

# Assessment of Educational Law In-Service Needs and Perceived Competencies of Texas School-based Agricultural Education Teachers

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## Abstract

*Litigation in education has drastically risen over past decades, representing the need for teachers to have a foundational knowledge of the educational laws which govern them. The myriad of educational law sources and the perpetually changing nature of school law serve as barriers for teachers' competence in educational law. The purpose of this study was to identify the specific in-service educational law training needs of Texas school-based agricultural education (SBAE) teachers. Furthermore, this study sought to determine the effect of background characteristics on teacher's perceived competence on educational law issues. An educational law needs assessment was distributed to a probabilistic sample of Texas SBAE teachers (n = 325). Two-hundred and thirteen teachers completed the needs assessment, yielding a response rate of 65.5%. The Texas SBAE teachers identified (1) qualified immunity, (2) search and seizure of students, (3) transportation of students in school and (4) personal vehicles, and (5) teacher-initiated removal of students as their highest-ranked educational law in-service needs. The results of a factorial ANOVA indicated the educational law competence of teachers was significantly different based on the amount of previous educational law training the teacher had received.*

**Keywords:** school-based agricultural education teachers; educational law; competency

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## Introduction

Our society has become increasingly litigious in all areas of life; education is no exception (Newnham, 2000). Litigation in public school systems has risen dramatically over past decades (Redfield, 2003; Wagner, 2008; Walsh et al., 2014; Zirkel, 2006) which represents a need for teachers to be knowledgeable of school law. Many variables have been cited as having an impact on the increase in litigation. Walsh et al., (2014) noted the various sources (i.e., administrative, statutory, judicial, and constitutional laws) and constantly changing nature of educational law contributes to the subject's complexity. Current court decisions in district, appellate, and Supreme Courts (i.e., state and federal) along with current state and federal legislation contribute to perpetually changing nature of educational

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law. According to Walsh et al. (2014), the rulings of these courts “have become an important part of school law and are ignored at one’s peril” (p. 7). With the rise of school-based litigation, complexity of school law, and perpetual change of legislation, it is imperative teachers have a working knowledge of school-based legal issues. Paul (2001) indicated, “teachers who ignore or remain ignorant of the law at their own peril, endangering their professional careers and their reputations” (p. 178). Mead (2008) posited unfortunate personnel actions and employment disputes could be averted with improved legal literacy among educators.

Previous research and literature have indicated teachers have an inadequate level of knowledge pertaining to educational law (Bounds, 2000; Delahoussaye, 2016; Koch, 1997; Littleton et al., 2001; Paul, 2001; Schimmel et al., 2011; Wagner, 2008). Moreover, teachers’ lack of educational law knowledge has been attributed to a lack of pre-service teacher training in this subject matter (Corcoran, 2007; Delahoussaye, 2016; Mirabile, 2013; Schimmel & Militello, 2007). Bon et al. (2008) indicated only eight percent of teacher preparation programs in the nation offer an educational law course for undergraduates and Nevada is the only state which requires pre-service teachers to complete an educational law course for teacher certification (Gajda, 2008). Schimmel et al. (2011) posited a majority of teachers “get their legal information from the “law school” of the Teachers’ Lounge- i.e., from colleagues who are similarly uninformed and misinformed” (p. xiii).

In previous educational law research, teaching experience has been a variable which has commonly been associated with educational law competence. Various studies have linked higher educational law competence with higher number of years of teaching experience (Bounds, 2000; Dretchen-Serapiglia, 2016; Mirabile, 2013) while other studies found teaching experience to have little to no impact on educational law competence (Brookshire & Klotz, 2002; Enteen, 1999).

Several studies noted the lack of teacher knowledge associated with student rights (e.g., freedom of speech, search and seizure, privacy, etc.) (Imber, 2008; Littleton, 2008; Mirabile, 2013; Schimmel & Militello, 2007), teachers’ rights and liability (e.g., contracts, qualified / statutory immunity, etc.) (Mirabile, 2013; Schimmel & Militello, 2007; Wattam et al., 2011; Zirkel, 2006), special education (Leonard, 2007; Littleton, 2008; Mirabile, 2013; Zirkel, 2006), communication / contact with students, duty to report, and student discipline (Mirabile, 2013). In regard to issues related to SBAE teachers, Hainline et al. (2019) conducted a Delphi study to determine school district superintendents’ and attorneys’ perceptions of the educational law issues which had the greatest propensity to threaten the professional security of SBAE teachers. The superintendents and attorneys indicated: (1) safety and supervision, (2) student discipline, (3) teacher communication, (4) teacher rights, (5) teacher liability, (6) teacher’s duty to report, and (7) special education were the most important educational law areas for SBAE teachers (Hainline et al., 2019). These important areas of educational law and educational law issues were included in the assessment of professional development needs in the current study.

