


Spring 5-6-2012

# Examining Pre Service Teacher Knowledge of Student Rights and Tort Liability

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## Recommended Citation

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**Examining Pre Service Teacher Knowledge of Student  
Rights and Tort Liability**

**Alexi Wiemer**

**Honors Thesis**

**Neag School of Education**

**University of Connecticut**

**May 2012**

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### **ACKNOWLEDGEMENTS**

I would like to thank every student who took the time to complete my survey along with the gracious professors in the Neag School of Education who were kind enough to let me administer my study during their class time. I would specifically like to thank Catherine Little for the endless amount of support I received from her when writing my Review of Literature. Furthermore, this entire project would not have been possible without the guidance, expertise, and encouragement from my thesis advisor Del Siegle. Lastly, I would like to thank my parents and two brothers for their continuous support throughout my undergraduate career.

### **ABSTRACT**

This study explored how knowledgeable pre service teachers in the Neag School of Education at the University of Connecticut were in the field of student rights and tort liability. This field has grown in importance due to a recent increase in student lawsuits and the expectations that teachers know these laws when they become certified. A total of 183 students were given a survey in their education classes with 27 statements of famous misconceptions about student rights and tort liability. Students were asked to determine if these statements were true or false and how confident they were in their answer. The average percentage of correctly answered questions for student rights and tort liability was 59.15% and 50.27% respectively. There was no statistically significant difference for questions answered correctly based on differences in gender, major, or class standing. A total of 54% of students surveyed cited the Neag School of Education as their most common source of legal knowledge.

## CHAPTER ONE

### REVIEW OF LITERATURE

Numerous studies support the importance of pre service teachers having knowledge of education law. Two specific subcategories of education law that are specifically relevant for teachers are tort liability and student rights. Connecticut's Teacher Certification Regulations highlight student rights under Sec.10-145d-400a stating that teachers must "recognize, respect, and uphold the dignity and worth of students as individual human beings, and therefore deal justly and considerately with students" (Department of Education Certification Regulations 2010, p. 6). This legal responsibility mandates that teachers are expected by the state to be knowledgeable of such student rights to avoid accidental infringements. Moreover, these same regulations outline how teachers can be held professionally accountable if they "engage in any misconduct which would put a student at risk" (Department of Education Certification Regulations 2010, p. 7). Due to this accountability, there is a strong incentive for teachers to inform themselves on tort liability in order to protect themselves.

Sametz, McLoughlin and Streib (1983) suggested that teachers had three distinct reasons to possess knowledge on education law. First, "teachers need to be mindful of these relevant laws in order to be effective professionals, and it is their duty to do so" (p. 10). This idea is reflected in the Connecticut Certification Regulation quoted above; teachers are legally expected to know the law and how it affects them. Sametz et al.'s second reason emphasizes a particular aspect of education law noting how "children's rights were particularly focused on because a teacher's main responsibility deals with children" (p. 10). Due to the nature of teaching, teachers are often in a position of power over children. Because of the children's young age, teachers need to be aware of boundaries and rights concerning this population and not overstep them.

Sametz et al.'s last reason stated that "parents of students are likely to be knowledgeable in the rights of the child and likely to respond with litigation, if they feel those rights have been violated" (p. 10). Lupini and Zirkel determine that, in terms of lawsuits made by students, there was a statistically significant difference between "the overall outcomes of reported, or published, education court decisions from the mid 1970s and those from the mid 1990s" (p. 258). The study used a Westlaw database (a legal document archive) to determine that there were 1,794 educational law decisions on record from 1974-1976. From 1994-1996, there were 1,845 legal decisions related to education. It was determined this given population would correlate to a representative sample of 635 cases or 17.4% of the target population. This representative sample consisted of 317 cases (82 federal, 235 state) from 1974-1976, and 318 cases (94 federal, 224 state) from 1994-1996. The results of this study determined that in the mid 1970s range, 160 cases completely favored school authorities, 48 cases largely but inconclusively favored school authorities, and 81 cases were against school authorities. In the mid 1990s range, 179 cases completely favored school authorities, 50 cases largely but inconclusively favored school authorities, and 64 cases were against school authorities. A notable point in the analysis is that there was an increase from the mid 1970s to the mid 1990s in lawsuits made by students, as indicated by increase of suits from 37 cases to 73. Although the study concluded that educational litigation is not on the rise, the high increase in student lawsuits should be mentioned as possible motivational tool for teachers to be knowledgeable of education law.

The Lupini and Zirkel (2003) study essentially concludes that while general education litigation may not be on the rise, there is a newfound emphasis on the importance of student rights. This indicates how parents are more willing to protect their children through any means necessary even if it means suing, which is stated as Sametz et al.'s third reason. It is important to

note that there were several limitations to this study due to the fact that representative sampling was used and that only a 3-year span was chosen in each decade. Also it would be interesting to see whether this trend has continued or changed based on a 3-year span of educational cases from 2004-2006, since the study is outdated.

Wagner's (2006) research also strengthens Sametz et al.'s argument that teachers are worried about possible litigation. The study found liability insurance claims had increased by 25% from 1995-2000 according to the Forrest T. Jones and Company Inc. (the third largest teacher insurance provider). As of 2007, teachers paid \$136 annually for this liability coverage. Moreover, Wagner mentioned a survey conducted by the American Federation of Teachers that showed that liability protection ranked third among desired benefits for teachers. Wagner concluded that less than 2% of teachers and principals surveyed had been sued as an educator by a parent or student. What is interesting to note is 27% of teachers and 36% of principals knew of another person who had been sued as an educator. This trend coincides with Lupini and Zirkel's (2003) earlier argument that education litigation was in fact declining. The fact that over a quarter of the population surveyed knew of a professional within the field of education that had faced litigation implies that this is still an area of concern for teachers. This high association rate also indicates that there is still a need for teachers to be aware of tort liability and student rights to potentially protect themselves in a courtroom. According to the population surveyed by Wagner (2006), the top three most significant legal issues in education were: desegregation, employment discrimination, and liability insurance. Lastly, the population surveyed chose the following legal topics as being the most important to teach in an undergraduate class: child abuse reporting, special education, discipline policies, and No Child Left Behind. According to Wagner's survey, two of the three most significant legal issues in education pertained to student



rights (desegregation) and tort liability (liability insurance). Three of the four most important legal topics to teach in an undergraduate class (excluding No Child Left Behind) also dealt with the right of students, indicating a clear emphasis on these two subcategories of educational law.

Despite this emphasis on education law, Gullatt and Tollett (1995) suggested that the vast majority of teachers are misinformed. In the literature review of their study, the authors noted there are around 10,000 suits filed against educators on a yearly basis. One third of those suits will be settled out of court due to the fact that the educator defendant was clearly wrong in his or her actions. Another third of these yearly 10,000 suits will be thrown out of court, since there is not enough evidence to support the plaintiff's case. This means that approximately 3,500 lawsuits a year actually go on to a trial concerning school educators. These 3,500 lawsuits are yet another of many incentives for teachers to become familiar with education law. However, despite all of the reasons provided above, Gullatt and Tollett's study indicates that 95% of the teachers surveyed had not taken a course in school law for their undergraduate career. Furthermore, Gullatt and Tollett reported that current Louisiana preparatory programs only require students pursuing careers in educational administration or supervision to include at least one course in education law (p. 32). The authors of the study also found few teacher preparatory programs in the United States actually have education law listed as a required course (p. 32).

