Supervision, Classroom Management, Location)	1	1	Decision-Making Process
Morals (Values, Beliefs, Ethics)	1	1	Decision-Making Process
Verbal Reprimand	1	1	Decision-Making
Avoid Conflict	1	1	Decision-Making
Resource Officer	1	1	Decision-Making
Parental Contact	1	1	Decision-Making Process
Change Teaching Jobs	1	1	Interpretations
Special Ed Liaison, Director, or Coordinator Contact	1	1	Decision-Making Process
Unofficial Communication	1	1	Decision Making Process
Legal Assistance	1	1	Decision Making Process
Counter-Sue	1	1	Decision Making

Victoria

Name	Sources	References	Description
Union	2	5	Decision-Making Process
Teacher Responsibility	3	4	Interpretation
Interpretation of No Responsibility	2	4	Interpretations
Consequences or Reprimand	2	4	Interpretation
Separate Students	2	4	Decision-Making Process
Unrealistic Responsibility	2	3	Interpretation
Morals (Values, Beliefs, Ethics)	1	3	Decision-Making Process
Documentation	2	3	Decision-Making
Administrator Assistance	2	3	Decision-Making
Unofficial Communication (Nodes)	1	3	Decision Making Process
Consequences of for Noncompliance	1	2	Interpretation
Environment (Supervision, Classroom Management, Location)	1	2	Decision-Making Process
School Policy	2	2	Decision-Making
School Disciplinarian	1	2	Decision-Making
De-escalation	1	2	Decision-Making
Main Office Contact	1	2	Decision-Making
Special Ed Liaison, Director, or Coordinator Contact	1	2	Decision-Making Process
Safety	1	1	Decision-Making Process
Shared Responsibility	1	1	Interpretation
Parent Power	1	1	Interpretation
Protocol	1	1	Decision-Making
Avoid Conflict	1	1	Decision-Making
Extra Credit	1	1	Decision-Making
Teacher-Student Conference	1	1	Decision-Making
Interpretation of Profession Due to Laws	1	1	Interpretation
Isolate Student	1	1	Decision-Making Process
Ignore	1	1	Decision-Making Process
Law	1	1	Decision-Making Process

APPENDIX G

Perception Chart

	Supervision Negligence 1 (V)	Bullying 2 (V)	1st Amend (POA) 3 (V)	Acad. Free, Insubordination 4 (V)	Supervision Negligence 5 (V)
PARTICIPANT					
Alyssa					
Annie					
Ern					
Ken					
Patsy					
Ruby					
Susan					
Victoria					
Esperanza					
Esther					
Miss C					
PARTICIPANT	Assault 1a (Q)	Negligence 1b	Insubordination 1c (Q)	Contract 1d (Q)	Due process 1d (Q)
Alyssa					
Annie					
Ern					
Ken					
Patsy					
Ruby					
Susan					
Victoria					
Esperanza					
Esther					
Miss C					
PARTICIPANT	Contracts 1 E (Q)	Academic Freedom 1E (Q)	1st Amend (Speech) 1f (Q)	Contracts 1g (Q)	Special Ed (discipline) 1H
Alyssa					
Annie					
Ern					
Ken					
Patsy					
Ruby					
Susan					
Victoria					
Esperanza					
Esther					
Miss C					

APPENDIX H

Decision-Making Chart for Each School Law Area

Participant

Student Bullying

Harassment

Academic Freedom

Supervision

Grades

Search (Teacher)

Discrimination

Fights

Evaluation

Search and Seizure (Student)

Students with Disabilities

First Amendment & Religion

Master Data Matrix

[illegible]

APPENDIX J

Sample of Code Definitions

Codes	Definition
Verbal Reprimand	When a teacher makes a statement that he/she verbally told the students to not do a certain action.
Close Proximity	When a teacher makes a statement that he/she moved close to a student for observation or classroom management purposes.
Research	When a teacher conducts a form of inquiry to determine his/her rights when faced with an issue.
Protocol	When a teacher uses the term “protocol” to refer to a process of actions or refers to a “chain of command”
Guidance Counselor	The individual one calls to assist students with emotional problems or when protocol or law requires guidance counselor notification.
School Policy	Used to refer to method educators use to complete a required action, usage of the term “policy”, reference to “school district” “IEP”
District Administrative Contact	Contacted the school district office for the superintendent, etc.
Students Removed	When a teacher makes the decision to remove students from a classroom who have nothing to do with an incident
Colleague to Colleague Conference	When a teacher decides to communicate with a colleague about an issue outside of the administrator, or other stakeholders in a school system.
School Disciplinarian	A term used by a teacher to refer to a designated individual that disciplines students when an issue arises
De-escalation	When a teacher tries to decrease the possibility of an issue arising or one that is in progress from getting worse than it already is.