### **Conceptual Framework**

Many remedies have been offered associated with narrowing the educational law knowledge gap of teachers, such as the development of educational law teacher preparation courses (Imber, 2008; Littleton, 2008; Mirabile, 2013) and professional development events hosted by schools and professional development entities (Bounds, 2000; Harris, 2001; Imber, 2008; Koch, 1997; Littleton, 2008; Mirabile, 2013; Wagner, 2007). Moreover, previous studies have noted that on-going, periodic legal education should be provided to teachers to keep up with the ever-evolving law (Davies, 2009; Essex, 2016; Imber, 2008; Littleton, 2008). Dumminger (1989) found educators who engaged in more legal training possessed a greater competence associated with school law.

While previous research provides insight on important educational law topics for teachers and specifically SBAE teachers, the planning and development of educational law professional development programs should be designed based on the reported training needs of the teachers themselves (Knight, 2011; Layfield & Dobbins, 2002; Merriam et al., 2007; Newcomb et al., 2004). This needs assessment study sought to determine Texas SBAE teachers' self-perceived professional development needs associated with educational law issues and was guided by andragogy (Knowles, 1980). The principles of andragogy suggest "adults are more deeply motivated to learn topics that they see the need to learn" (Layfield & Dobbins, 2002, p. 47). Conversely, preplanned educational activities, which do not consider the self-directed nature of adult learners, could potentially result in adult learners feeling apathetic and resentful towards the learning experience. Based on the tenets of andragogy, adult learners are self-directed and should "participate in the diagnosis of their learning needs, the planning and implementation of the learning experiences, and the evaluation of those experiences" (Merriam et al., 2007, p. 85).

Fessler and Christensen (1992) described teacher development as a non-linear process comprised of eight career phases (i.e., preservice, induction, competency building, enthusiastic and growing, career frustration, stability, career wind-down, and career exit). Previous literature has pointed out the multi-dimensionality of professional development needs based on the teachers' career phases (Ado, 2013; Anderson & Olsen, 2006; Fessler & Christensen, 1992; Greiman, 2010; Lynn, 2002; Sorensen et al., 2014). Lynn (2002) and Huberman (1995) noted the importance of tailoring professional development opportunities for teachers of various career phases. While a myriad of literature is in agreement with the need to diversify professional development based on the needs and experience of teachers, the non-linear nature of career phases presents a sense of difficulty when attempting to implement phase-appropriate professional development for teachers.

In the context of this study, early-career (EC) teachers were operationalized as teachers with one to five years of teaching experience. Teachers with six or more years of teaching experience were considered to be mid to late-career (MLC) teachers. This experience range describing early career teachers is congruent with previous conceptualizations of this phase (Masuda et al., 2013; Paniagua & Sanchez-Marti, 2018) and aligns with the experience range used in the Agriculture Teachers Association of Texas (ATAT) mentorship program. In the present study, the educational law professional development needs of Texas SBAE teachers were assessed as a whole and by teacher career phase (EC and MLC teachers). Aside from assessing perceived educational law competence by career phase, this study also sought to determine if the number of previous educational professional development events attended by SBAE teachers had an impact on their perceptions of educational law competence.

### **Purpose / Objectives**

The purpose of this study was to explore in-service needs of Texas SBAE teachers specifically related to educational law and the influence of professional experiences on perceived needs. In general, this research study served as a formative assessment to gauge Texas SBAE teachers' training needs associated with educational law. The need to assess the professional development needs of SBAE teachers closely aligns with Research Priority Five: Efficient and Effective Agricultural Education Programs of the American Association for Agricultural Education (AAAE) National Research Agenda (Thoron et al., 2016). Thoron et al., (2016) indicated, "[t]he knowledge and skill needed by agricultural education professionals...will continue to grow as our society and the needs of stakeholders continue to become more complex" (p. 45). The increase in school-based litigation prompts the need for teachers to have a working knowledge of local, state, and federal laws which govern them (Essex, 2016; Walsh et al., 2014; Zirkel, 2006). The following objectives and null hypotheses guided this study:

1. Describe the professional experience of Texas SBAE teachers.

2. Identify and prioritize educational law in-service needs of Texas SBAE teachers.
3. Determine the main effects of teacher's career phase and previous educational law training and the interaction effect between those two factors on Texas SBAE teachers' perceived competence of educational law. The following null hypotheses were tested:

H<sub>01</sub>: In the population, there is no statistically significant difference in the perceived educational law competence of SBAE teachers due to the interaction of teacher's career phase and teacher's previous educational law training.