Bounds (2000) surveyed Mississippi educators and prospective educators' knowledge of school law as it relates to selected components of student rights and tort liability to "determine if select teacher programs in Mississippi prepare their students with knowledge necessary to protect them from the litigation process" (p. 71) and if "total years of experience, and level and type of certification is related to an educator's knowledge of school law" (p. 71). The instrument used for this study was a 41-item questionnaire titled Educator's Knowledge of School Law Survey.

The six components that were studied for school law were corporal punishment, religion, freedom of speech and expression, search and seizure, due process, and tort liability. The questionnaire was first given to principals, who in turn gave it to the teachers in their school. A total of 389 student teachers from Jackson State University, University of Mississippi, and University of Southern Mississippi participated in the questionnaire, along with 1,100 teachers. Lastly, 40 principals and superintendents also took the survey. This questionnaire was given out during the 1999-2000-school term.

The results of this study found that the highest mean for correctly answered questions was 80.46% in regards to tort liability, with all populations (student teachers, teachers, principals, superintendents) scoring the highest in this category. The lowest knowledge scores were in due process with a 48.24% mean rate, followed by religion (52.53% mean), and search and seizure (58.02% mean). Moreover, the study found that there was a significant difference between groups of teachers, as defined by years of experience and certification level, in regards to knowledge of school law. The study concluded that educators were more likely to correctly know information about school law if they had more experience in education or had higher levels of certification. The 80.46% for correctly answered questions in tort liability is high when compared to other studies. This high score might suggest that the vast majority of pre service teachers are competent in their knowledge of tort liability and there is little need to give this subject additional emphasis. Other researchers argue against this point however. The Bounds (2000) study also found that pre service teachers struggled the most with due process, religion and search seizure. All of those topics are related to student's rights. It is also important to note that the sample surveyed answered more questions correctly if they had more experiences in education or a higher certification level. It appears teachers are more likely to gain knowledge of

student rights as they accumulate experience. This is worrisome for the incoming new teachers, since this study indicates that they are more at risk. Moreover, the National Center for Education Statistics estimates that there will be a 10% increase (6.4 million) in the teacher workforce between 2005 and 2017. Due to this foreseen increase there will be a larger representation of this at risk group of new teachers, which can potentially lead to more teachers being sued for tort liability and student rights violations.

Enteen (1999) disputes Bounds' claim that knowledge of school law is associated with years of experience and level of certification. The instrument used for Enteen's study was a 22-question, scenario-based survey that covered Supreme Court decisions in the field of education from 1938 to 1994. A total of 420 elementary school teachers were sent the survey and 309 responded, giving the survey a response rate of 77%. The survey given to the teachers had an overall legal knowledge correct rate of 53%, with scores ranging from 18%-82%. The knowledge score results were further divided into four categories: years of teaching experience, whether or not the teacher had taken a law course in his or her undergraduate career, college degree held, and if the teacher had ever held any administrative role. The results of the survey showed that teachers who had taught for 3 years or less performed just as well as their teachers who had 4 years or more of experience, with a knowledge score rate of 46% and 53% respectively. Moreover, whether the teacher had taken a law course or not, both group's average score was a 53%. Lastly, even teachers that had a Master's degree did not outperform those that had a Bachelor's degree, since both groups also had a knowledge score average of 53%. Some limitations to this study are that it is slightly outdated since it was administered in 1999. Moreover, the study focused only on Supreme Court cases, which do not exclusively deal with student rights or tort liability.

One of the studies that contradict Enteen's (1999) findings is Reglin's (1992) study of principals, assistant principals, and teachers' awareness of selected legal decisions rendered by the Supreme Court that affected daily operations of public school. The sampling of this study was impressive, with the study's survey being distributed to all 200 high schools in South Carolina in 1988. The survey had an 82% response rate with 290 educators responding. Of that total, 64% were teachers (184), 21% were assistant principals (63), and 14% were principals (43). The survey was mailed to the home of every principal in South Carolina, who was then instructed to randomly select two assistant principals and five teachers. Of the schools that responded to the survey, 14% were from a suburban area (40), 20% were suburban (59), and 66% were rural (190). The instrument used in this study had 15 items. The instrument was tested through the test-retest method, and had a reliability coefficient of .87. Topics that were covered on the instrument included prayer, Bible reading, student rights, teacher rights, handicapped students, corporal punishment, student tracking, exit examinations, and school finance.

The results of the Reglin (1992) study concluded that 8 of the 15 total questions were answered correctly by at least 80% of educators. The topics in these questions included racial segregation, school newspapers, rights of handicapped students, student suspensions, tracking, and exit examinations. One question, concerning whether in-school punishments for out-of-school offenses were legal or not only had a 51% correct rate. This should be worrisome, since this study suggests that teachers only know about half of the major Supreme Court cases that have impacted their profession. Moreover, not knowing any one of these cases could have legal repercussions on a teacher, so the fact that there are seven relatively unknown court decisions is alarming. These results reinforce the argument that teacher knowledge is seriously lacking for educational law.

Schimmel and Militello's (2007) study also contradicts Enteen's (1999) findings and supports the arguments of Bounds (2000) and Reglin (1992). This study was conducted recently and mentioned in its literature review that there has only been one other multi-state study about teachers and educational law that is not a dissertation. This study sampled 1,317 teachers from 17 different states in several regions of the United States. The survey was sent to different principals who would then ask their teachers to complete it. The principals chosen had expressed specific interest in educational law education among their faculty and planned to discuss the results with their staff.

The results for this study conclude that 75% of the teachers surveyed had never taken an undergraduate educational law course. Moreover, 50% of the teachers surveyed were either misinformed or uninformed about student rights. The average score on the student rights section was a 41%, while the teacher rights section had an average score of 39%. Another 65% of teachers surveyed stated that they learned their educational law information from other teachers. The level of legal training was positively correlated to knowledge scores, while participants' level of interest was negatively correlated to knowledge scores. The teachers that scored the highest were the ones that had taken a course on law while teaching, with the second highest scoring group being teachers who had taken an undergraduate educational law course. Lastly, high school and middle school teachers performed significantly better on their knowledge scores than elementary school teachers.

The Schimmel and Militello (2007) study revealed how pre service teachers across the country were significantly lacking in their knowledge of student rights and tort liability. The study also suggested that pre service teachers scored so poorly on the questionnaire due to the fact that 75% of them had never taken an education law class. This suggests a solution to the

problem of lack of knowledge. If pre service teachers are able to enter the profession with current legal knowledge, it might significantly decrease teacher lawsuits. Despite this possible solution, teacher preparatory programs have received little pressure to change their curriculum (Gajda, 2008).

In 2008 Gajda published the results of a web-based survey that was given to all 50 states. Each state's respective teacher certification bureau specialist was contacted and asked to take the survey. The survey was divided into three different sections. The most important part of the first section of the survey was that it asked whether the state mandated that teacher candidates take a course in school law to become licensed. The second section asked whether the state was required to report whether their standards required teachers to explicitly address and be aware of 11 educational law domains. The third section asked whether the state licensure exams required teacher candidates to have knowledge on each of these domains.