Documentation	When a teacher uses physical evidence to support an action or to show evidence of an action being completed.
Administrator Assistance	When a teacher contacts or states administrator assistance or notification for an action.
Teacher -Student Conference	When a teacher states that he/she has a talk or conversation with a student about an issue or situation.
Union Rep	When a teacher wants to contact or refer a situation their union through a union representative.
Lawyer	When a teacher specifically states they will contact a lawyer to remedy a situation that may allot a legal remedy.
Laws	When a teacher uses legal jargon to remedy a situation that may allot a legal remedy.
Parent Power	When a parent appears to exercise the power to affect the decisions of a teacher directly or indirectly. When parents make suggestions to the administration.
Student Power	When a student appears to be aware of the laws that govern the teacher profession and use them to their advantage and/or when a student complains about a grade and gets their way or causes a stir.
Administrative Pressure	When the administrator makes requests or commands for a teacher to provide students opportunities and advantages outside of what is normal which can include grades or curriculum.
School Environment	The school environment affects the response. Also when classroom management and supervision are mentioned to remedy issues or demonstrate that effective supervision of students are part of the decision-making process.

APPENDIX K

Themes

- **Interpretations**
 - *Theme: Educators Accept, Deny, or Share Responsibility Depending on the Law*
 - Teacher Responsibility
 - Interpretation of No Responsibility
 - Unrealistic Responsibility
 - Shared Responsibility
 - *Theme: Education Law is More of a System of Blame and Punishment than Protection and Support*
 - Consequences or Reprimands
 - Interpretation of Profession Due to Laws
 - Parent Power
 - Student Power
 - Change Teaching Jobs
 - Consequences for Noncompliance
- **Decision-Making Process**
 - *Theme: Educators use an Eclectic Approach When Cognitively and Behaviorally Making Legal Decisions in the Education Profession*
 - **Cognitive**
 - **Personal Attributes**
 - Morals
 - Personality
 - **Guidelines**
 - School Policy
 - In-house Policy
 - Protocol
 - Law
 - **Environment**
 - School Environment
 - Safety
 - **Behavioral**
 - **Communication**
 - Teacher-student conferences
 - Colleague to Colleague Conferences
 - Parent Conferences
 - Administrator-Teacher Conferences or Communication
 - Parental Contact
 - Unofficial Communication
 - Main Office Contact
 - Meeting (No Specifics)

- **Educational Leadership**
 - Administrator Assistance
 - District Administration Contact
- **Evidence**
 - Documentation
- **Colleague Support**
 - Guidance Counselor
 - Resource Officer
 - Special Education Liaison
 - Faculty or Staff Assistance
 - School Disciplinarian
- **In-House Regimen**
 - Separate Students
 - Verbal Reprimand
 - Students Removed
 - De-escalation
 - Isolate Students
 - Extra Credit
 - Student Assistance
 - Close Proximity
- **External Advocacy**
 - Union
 - Legal Assistance
 - Board of Education
 - Legal Organization
 - External Assistance
 - Church Support or Contact
- **Personal Educator Actions**
 - File A Complaint
 - Communicate Problems to School System
 - Grievance
 - Counter-Sue
 - Lock and Key Personal Items
 - Research
 - Seek a Witness
 - Ignore
 - Avoid Conflict
 - Religion

APPENDIX L

Organization Permission Letter

Date:

To Whom It May Concern:

As a graduate student in the School of Education at Liberty University, I am conducting research as part of the requirements for a Doctor of Education in Curriculum and Instruction. The title of my research project is: An Investigation of Teachers' Knowledge, Experiences, Interpretations, and Perceptions of Education Law and Their Decision-Making Processes during the Legal Navigation of the Education Profession: A Collective Case Study. The purpose of my research is to discover, describe, and understand public, general, K–12, in-service, teachers' perceived knowledge, experiences, interpretations, and perceptions of education law. In addition, the study will investigate teachers' critical decision-making processes during their daily activities and responsibilities in the education profession in selected areas such as (a) student bullying, (b) fights, (c) grades, (d) students with disabilities, and (e) teachers' and students' rights.

I am writing to request your permission to utilize your membership list from your organization to contact and invite members via email to participate in my research study. After reading a brief overview of the study, participants was asked to view a recruitment letter via a provided link, follow the instructions if they are interested in the study, sign an informed consent form, contact me to schedule an audio-recorded interview, and complete vignettes and a questionnaire online. After data collection and during and after analysis, participants will review and confirm their data to ensure it properly reflects their thoughts and meanings.

The data were used to (a) provide a voice for educators, (b) inform curriculum designers and school districts about the necessity of proper training for in-service educators in education law, (c) support change for teacher education programs to include education law courses, professional development workshops, or both for initial certification for pre-service teachers, and (d) influence education policy to require all practicing educators have education law professional development workshops, courses, or both to have a proactive stance against litigation.

Participants who meet the eligibility criteria of the proposed study **and** complete **all** components of the study as outlined in the informed consent form will receive a Walmart Gift Card or PayPal payment in the amount of 25 dollars (\$25). Participants were presented with informed consent information prior to participating. Taking part in this study is completely voluntary, and participants are welcome to discontinue participation at any time. Thank you for considering my request. If you choose to grant permission, please provide a signed statement on approved letterhead indicating your approval and respond by email to dissertationedlawresearch@gmail.com, attaching the signed document.

Sincerely,
Mary Anne Jones