H<sub>02</sub>: In the population, there is no statistically significant difference in the perceived educational law competence of SBAE teachers due to the teacher's career phase.

H<sub>03</sub>: In the population, there is no statistically significant difference in the perceived educational law competence of SBAE teachers due to their previous educational law training.

## Methods

### Population

The population consisted of all 2,118 SBAE teachers in the state of Texas; the SBAE Teacher Directory on [judgingcard.com](http://judgingcard.com) served as the frame to determine the accessible population. The directory is not purported to be a comprehensive list of all Texas SBAE teachers; rather, it constitutes the best available list. The Krejcie and Morgan (1970) sampling size estimation formula (95% confidence interval level [ $z$ -score = 1.96],  $\pm 5\%$  margin of sampling error) was used to determine the sample size which would be representative of the population of Texas SBAE teachers—resulting in a sample of 325 SBAE teachers. A random number generator was used to construct the simple random sample of SBAE teachers. Of the 325 Texas SBAE teachers which were recruited to participate in this study, 213 (65.5%) completed the instrument. One hundred and thirty-one (61.5%) teachers were male and 82 (38.5%) were female. The teachers had an average of 11.87 ( $SD = 10.41$ ) years of teaching experience and an average age of 37.19 ( $SD = 11.56$ ).

### Instrumentation

A modified version of the Borich Needs Assessment Model (Borich, 1980) was used to assess the educational law training needs of Texas SBAE teachers in this study. The 37 educational law topics which were included on the instrument were derived from a prior educational law study which determined superintendent's and school district attorney's perceptions of the most important educational law issues for SBAE teachers (Hainline et al., 2019). The items were grouped into categories (i.e., student safety, supervision and discipline [10 items], teacher communication [6 items], teacher rights [7 items], liabilities of teachers [6 items], special education / teachers' duty to report [9 items]) to assist the respondents in processing the items (Dillman et al., 2009).

For each educational law items, the SBAE teachers were asked to indicate their perceived competence to understand legality associated with topic on a five-point scale (1 = *Not Competent*, 2 = *Little Competence*, 3 = *Somewhat Competent*, 4 = *Competent*, 5 = *Very Competent*). Additionally, the respondents were asked to indicate their perceived importance of each educational law topic on a five-point scale (1 = *Not Important*, 2 = *Slightly Important*, 3 = *Moderately Important*, 4 = *Important*, 5 = *Very Important*). The instrument also contained items which sought to determine the background characteristics (i.e., years of teaching experience, membership of professional teaching organizations, path taken to teacher certification, primary source for previous educational law training, and previous involvement in school-based litigation) and demographic characteristics (i.e., gender and age) of the SBAE teachers.

The educational law needs assessment instrument was reviewed by a panel of experts to assess the face and content validity of the instrument. The panel of experts included three agricultural education faculty members from three separate institutions, an educational leadership faculty member who taught educational law coursework and was licensed to practice law in two states, a practicing school district attorney who served as council for the ATAT, and an agricultural education graduate student with prior SBAE teaching experience. The wording of items / directions and the layout of the instrument was augmented to enhance readability based on the experts' suggestions. The panel of experts indicated the item, "which of these best describes your path to certification" was restrictive and did not encompass all available paths to certification. To address the suggestion, the item was separated into three items "which of these best describes your path to teacher certification," "what was your major for your undergraduate degree," and "what was your major for your master's degree?" Lastly, the item which inquired about the teachers' primary sources of educational law training was changed from multiple choice format to select all that apply, to provide a more comprehensive description of the SBAE teachers' previous training.