Special education law was most often cited as being explicitly addressed by state standards at 47%, followed by abuse and neglect at 31%. The least cited domains were liability regarding student injuries and academic freedom, which according to Schimmel and Militello (2007) "75% of teachers reported being most interested in knowing more about" (p. 282). Gajda (2008) noted that only one state required a course in law (Nevada) and approximately half of the states did not have licensing standards that address school law. Gajda argued that while it was true that there is a lack of emphasis on educational law within teacher preparatory programs, the state is also responsible for this lack of knowledge. The researchers noted that states are in a position of power due to the fact that each state determines its own teaching certification criteria. Therefore, if teacher preparatory programs are expected to make changes within their

curriculum, the state should recommend such a change by adjusting its licensure examinations accordingly.

Connecticut's Certification Regulations and Sametz et al.'s three reasons why teachers need to be knowledgeable in educational law clearly suggest that this is an issue within education. Studies by Lupini and Zirkel (2003), Wagner (2006), and Gullatt and Tollett (1995) also support the claim that teacher lawsuits do occur and more importantly, that this causes teachers to worry about potentially being sued. Although Enteen (1999) slightly contradicted these claims, Bounds (2000), Reglin (1992), and Schimmel and Militello (2007) provide evidence showing that the current amount of knowledge of education law (with a specific emphasis on Supreme Court cases, student rights, and tort liability) was insufficient. Moreover, these aforementioned researchers suspected that if teacher preparatory programs mandated education law undergraduate classes, this lack of knowledge would decline. Gajda (2008) charged that states have done little to motivate teacher education programs into change, and that education law does not seem high on any state's political agenda, despite its potential consequences.

This chapter described all of the relevant studies that have been conducted about pre service teacher knowledge of education law specifically concerning student rights and tort liability. The next chapter details the sample, procedure, and survey used for this study.

## CHAPTER TWO

### METHODOLOGY AND PROCEDURES

This study examined Neag School of Education students' knowledge of student rights and tort liability. In this chapter, details of the sample, procedure, and survey used are described. The results are presented in Chapter 3.

#### **Subjects**

The Neag School of Education is a college within the University of Connecticut located in Storrs, Connecticut. The Neag School of Education hosts 10 centers and four labs including two national research centers funded by the U.S. Department of Education: the National Research Center for Gifted Education and Talent Development and the Technical Assistance Center for Positive Behavioral Interventions and Supports. *U.S. World and News Report* ranked the Neag School of Education as the #1 public graduate school of education in the Northeast and 20<sup>th</sup> among all public schools. Two programs were ranked in the top 20: Elementary Education (18) and Special Education (15). The Neag School of Education employs 46 full time faculty members and has 1,347 students currently enrolled in their program.

The Integrated Bachelor's and Master's (IB/M) Teacher Preparation Program within the Neag School of Education is one of the college's most famous program. The IB/M program is "a rigorous, well-planned program designed to provide students an optimum combination of experiences in which they can build content area knowledge, knowledge of teaching and learning, and the practical knowledge required to be a successful and effective teacher for all students" (Neag School of Education 2010 p. 1). After students receive their Bachelor of Science in Education from the Neag School of Education, they complete their Master of Science in Education the following year. Prospective education students within the University of



Connecticut apply to the IB/M program after completing 54 credits, and only “up to fifteen of the most qualified applicants in each teaching program are admitted annually with the exception of forty in Elementary Education and twenty in Comprehensive Special Education” (Neag School of Education 2010 p. 1). The Neag School of Education recognizes the competitiveness of the program by stating that admitted “applicants generally have completed Connecticut’s essential skills testing requirement, have participated in successful interviews with faculty, have accumulated sufficient experience working with children, have written acceptable essays, and have earned the most competitive cumulative grade point averages” (Neag School of Education 2010 p. 1). Within the IB/M program there are currently 143 students with junior class standing, 125 students with senior class standing, and 110 students with master’s year class. Around 36% of students in the IB/M program are male and 64% are female. According to career data posted by the Neag School of Education “165 out of 166 school districts in Connecticut employed Neag School alumni in 2009-2010 and Connecticut schools employed a total 3,090 Neag School alumni in 2009-2010”

All students surveyed for this study were enrolled in the Neag School of Education Integrated Bachelor and Master’s Program at the University of Connecticut. A total of 183 students were surveyed. From this sample 37 students were male and 146 students were female. A total of 70 students described themselves as Elementary Education majors, 23 students described themselves as Special Education majors, and 90 students described themselves as Secondary Education. Of the 183 students surveyed, a total of 101 students had a junior class standing, 62 students had a senior class standing, and 20 students had a master’s year standing.

## **Procedures**

The researcher approached the respective instructors of EPSY 3010 (Educational Psychology), EPSY 4015 (Assessment of Learning), and EDCI 5092 (Practicum) with the possibility of surveying their class with an IRB approved survey about student rights and tort liability. Each of the three classes were mandatory for juniors, seniors, and master's years respectively. After the lecture ended for each class, the option was given to participate in this study. A survey was distributed with the information sheet attached that explained the study (See Appendix A and B). The study was orally explained while the survey was being distributed within the lecture hall. Students that were interested in participating in the study were then asked to complete the survey. Students were told they were not required to complete this survey, with the researcher clearly stating that anyone could walk out of the room at any time if they wished to stop participating or not participate at all. Students were also told to remove and keep the information attached to the survey for their own records. Students that did not wish to participate were instructed to leave the survey blank. An explanation was provided to the students on the proper way of filling out the survey to avoid any misunderstandings. The proper way of filling out the survey was to put one check mark in either a true or false box for each statement, depending on whether students thought the statement was true or not. For that same statement students were also instructed to circle one of three options: *Confident*, *Unsure*, or *Not Confident* depending on how confident they felt about their answer. Lastly, students were instructed to put their completed survey in a box in the back of the classroom as they left class, as to maintain a level of confidentiality. The same process was repeated for the second sample of all senior year Neag School of Education students as well as the third sample of all master's year Neag School of Education students. The only difference between each sample is that the survey was distributed in a different class depending on the class standing. Since there were 15 different

sections of the EDCI 5092 Practicum, only 20 master's year students could be surveyed. This was partly due to conflicting schedules from the various professors and due to the high amount of material covered in that class, which often left no extra time to administer the survey.

### **Instrumentation**

The first part of the survey included 27 statements that dealt with different aspects of student rights and tort liability. Students were asked to determine whether they thought each statement was true or false by putting a checkmark in the appropriate box. To analyze these responses, every correct answer was given a 1, while every incorrect answer was given a 0. After each statement students were also told to put a checkmark in one of three choices (*Not Confident*, *Unsure*, *Confident*) to indicate how confident they were in their answer choice. A three point Likert scale was used to analyze these responses with 1= *Not Confident*, 2= *Unsure*, 3= *Confident*.

The second part of the survey asked for general background information. On Question 1 students were asked about their gender. Male students were given a score of 1 and female students were given a score of 2. For Question 2 students were asked about their class standing. Junior students were scored as 1, senior students were scored as 2, and master's year students were scored as 3. For Question 3, students were asked about their major, Elementary Education Majors were scored as 1, Special Education Majors were scored as 2, and Secondary Education majors were scored as 3. For Question 4, students were given nine choices labeled A-G. The student was asked to put a checkmark on any source of knowledge that provided them with information about tort liability and student rights. These choices included: Neag School of Education classes, miscellaneous undergraduate classes, Neag School of Education professors, miscellaneous undergraduate professors, friends, parents, teachers met through Neag School of

Education Teaching or Internship, Other Teachers not Involved in the Neag School of Education. A score of 1 was given for every checkmark a student placed by a choice, while a score of 0 was given when a choice was left blank. Question 5 asked a yes or no question to students about whether they believed the Neag School of Education should offer more resources to its students about relevant educational laws for teachers. A score of 1 was given if a student circled *yes*, while a score of 0 was given if a student circled *no*. Question 6 was open-ended question asking students that had answered yes to Question 5 whether they had any ideas on how to accomplish this goal of added resources.