Radhakrishna (2007) noted the assessment of internal consistency was appropriate for the evaluation of reliability of interval / ratio scale items. Moreover, Radhakrishna (2007) posited "[r]eliability is established using a pilot test by collecting data from 20-30 subjects not included in the sample" (p. 3). Therefore, a pilot study comprised of 26 Texas SBAE teachers who were not selected as part of the probabilistic sample in this study was conducted to evaluate the internal consistency of the instrument. The evaluation of internal consistency of all scale items yielded a Cronbach's alpha reliability coefficient of .94 (competence scale ratings [ $\alpha = .96$ ] and importance scale ratings [ $\alpha = .91$ ]), which was considered to be a desirable reliability coefficient (Radhakrishna, 2007; Warmbrod, 2014). Along with the assessment of internal consistency of the pilot test, a post-hoc reliability analysis was calculated for the final instrument (All scale items [ $\alpha = .94$ ]; competence scale ratings [ $\alpha = .93$ ]; and importance scale ratings [ $\alpha = .95$ ]) which supported the reliability evaluation of the pilot test.

### **Data Collection**

The distribution of recruitment / reminder emails and dissemination of the instrument were conducted using the Qualtrics survey platform. The initial recruitment email included information about the research study, a link to the instrument, and details about incentives. Two reminder emails were sent to non-respondents in five-day increments, based the instrument distribution schedule predicated by Yun and Trumbo (2000). Two-hundred and thirteen SBAE teachers responded on this instrument, yielding a response rate of 65.5%. Ary et al. (2013) indicated if a response rate of 75% is not achieved, an attempt should be made to describe the differences between respondents and non-respondents. Accordingly, a comparison between early and late respondents was analyzed to assess non-response error. Following suggestions of Lindner et al. (2001), late respondents were operationally defined as respondents who responded after the last stimulus (i.e., the final recruitment email). Primary variables of interest were compared between the early and late responders. The results of the independent samples *t*-tests (on competence and importance scale items) indicated no significant differences existed between early and late responders. The sample was assumed to be unbiased and the results of this study are considered to be generalizable to the target population.

### **Data Analysis**

Data was analyzed using the Statistical Package for Social Sciences (SPSS<sup>®</sup>) Version 22. Descriptive statistics (i.e., frequencies, standard deviations, and means) were computed to analyze the background characteristics of the SBAE teachers.

Discrepancy scores (DS), weighted discrepancy scores (WDS), and mean weighted discrepancy scores (MWDS) were calculated to analyze the educational law training needs of SBAE teachers. The DS were calculated for each educational law topic by subtracting the participant's competence rating from their perceived importance rating. Then, each respondents' WDS was calculated by multiplying the mean importance rating by the DS for each of the educational law items. A MWDS was calculated for each educational law topic by dividing the sum of the WDS by the total number of observations. Along with the overall MWDS analysis ( $n = 213$ ) of all teachers, a separate calculation of MWDS were calculated for EC teachers ( $n = 80$ ) and MLC teachers ( $n = 133$ ). The 37 educational law items were then ranked in descending order based on their MWDS. Borich (1980) noted "[d]iscrepancies ranked in descending order of priority provide the framework for deciding what parts of the program to modify or revise" (p. 39). Congruent with the interpretation of MWDS in previous needs assessment studies (Blickenstaff et al., 2015; Harder & Wingenbach, 2008), positive MWDS indicated some level of need for professional development in a given competency area, and negative MWDS signified no professional development training was needed for the competency. Topics with higher MWSD represented areas of higher priority associated with professional development needs (Sorensen et al., 2014; Ward, 2018). The Excel-Based MWDS Calculator (McKim & Saucier, 2011a) was used to calculate the DS, WDS, and the MWDS. According to McKim and Saucier (2011a), the Excel-based MWDS calculator reduces user error.

To address objective three, a 3 x 2 factorial ANOVA was conducted to compare the main effects of the teachers' career phase (i.e., EC teachers and MLC teacher), previous educational law training (i.e., no previous training, one source of previous educational law training, and two or more sources of previous educational law training) and the interaction effect between career phase and previous educational law training on teachers perceived competency of educational law. The teacher's perceived competence scores (i.e., dependent variable) were calculated by averaging the reported competence scores on the 37 items for each individual. The two-way ANOVA evaluated the factors' influences on the grand mean competency score. The significance level was set at .05 *a priori*. Levene's test of equality was employed to assess compliance with the assumption of homogeneity of variance and the Shapiro-Wilk test was conducted to assess normality. We produced and inspected a boxplot to assess potential outliers.

Partial eta squared ( $\eta_p^2$ ) effect sizes were calculated to determine the proportion of unique variance of each variable in the analysis (Field, 2013). The effect sizes ( $\eta_p^2$ ) were interpreted using Cohen's (1988) effect size descriptors (i.e., 0.20 = *large* effect size, 0.08 = *medium* effect size, 0.009 = *small* effect size). Real limits were set to facilitate the interpretation of competence scale mean scores (i.e., 1 = *Not Competent* (RL = 0-1.49), 2 = *Little Competence* (RL = 1.50-2.49), 3 = *Somewhat Competent* (RL = 2.50-3.49), 4 = *Competent* (RL = 3.50-4.49), 5 = *Very Competent* (RL = 4.50-5.00).

### Findings

The first objective sought to describe the professional characteristics of the Texas SBAE teachers. Eighty (37.56%) SBAE teachers indicated they had one to five years of teaching experience and 133 (62.44%) teachers reported teaching six or more years. Of the 213 teachers who responded in this study, 206 (96.71%) indicated they were affiliated with at least one professional teaching organization. The Agriculture Teachers Association of Texas (ATAT) was the professional organization with the highest percentage of affiliation amongst the SBAE teachers who responded. A majority of the respondents were traditionally certified teachers ( $n = 172$ , 81.13%), 36 (17.45%) were alternatively certified, and two (0.92%) were not certified teachers.

Educational law professional development activities ( $n = 112$ ) and educational knowledge obtained from professional organizations ( $n = 100$ ) were the main sources of educational law training

reported by the teachers. Sixty-two (29.25%) SBAE teachers indicated they had no previous educational law training, 58 (27.36%) SBAE teachers had attended at least one training, and 92 (43.39) SBAE teachers reported attending two or more trainings associated with educational law. Only 14 (6.60%) SBAE teachers who responded to this study had previously been involved in a school-based law suit (see Table 1).

**Table 1**

<i>Professional Characteristics of Texas SBAE Teachers</i>		
Characteristic	<i>f</i>	<i>%</i>
Years of Teaching Experience ( <i>n</i> = 213)		
1 – 5 years	80	37.56
6 – 10 years	43	20.18
11 – 15 years	25	11.74
16 – 20 years	24	11.27
21 and over	41	19.25
Affiliation with professional teaching organizations ( <i>n</i> = 206)		
Agriculture Teachers Association of Texas (ATAT)	204	99.03
National Association of Agricultural Educators (NAAE)	23	11.27
Texas Professional Educators Organization	10	4.85
Texas Teachers Association	4	1.94
Association for Career and Technical Education (ACTE)	2	0.97
Texas Classroom Teachers Association	2	0.97
Texas Industrial Education Association	2	0.97
American Federation of Teachers (AFT)	1	0.48
Science Teachers of Texas	1	0.48
Path taken to obtain teaching certification ( <i>n</i> = 212)		
Traditional teacher certification	173	81.63
Alternative teacher certification	37	17.45
I do not have a teacher certification	2	0.92
Primary sources for previous educational law training ( <i>n</i> = 213)		
I have participated in professional development related to educational law.	112	52.58
I have gained knowledge though my professional organizations.	100	46.95
I completed an educational law course as an undergraduate.	29	13.62
I completed a separate course in education law as a graduate student.	27	12.68
I have no previous training in educational law.	62	29.11
Number of previous educational law training(s) ( <i>n</i> = 212)		
0	62	29.25
1	58	27.36
2+	92	43.39
Previous involvement in a school-based law suit. ( <i>n</i> = 213)		
No	199	93.40
Yes	14	6.60

Educational law professional development activities (*n* = 112) and educational knowledge obtained from professional organizations (*n* = 100) were the main sources of educational law training reported by the teachers. Sixty-two (29.25%) SBAE teachers indicated they had no previous educational law training, 58 (27.36%) SBAE teachers had attended at least one training, and 92 (43.39) SBAE teachers reported attending two or more trainings associated with educational law. Only 14

(6.60%) of the SBAE teachers who responded to this study had previously been involved in a school-based law suit.