This chapter explained the sample, procedure and survey used. The next chapter discusses the results obtained from the instrumentation and is organized by research questions.

## CHAPTER THREE

### DATA ANALYSIS

Chapter two reviewed the subjects that participated in this study, the procedure of this study, and the instrumentation used for this study. This chapter will discuss the results obtained from the instrumentation. The chapter is organized by research questions.

*Research Question 1: Of which tort liability and student right issues are Neag School of Education students the most and least aware of?*

Table 1 compiles all 22 questions on the survey and ranks them from most often answered correctly by Neag School of Education students to least answered correctly by Neag School of Education students.

Table 1

*Questions in order of Percentage of Students who Answered Correctly*

Question	% Correct	Mean Confidence	SD Confidence	Type
Teachers may be held liable for their failure to report sexual, physical or verbal abuse. (True)	97.8%	2.87	.354	Tort Liability
<i>Public schools can fire a teacher for having a consensual sexual relationship with a student in their school even if the student is over 18. (True)</i>	97.3%	2.75	.527	<i>Tort Liability</i>
Law enforcement requesting permission to search a student at school must have probable cause. (True)	90.8%	2.68	.489	Student Rights
<i>Schools may require all students to wear uniforms without violating student rights. (True)</i>	89.2%	2.56	.569	<i>Student Rights</i>
Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption. (True)	87.6%	2.28	.649	Tort Liability

<i>School officials may legally search a student's personal belongings without a specific reason. (False)</i>	86%	2.59	.564	Student Rights
Schools can impose rigid dress codes on teachers without violating their rights. (True)	82.7%	2.19	.655	Tort Liability
<i>Schools have the right to require supplemental material approval by administrators in advance without violating teachers' academic freedom. (True)</i>	81.1%	2.02	.576	Tort Liability
Students have the right to promote their political beliefs to other students at school. (True)	80%	2.26	.641	Student Rights
<i>Students that choose to participate in competitive athletics may be subjected to random drug testing. (True)</i>	72%	2.26	.639	Student Rights
It is unconstitutional to study the Bible in a public school. (False)	61.4%	2.27	.669	Tort Liability
<i>Teachers are prohibited from viewing their students' records unless they receive permission from the parents or principal. (False)</i>	58.9%	2.2	.641	Tort Liability
School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption. (True)	49.5%	2.07	.641	Student Rights
<i>Students who refuse to salute the flag may be required to stand in respectful silence. (False)</i>	47.3%	2.34	.641	Student Rights
Teachers have the legal authority to select the texts for their students. (False)	45.9%	2.11	.598	Tort Liability
<i>Invocations and benedictions at graduation ceremonies are permitted. (False)</i>	44.6%	1.86	.671	Student Rights
Before students are suspended for 5-10 days, they have a right to a hearing where they can bring a lawyer to advise them. (False)	42.2%	1.86	.591	Student Rights
<i>Teachers cannot be held liable for student injuries that occur in breaking up a fight. (True)</i>	41.6%	2.15	.616	Tort Liability
Students have a constitutional right to participate in extracurricular activities. (False)	38%	2.51	.591	Student Rights

<i>Students may wear T-Shirts that criticize school policies as long as they do not cause a significant interference with school operations. (True)</i>	37.5%	2.18	.641	Student Rights
Teachers can be sued for defamation if their report of student abuse is not substantiated. (False)	32.4%	2.12	.665	Tort Liability
<i>The first amendment protects student speech that is offensive, provocative and controversial. (True)</i>	31.5%	2.23	.671	Student Rights
If a teacher is asked to give a recommendation by a student and includes false information in the recommendation that causes a student to be rejected for a job, the teacher can be held liable for libel even if the libel was unintentional. (False)	21.6%	2.1	6.3	Tort Liability
<i>Teachers can be disciplined for publicly criticizing school policies of community concern. (False)</i>	21.1%	2.22	.631	Tort Liability
Schools can be held liable for failing to prevent student sexual harassment. (False)	11.4%	2.45	.698	Tort Liability
<i>Teachers can be held liable for any injury that occurs if they leave their classroom unattended. (False)</i>	8.7%	2.53	.627	Tort Liability
If a teacher gives a student a ride home from school without parental permission and the student is injured – not as a result of teacher negligence – the teacher would still be held liable. (False)	6.5%	2.5	.644	Tort Liability

The question most answered correctly (97.8%) addressed whether a teacher was mandated to report suspected student abuse. Nearly the entire sample surveyed was aware of this professional responsibility. The next question with the most correctly answered responses (97.3%) dealt with teacher-student sexual relationships, with the third most correctly answered question (90.8%) being the need for probable cause in a search and seizure. One possible explanation for why these three questions earned the highest correct percentage is that this aspect of educational law is especially scandalous and receives attention from the media. Nine of the

top 10 questions with the highest correct response had “True” as their correct answer. This is an interesting point to consider, since the survey had a total of 13 “True” answers and “14” False answers. While this might be coincidental, it is possible that the population surveyed may have chosen “True” as their preferred choice when they were uncertain about an answer. I recommend adjusting the questions from “True” to “False” for the 10 questions with the highest correct percentage to determine if this has any effect on the results. The correct percentage of responses on questions ranged from 97.8% to 6.5%. This high range showcases that many students had misconceptions about certain topics on the survey. The five questions with the lowest correct percentage all dealt with tort liability. The two questions with the lowest percentage correct (6.5% and 8.7%) dealt with teacher liability regarding student injury. For both of these questions, the vast majority of the students surveyed falsely assumed the blame would be put on a teacher if an accident were to occur to a student, regardless of whether the teacher caused it or not. This indicates that the students surveyed are not fully aware of some of the immunity they possess from liability as a professional, licensed teacher.

*Research Question 2: What is the relationship between the percentage of students who answer questions correctly and confidence in the answer?*

The three most correctly answered questions also showed the three highest means of confidence (2.87, 2.75, 2.68). The relationship between the percent of students who answered correctly and student confidence for these three questions was  $r = .819$ . Beyond these questions there was no relationship between the percent of students who answered a question correctly and being confident in that answer ( $r = -.013$ ). One possible reason for this lack of confidence is that students had misconceptions about certain aspects of the law. This would imply that students are simply not aware of their lack of knowledge and believe they are correct in their assumptions.



Table 2

*Questions when Students' Confidence Differed Between Students who Answered Correctly and Students who Answered Incorrectly*

Questions	Answered Correctly			Answered Incorrectly			<i>t</i>	<i>df</i>	<i>p</i>
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>			
Public schools can fire a teacher for having a consensual sexual relationship with a student in their school even if the student is over 18. (True)	2.76	.525	180	2.40	.548	5	-1.494	183	.137
<i>School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption. (True)</i>	2.13	.618	91	2.00	.659	93	-1.399	182	.164
Teachers may be held liable for their failure to report sexual, physical or verbal abuse. (True)	2.87	.351	180	2.75	.500	4	-.683	182	.496
<i>Teachers cannot be held liable for student injuries that occur in breaking up a fight. (True)</i>	2.17	.616	77	2.14	.618	108	-.325	183	.745
The first amendment protects student speech that is offensive, provocative and controversial. (True)	2.24	.657	58	2.22	6.80	126	-.179	182	.858
<i>Teachers can be sued for defamation if their report of student abuse is not substantiated. (False)</i>	2.10	.706	60	2.13	.647	125	.267	183	.789
Invocations and benedictions at graduation ceremonies are permitted. (False)	1.84	.711	82	1.87	.640	102	.312	182	.756
<i>Teachers are prohibited from viewing their students' records unless they receive permission from the parents or principal. (False)</i>	2.18	.596	109	2.22	.704	76	.419	183	.685

Students may wear T-Shirts that criticize school policies as long as they do not cause a significant interference with school operations. (True)	2.14	.625	69	2.20	.652	115	.564	182	.574
<i>Teachers can be disciplined for publicly criticizing school policies of community concern. (False)</i>	2.05	.605	39	2.26	.633	146	1.848	183	.062

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Table 2 indicates the questions on the survey when student confidence significantly differed between students who answered the question correctly and the students who answered the question incorrectly ( $p < .05$ ). Students who answered the question correctly had six different questions when they were significantly more confident than students who had not answered the question correctly. Of these six questions four focused on student rights and two discussed tort liability. These are important questions to notice since they potentially indicate which student right and tort liability questions students are most sure of. Students who answered the question incorrectly had four different questions where they were significantly more confident than students who had answered the question correctly. Two of these questions were about student rights while the other two questions discussed tort liability. These four questions are interesting since they imply that the students who answered them incorrectly believe they actually know the correct answer. By not realizing their misconception these students run the risk of accidentally infringing on a student's rights or not realizing the extent of their protection from liability.

A  $t$  test was also conducted to determine whether there were significant statistical differences between the percentage of correctly answered questions between student rights and the percentage of correctly answered tort liability questions.

Table 3  
*Percentage Correct for Tort Liability and Student Rights Questions*

Question Type	<i>M</i>	<i>SD</i>	<i>n</i>
Student Rights	.5027	.10977	183
Tort Liability	.5915	.13019	183

$t(182) = -6.776, p < .001$ .

The average percentage of correctly answered questions for student rights was 59.15%, while the average percentage of correctly answered questions for tort liability was 50.27%. The  $p$  value for this  $t$  test was  $< .001$ . This indicates that there was a statistical difference in student knowledge between student rights and tort liability. Students were more knowledgeable about student rights than tort liability.

*Research Question 3: Does tort liability and student rights knowledge differ between males and females?*

A  $t$  test was also conducted to determine whether there were significant statistical differences between the scores of male and female subjects in regards to their knowledge of tort liability and student rights.

Table 4  
*Difference by Gender for Student Knowledge of Student Rights*

Gender	<i>M</i>	<i>SD</i>	<i>n</i>
Male	7.432	1.708	37
Female	7.013	1.517	146

$t(182) = .146, p = .884$ .

Table 5  
*Difference by Gender for Student Knowledge of Tort Liability*

Gender	<i>M</i>	<i>SD</i>	<i>n</i>
Male	7.514	1.709	37
Female	7.556	1.634	147

$t(181) = 1.461, p = .146$ .

The average number of correct responses for female subjects was 7.55 and 7.01 for tort liability and student rights respectively. The average number of correct responses for male subjects was 7.51 and 7.43 for tort liability and student rights respectively. The  $p$  value for the  $t$  test concerning student rights was .884, while the  $p$  value for tort liability was .146. This knowledge is helpful since it indicates that there are no gender differences in regards to tort liability and student rights knowledge within the Neag School of Education.

*Research Question 4: Does tort liability and student rights knowledge differ among majors?*

An ANOVA test was conducted to determine whether there was a significant statistical difference among the different majors within the Neag School of Education: Elementary, Special Education, and Secondary Education with respect to knowledge of student rights and tort liability.

Table 6  
*Means for Student Major for Student Knowledge of Student Rights*

Major	$M$	$SD$	$n$
Elementary	7.043	1.449	69
Special	6.956	1.581	23
Secondary	7.191	1.664	89

$F(2,178)=.288, p=.750$ .

Table 7  
*ANOVA Results for Student Knowledge of Student Rights with Respect to Major*

Source	$SS$	$df$	$MS$	$F$	$p$
Major	1.427	2	.713	.288	.750
Error	441.579	178	2.481		
Total	9,580	181			

Table 8  
*Means for Student Major for Student Knowledge of Tort Liability*

Major	<i>M</i>	<i>SD</i>	<i>n</i>
Elementary	7.550	1.649	69
Special	8.217	1.905	23
Secondary	7.411	1.542	90

$F(2,179)=2.24, p=.109.$

Table 9  
*ANOVA Results for Student Knowledge of Tort Liability with Respect to Major*

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Major	11.934	2	5.967	2.240	.109
Error	476.774	179	2.664		
Total	488.709	181			

Some studies have found that elementary teachers are likely to know less about education law (Bounds 2000). For student rights the average number of correct answers was 7.04, 6.95, and 7.19 for Elementary, Special Education, and Secondary Education respectively. The *p* value of .75 indicates that the difference among these majors was not statistically significant. For tort liability the average number of correct answers was 7.55, 8.22, and 7.41 for Elementary, Special Education and Secondary Education respectively. The *p* value of .109 indicates that the difference among these majors was not statistically significant. This shows that each major within the Neag School of Education had a similar knowledge regarding student rights and tort liability.

*Research Question 5: Does tort liability and student rights knowledge differ by class standing?*

An ANOVA test was conducted to determine whether there were significant statistical differences among the different class standings within the Neag School of Education: Junior, Senior, and Master's Year with respect to knowledge of student rights and tort liability. Results are depicted in Table 10-13.

Table 10  
*Means for Class Standing for Student Knowledge of Student Rights*

Major	<i>M</i>	<i>SD</i>	<i>n</i>
Junior	7.208	1.583	101
Senior	6.919	1.496	62
Master's	7.100	1.682	20

$F(2,180)=.6553, p=.522.$

Table 11  
*ANOVA Results Student Knowledge of Student Rights with Respect to Class Standing*

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Major	3.199	2	1.600	.653	.522
Error	441.030	180	2.450		
Total	9,665.00	183			

Table 12  
*Means for Class Standing for Student Knowledge of Tort Liability*

Major	<i>M</i>	<i>SD</i>	<i>n</i>
Junior	7.336	1.601	101
Senior	7.661	1.609	62
Master's	8.238	1.814	21

$F(2,181)=2.885, p=.058.$

Table 13  
*ANOVA Results for Student Knowledge of Tort Liability with Respect to Class Standing*

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Major	15.309	2	7.654	2.885	.058
Error	480.251	181	2.653		
Total	10,981.00	184			

It has also been suggested that as students gain more experience within the field of education, they are more likely to know education law (Bounds 2000). For tort liability the average number of correct answers was: 7.33, 7.66, and 8.23 for juniors, seniors and master years respectively.

For student rights the average amount of correct answers was 7.2, 6.9, and 7.1 for juniors, seniors and master years respectively. The  $p$  value for tort liability in this group was .058, indicating it was just shy of finding a statistical difference between class standing in education law knowledge. The  $p$  value for student rights in this population was .522, showing no statistical difference either.

The population that performed the best on the survey was the Master Year students in regards to tort liability (8.23) while the population that scored the lowest was the Special Education majors in tort liability (6.95). One of the biggest conclusions that can be drawn from this data is that the level of preteacher's knowledge in tort liability and student rights is too low. On average, the highest performing group (the Master Year students) could not answer more than 30% of the questions given to them correctly. Another finding that particularly stands out is the lack of growth of knowledge as the pre teachers progress through their Neag School of Education classes.

*Research Question 6: What are the most and least common sources that Neag School of Education students report they learn from about tort liability and student rights?*

The Neag School of Education was cited as being the most common source of knowledge for students regarding tort liability and student rights (54%). Unfortunately, Neag School of Professors (26%) were listed as the second lowest source of information. The second most common source of knowledge for students regarding tort liability and student rights was their own parents (45%). This would help explain the low scores of the survey since it is likely that the parents of the sample surveyed are not experts in education law. The two least common source of knowledge for students regarding tort liability and student rights was Neag School of

Education professors (26%) and other University of Connecticut professors (14%). Neag School of Education professors should be a source of information for students.

This chapter discussed the results obtained from the instrumentation as organized by research questions. The next chapter will include a summary of the study, research findings and implications, suggestions for future research, and limitations.



## CHAPTER FOUR

### DISCUSSION OF RESULTS

#### Introduction

This chapter includes a summary of the study, research findings and implications, suggestions for future research, and limitations. This study was conducted to determine how much pre service teachers in the Neag School of Education knew about student rights and tort liability. This was accomplished through a 27-question survey, where pre service teachers were asked to determine whether statements about student rights or tort liability were true or false. The survey also asked each pre service teacher for his or her demographic information including gender, major, class standing, and the main source of their legal knowledge. The responses of these students were compared using the quantitative methods of *t* tests and ANOVA tests. These responses were analyzed to determine which questions were answered the most and least correctly; whether students reported a higher confidence in questions they answered correctly; whether there was a statistically significant difference between gender, major or class standing; and what was the primary source of legal knowledge for pre service teachers.

#### Research Findings and Implications

According to the survey results, pre service teachers knew the most about a teacher's responsibility to report student abuse, teacher-student sexual relationships, and search seizure. The three questions that covered these topics were all answered correctly by over 90% of the pre service teachers surveyed. One possible reason why these types of questions were answered correctly is because these are the most notorious violations of education law that gain the most media attention. These three questions also reported the highest confidence scores in students. This would lead to the conclusion that students knew these three questions so well that they were

certain of their answer choice. The top five questions that were answered the most times incorrectly all dealt with tort liability. One of the three questions, (“Schools can be held liable for failing to prevent student sexual harassment. (False)”) was only answered correctly by 11.4% of pre service teachers. One possible explanation for this low percentage of correct answers might be due to the wording of the question. Many of the pre service teachers surveyed seem to be under the impression that schools can be held liable for student sexual harassment, which is true. What the pre service teachers surveyed failed to realize is that schools are only held liable in the event that blatant or repeated cases of student sexual harassment occur and the administration refuses to act on it. This nuance might not have been clearly shown in the way the question was phrased however. The other two questions dealt with whether a teacher would be held liable if students accidentally injured themselves when the teacher was not at fault. Over 90% of the pre service teachers surveyed assumed that the teacher would be held liable, failing to realize that the law would in fact protect the teacher. While this shows a sense of caution for the pre service teachers it also implies that they lack knowledge in a critical area of their own rights as professionals.

The range for the percentage of students that answered the questions correctly was from 97.8% to 6.5%. This high range indicates that many students have misconceptions about student rights and tort liability. The top five questions that were answered the most incorrectly all dealt with tort liability. Judging from the data it seems that pre service teachers do not realize the full magnitude of their rights as professional educators. This is worrisome since according to Wagner (2006), 27% of teachers will know someone who has been sued as an educator (p. 6). The average percentage of correctly answered questions for student rights was 59.15%, while the average percentage of correctly answered questions for tort liability was 50.27%. This average

percentage of correctly answered for tort liability (50.27%) is noticeably less than the 80% Bounds (2000) reported in their study when assessing tort liability. This is once again a low level of knowledge for pre service teachers to have since it implies that they are misinformed about 40% of student right laws and 50% of tort liability laws. This is especially worrisome considering that a teacher could potentially be sued for being misinformed about a single law, let alone half of them. There was a statistical difference between pre service teachers' knowledge of student rights and tort liability, with pre service teachers knowing significantly more about student rights. This once again reinforces how the pre service teachers surveyed seem to pay more attention to student rights as opposed to their own. Both scores are still at unacceptably low levels however.

There was no statistically significant difference between the average number of questions a male answered correctly (7.43 and 7.51 for student rights and tort liability respectively) and the average number of questions a female answered correctly (7.55 and 7.01 for student rights and tort liability respectively). Although the Neag School of Education is predominantly female (143 women and 37 men were surveyed) the data showed no statistical difference between genders. This is beneficial for the Neag School of Education since it indicates that neither gender has an advantage over the other while going through the program. There was no statistically significant difference for questions answered correctly between majors within the Neag School of Education (Elementary Education, Special Education, Secondary Education) for pre service teachers. This directly contradicts Schimmel and Militello's (2007) findings that "high school and middle school teachers performed significantly better on their knowledge (of educational law) scores than elementary school teachers" (p. 273). On average, Elementary Education majors answered 7.04 student rights questions and 7.55 tort liability questions correctly. On average, Special

Education majors answered 6.95 student rights questions and 8.2 tort liability questions correctly. On average, Secondary Education majors answered 7.19 student rights questions and 7.41 tort liability questions correctly.

There was no statistically significant difference for questions answered correctly depending on class standing (junior, senior, master's year). On average, junior year students answered 7.20 student rights questions and 7.33 tort liability questions correctly. On average, senior year students answered 6.90 student rights questions and 7.66 tort liability questions correctly. On average, master's year students answered 7.10 student rights questions and 8.23 tort liability questions correctly. It is worrisome that class standing did not correspond to an increase of educational law knowledge, since theoretically pre service teachers should learn more about this as they progress through the Neag School of Education program. This is also consistent with Enteen's (1999) findings who found that teachers who had taught for 3 years or less performed just as well as their teachers who had 4 years or more of experience, with a knowledge score rate of 46% and 53% respectively. Enteen's (1999) knowledge score are also lower than the average percentage of correctly answered questions the Neag School of Education students received in this study (59.15% for student rights and 50.27% for tort liability). This lack of difference in scores based on class standings implies that students receive much of their educational law knowledge before they take a single education class at the University of Connecticut. Only 54% of pre service teachers cited the Neag School of Education as their most common source of legal knowledge. This statistic seems slightly confusing since only 26% of pre services teachers cited Neag School of Education professors as one their sources of legal knowledge. It would be interesting to determine why students made this distinction between the Neag School of Education and the professors themselves. The least common source of

knowledge that was available on the survey was other University of Connecticut professors, with only 14% of pre service teachers claiming them as sources of legal knowledge. University of Connecticut professors that are not affiliated with the Neag School of Education would be a logical last choice, since pre service teachers in this program interact less and less with non education professors as they get closer to graduating. The second to least common source of legal knowledge was Neag School of Education professors, which were ranked lower than parents in the survey. This is worrisome since parents are much more likely to be misinformed about education law issues than the professors themselves.

### **Suggestions**

Based on the data this researcher has several suggestions to improve pre service teacher knowledge of student rights and tort liability. Gajda (2008) noted “that states are in a position of power due to the fact that each state determines its own teaching certification criteria” (p. 32). This researcher agrees that in order for an impact to be made on teacher preparatory programs (such as the Neag School of Education) states need to start passing legislation with higher teaching certification standards. According to Gajda (2008), only “one state required a course in law (Nevada) and approximately half of the states did not have licensing standards that address school law” (p. 27). Due to this lack of emphasis on school law, teacher preparatory programs feel no pressure to change their curriculum since their pre service teachers will still become certified. This researcher recommends that states across the country start putting the issue of school law on policy makers’ agenda. This can be achieved through phone calls to local and state representatives to show the importance of this issue. Another possibility is to reach out to local media stations and have a story written about this lack of school law knowledge. The media

attention could potentially cause other politicians to become aware of the issue or, at the very least, raise awareness to the general public.

Another suggestion this researcher makes is for change to be made within the Neag School of Education itself. This would probably have the biggest impact since 54% of the pre service teachers surveyed cited the Neag School of Education as their primary source of education legal knowledge. If students were to talk to the administration about their lack of legal knowledge, some sort of action would hopefully be done. This could range from a quick one-hour seminar highlighting the more common misconceptions of education law to a full class that students are required to take to graduate. An addition to the curriculum would be a long and more complicated process but, as the data clearly show, pre service teachers in the Neag School of Education currently do not possess an adequate knowledge of student rights and tort liability. Professors could also be asked to incorporate more relevant education laws into their lesson plans, so that pre service teachers are more exposed to these issues. Other options that the school could pursue would be to create a pamphlet with cases that are commonly misunderstood. These could be given to pre service teachers in the program on a yearly basis. Another possibility would be to put all of this information online on a website so that pre service teachers could use it as a resource depending on their specific legal question. Lastly, the Neag School of Education should create a culture within its program where pre service teachers are conscious of education laws. This culture could easily be created through the methods described above so that pre service teachers feel like they are prepared for any legal incident when they enter the profession.

There is potential for more research to be done in this area of pre service teachers' knowledge of education law. One study that could be conducted would be to administer the same survey to different teacher preparatory programs across the country. This would help to

determine if there are any teacher preparatory programs that are successful in their instruction of education law to their pre service teachers. These teacher preparatory programs could then be analyzed to determine what factors within them (such as their curriculum or staff) aided pre service teachers in becoming more knowledgeable about education law. Teacher preparatory programs with extremely low scores could also be compared and contrasted to the higher achieving programs to determine what areas can be improved. Another study that could be conducted on this subject would be to administer this same survey to different majors within a certain university. This would help determine whether pre service teachers in teacher preparatory programs have more educational legal knowledge than the average undergraduate. This would help to determine whether students are collecting their education law knowledge from being in a general college atmosphere, or if their specific major is helping them construct it. Another study that could be completed would be to include teachers that have graduated from the Neag School of Education to see if their education law knowledge has increased since becoming a licensed teacher. A section would also be added to ask if they have ever personally experienced any of the legal situations on the survey, and whether they have been sued or not. This would help personalize some of the numbers for pre service teachers within the Neag School of Education. This data would also help determine if the survey being used is asking relevant questions in terms of education law.

If this study were to be redone several aspects of it would be modified. This researcher would survey teacher preparatory programs that were nearby the University of Connecticut. This would allow teacher preparatory programs to be compared to one another and to determine what each one does differently to emphasize educational law. This researcher would also try to sample more master year's students, since only 22 completed the survey for this study. This researcher

would also attempt to survey graduates from the Neag of School of Education who were actually licensed teachers. This would allow some data to be analyzed on whether licensed teachers know about tort liability and student rights. Professors at the University of Connecticut (both in the Neag School of Education and outside of the program) would be beneficial to survey as well. This would help determine if the faculty of the teaching preparatory program is knowledgeable on education law. Also, by allowing other professors to take the survey, it would help establish a baseline to determine if Neag School of Education professors are above average in their education law knowledge compared to other faculty. Another aspect of the study that would be changed would be the response options for confidence. Pre service teachers had three options to select from: *Confident*, *Unsure*, and *Not Confident*. Judging from the data, this researcher suspects that many participants used *Unsure* and *Not Confident* interchangeably, which skewed the data for confidence levels. The new survey would simply have two choices of *Confident* and *Not Confident* to avoid such confusion. This researcher would also add a question to the demographics section asking participants if they found any of the 27 statements on the survey confusing and why. This would help determine if participants are answering certain questions wrongly because they do not know the answer or due to poor wording.

### **Limitations**

Several limitations existed in this study. Only Neag School of Education students were surveyed meaning it is not possible to generalize the data to any other teaching preparatory program. Moreover only a sample of the Neag School of Education population was administered the survey. The master's year class especially stands out in this regard since only 22 students were surveyed. The survey was also administered after students finished one of their Neag School of Education classes, so they might have been in more of a hurry to complete the survey.



This haste could have resulted in a potential lack of concentration that could have affected their answer choices. Another limitation is that because the survey was true or false, participants could have simply guessed and gotten the correct answer without actually possessing any legal knowledge. Some of the true or false statements on the survey may have been worded in a confusing manner. Students may have answered a question incorrectly that they actually knew about. The students' confidence levels were all self-reported, meaning that participants could have easily lied about their actual feelings. Students also had no incentive to take this survey, which means that they may have rushed through it.

### **Conclusions**

It is recommended that the Neag School of Education take the following steps in order to better prepare its pre service teachers in their knowledge of student rights and tort liability. At the start of every semester students should be given a pamphlet outlining specific student rights and tort liability cases. By frequently giving out such pamphlets this will decrease the chance of students losing them and also make students think about these legal issues more. These pamphlets would prove to be a great initial resource for students if they had any questions. The pamphlets should include a specific phone number or website to call if pre service teachers desired more specific information. Another step that the Neag School of Education could take would be to offer voluntary seminars on these legal topics once or twice a semester. These seminars would be co-directed by a teacher and lawyer who would discuss the most common legal cases found in a school environment and how to approach them. Students would also have a time to ask specific questions about their own experiences in this setting. Lastly, the Neag School of Education should encourage its professors to incorporate the legal aspect of education in their curriculum as well. Students are more likely to remember the material presented about

student rights and tort liability if they are able to connect it to the topics they are learning in their classes. These steps should aid in creating a culture within the Neag School of Education where pre service teachers are knowledgeable about student rights and tort liability. This knowledge will hopefully empower them throughout their career and allow them to make the best decision for them and their students.

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## APPENDICES



University of Connecticut  
*Office of Research Compliance*

**DATE:** September 27, 2011

**TO:** Del Siegle, Ph.D.  
Alexi Wiemer, Student Investigator  
Educational Psychology, Unit 2064

**FROM:** Deborah Dillon McDonald, RN, Ph.D. *DDM/W*  
Chair, Institutional Review Board  
FWA# 00007125

**RE:** Exemption #X11-106: "Examining Pre-Teacher Knowledge of Student's Rights and Tort Liability"  
*Please refer to the Exemption# in all future correspondence with the IRB.*  
Funding Source: Unfunded  
**Approved on: September 27, 2011**

The Institutional Review Board (IRB) reviewed the "Request for Exemption" for the research study referenced above. According to the information provided, the IRB determined that this research is exempt from continuing IRB review under 45 CFR 46.101(b)(2): Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (i) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (ii) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. Enclosed please find a validated information sheet. A copy of the approved, validated information sheet (with the IRB's stamp) must be used to consent each participant.

Per 45 CFR 46.117(c)(2), the IRB waived the requirement for the investigator to obtain a signed consent form for the subjects because it found that the research presents no more than minimal risk of harm to subjects and involves no procedures for which written consent is normally required outside of the research context.

All investigators at the University of Connecticut are responsible for complying with the attached IRB "Responsibilities of Research Investigators".

**Any proposed changes that may affect the exempt status of the research study must be submitted to the IRB for review and approval prior to their implementation.**

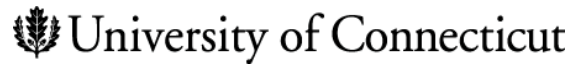
**Attachments:**

1. Validated Information Sheet
2. Validated Appendix A Form
3. Validated IRB-5
4. "Responsibilities of Research Investigators"

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Principal Investigator: Del Siegle

Student Investigator: Alexi Wiemer

Title of Study: Examining Pre-Teachers' Knowledge of Student's Rights and Tort Liability

You are invited to participate in this survey of future teachers' knowledge of student's rights and tort liability. We are interested in learning how knowledgeable future teachers are about the rights of students and tort liability. Your participation in this study will require completion of the attached questionnaire. This should take approximately 10 minutes of your time. Your participation will be anonymous, and you will not be contacted again in the future. You will not be paid for being in this study. This survey does not involve any risk to you. However, the benefits of your participation may impact society by helping increase knowledge about the right of students and tort liability. If you wish to receive an answer key to the test including explanations for each question, please feel free to email me at [alexi.wiemer@gmail.com](mailto:alexi.wiemer@gmail.com).

You do not have to be in this study if you do not want to be. You do not have to answer any question that you do not want to answer for any reason. We will be happy to answer any questions you have about this study. If you have further questions about this project or if you have a research-related problem, please feel free to contact me, Alexi Wiemer at [alexi.wiemer@gmail.com](mailto:alexi.wiemer@gmail.com) or 860-617-2477 or my advisor, Del Siegle at [del.siegle@uconn.edu](mailto:del.siegle@uconn.edu) or 860 486-0616. If you have any questions about your rights as a research participant you may contact the University of Connecticut Institutional Review Board (IRB) at 860-486-8802. The IRB is a group of people who review research studies to protect the rights and welfare of research participants.

Thank you for your help.

Items	True	False	How Confident Are You in Your Answer? (Circle One)		
1. School officials may legally search a student's personal belongings without a specific reason.			1 Not Confident	2 Unsure	3 Confident
2. Students who refuse to salute the flag may be required to stand in respectful silence.			1 Not Confident	2 Unsure	3 Confident
3. Law enforcement requesting permission to search a student at school must have probable cause.			1 Not Confident	2 Unsure	3 Confident
4. Students that choose to participate in competitive athletics may be subjected to random drug testing.			1 Not Confident	2 Unsure	3 Confident
5. Schools may require all students to wear uniforms without violating student rights.			1 Not Confident	2 Unsure	3 Confident
6. Before students are suspended for 5–10 days, they have a right to a hearing where they can bring a lawyer to advise them.			1 Not Confident	2 Unsure	3 Confident
7. Students have the right to promote their political beliefs to other students at school.			1 Not Confident	2 Unsure	3 Confident

Items	True	False	How Confident Are You in Your Answer? (Circle One)		
8. School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption.			1 Not Confident	2 Unsure	3 Confident
9. Students have a constitutional right to participate in extracurricular activities.			1 Not Confident	2 Unsure	3 Confident
10. Students may wear T-shirts that criticize school policies as long as they do not cause a significant interference with school operations.			1 Not Confident	2 Unsure	3 Confident
11. The first amendment protects student speech that is offensive, provocative, and controversial.			1 Not Confident	2 Unsure	3 Confident
12. Invocations and benedictions at graduation ceremonies are permitted.			1 Not Confident	2 Unsure	3 Confident
13. Teachers can be held liable for any injury that occurs if they leave their classroom unattended.			1 Not Confident	2 Unsure	3 Confident
14. Teachers may be held liable for their failure to report sexual, physical, or verbal abuse.			1 Not Confident	2 Unsure	3 Confident
15. It is unconstitutional to study the Bible in a public school.			1 Not Confident	2 Unsure	3 Confident



Items	True	False	How Confident Are You in Your Answer? (Circle One)		
16. Teachers can be disciplined for publicly criticizing school policies of community concern.			1 Not Confident	2 Unsure	3 Confident
17. Teachers have the legal authority to select the texts for their students.			1 Not Confident	2 Unsure	3 Confident
18. Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption.			1 Not Confident	2 Unsure	3 Confident
19. If a teacher is asked to give a recommendation by a student and includes false information in the recommendation that causes a student to be rejected for a job, the teacher can be held liable for libel even if the libel was unintentional.			1 Not Confident	2 Unsure	3 Confident
20. Teachers are prohibited from viewing their students' records unless they receive permission from the parents or the principal.			1 Not Confident	2 Unsure	3 Confident

Items	True	False	How Confident Are You in Your Answer? (Circle One)		
			1 Not Confident	2 Unsure	3 Confident
21. Public schools can fire a teacher for having a consensual sexual relationship with a student in their school even if the student is over 18.			1 Not Confident	2 Unsure	3 Confident
22. Teachers cannot be held liable for student injuries that occur in breaking up a fight			1 Not Confident	2 Unsure	3 Confident
23. Teachers can be sued for defamation if their report of student abuse is not substantiated.			1 Not Confident	2 Unsure	3 Confident
24. Schools can be held liable for failing to prevent student sexual harassment.			1 Not Confident	2 Unsure	3 Confident
25. Schools have the right to require supplemental material approval by administrators in advance without violating teachers' academic freedom.			1 Not Confident	2 Unsure	3 Confident
26. Schools can impose rigid dress codes on teachers without violating their rights.			1 Not Confident	2 Unsure	3 Confident
27. If a teacher gives a student a ride home from school without parental permission and the student is injured — not as a result of teacher negligence — the teacher would still be held liable.			1 Not Confident	2 Unsure	3 Confident

**Background Information**

- 1) Please indicate your gender:
  - a. Male
  - b. Female
- 2) Please indicate your class standing in the IB/M Program
  - a. Junior
  - b. Senior
  - c. 5<sup>th</sup> year
- 3) What is your major?
  - a. Elementary Education
  - b. Special Education
  - c. Secondary Education
  - d. Other: \_\_\_\_\_
- 4) Which of the following sources played a part in your current knowledge about education law? (Check all that apply)
  - \_\_\_\_\_ a. Neag School of Education classes
  - \_\_\_\_\_ b. Miscellaneous undergraduate classes
  - \_\_\_\_\_ c. Neag School of Education professors
  - \_\_\_\_\_ d. Miscellaneous undergraduate Professors
  - \_\_\_\_\_ e. Friends
  - \_\_\_\_\_ f. Parents
  - \_\_\_\_\_ f. Teacher Met Through Neag School of Education Student Teaching/Internships
  - \_\_\_\_\_ f. Other Teachers Not Met Through the Neag School of Education
  - \_\_\_\_\_ g. Other (please specify: \_\_\_\_\_)
- 5) Do you believe that the Neag School of Education should offer more resources to its students about relevant educational law for teachers? If so, please write down any specific ideas on how you would like to see this accomplished.

Thank you for your help!