The second research objective was to identify and prioritize the educational law training needs of Texas SBAE teachers. MWDS were calculated for the teachers as a whole, by different career phases (i.e., EC and MLC teachers), and amount of previous educational law training experience (i.e., no experience [0 PELT]; one previous training [1 PELT]; and two or more previous trainings [2+ PELT]). The educational law topics were ranked based on their level of training need. The top five perceived educational law training needs for all teachers were: “personal liability protection for Texas school personnel (Qualified immunity)” (MWDS = 6.77), proper search and seizure of a students (MWDS = 5.55), liability associated with student transportation in school (MWDS = 5.53) and personal vehicles (MWDS = 5.44), and the “procedure and justification for properly removing a student from class (teacher-initiated removal)” (MWDS = 4.41).

The educational law topics which EC teachers indicated the highest level of perceived training needs were: personal liability protection for Texas school personnel (MWDS = 6.96), “proper search and seizure of a student based on their constitutional rights” (MWDS = 6.73), “proper supervision of students in the agricultural mechanics shop to ensure safety” (MWDS = 5.57), teacher’s liability associated with student transportation in school (MWDS = 5.40) and personal (MWDS = 4.98) vehicles. In regard to MLC teachers, the highest perceived educational law training needs were: personal liability protection for Texas school personnel (MWDS = 6.67), teacher’s liability associated with student transportation in school (MWDS = 5.57) and personal (MWDS = 5.60) vehicles, “proper search and seizure of a student based on their constitutional rights” (MWDS = 4.90), and the procedure and justification for properly removing a student from class (MWDS = 4.46; see Table 2).

The educational law training needs of the SBAE teachers, varied based on the teachers’ previous exposure to educational law trainings. Of the 37 educational law items provided on the instrument, the teachers who had no previous educational law training (0 PELT) had the highest MWDS on 21 items and the teachers who attended one previous training (1 PELT) had the highest MWDS on 16. The teachers who previously attended two or more trainings (2+ PELT) had the lowest MWDS on 32 items, when compared to the other two groups. The 0 PELT group’s top ranked need was “teacher’s liability associated with student transportation in school vehicles” (MWDS = 6.26), while the other two groups’ top ranked training need was “personal liability protection for Texas school personnel (Qualified immunity)” (1 PELT MWDS = 7.35; 2+PELT MWDS = 6.74). “Proper communication with supervisors and administrators” was the topic with the lowest rated training need for the two groups of teachers with previous educational law training experience (1 PELT [MWDS = 0.32]; 2+PELT [MWDS = 0.15]), and “teacher’s right to join or refuse to join professional associations” was the educational law item with lowest ranked training need for teachers who had no previous educational law training (MWDS = 0.32).



**Table 2**

*Educational Law Training Priority Areas for Professional Development as Perceived by Texas SBAE Teachers, by Career Phase and Number of Previous Educational Law Training, Using the Borich Needs Assessment Model*

Educational Law Topic	(Rk) MWDS					
	Total	ECT <sup>a</sup> (n = 80)	MLCT <sup>b</sup> (n = 133)	0 PELT (n = 62)	1 PELT (n = 58)	2+ PELT (n = 92)
Personal liability protection for Texas school personnel (Qualified immunity).	(1) 6.77	(1) 6.96	(1) 6.67	(2) 6.23	(1) 7.35	(1) 6.74
Proper search and seizure of a student based on their constitutional rights.	(2) 5.55	(2) 6.73	(4) 4.90	(3) 6.18	(2) 6.54	(4) 4.49
Teacher's liability associated with student transportation in school vehicles.	(3) 5.53	(4) 5.40	(3) 5.60	(1) 6.26	(5) 5.41	(2) 5.06
Teacher's liability associated with student transportation in personal vehicles.	(4) 5.44	(5) 4.98	(2) 5.75	(8) 5.06	(3) 6.47	(3) 5.01
Procedure and justification for properly removing a student from class (teacher-initiated removal)	(5) 4.41	(11) 4.38	(5) 4.46	(9) 5.23	(4) 5.45	(8) 3.18
Understanding teacher employment contracts and compensation.	(6) 4.07	(13) 4.09	(7) 4.06	(12) 4.73	(9) 4.03	(5) 3.66
Teacher's right to planning and preparation time within the instructional day.	(7) 4.02	(10) 4.39	(9) 3.81	(10) 4.98	(8) 4.37	(9) 3.11
Understanding state laws and procedure regarding the termination or nonrenewal of a term contract teacher.	(8) 4.01	(19) 3.37	(6) 4.43	(14) 4.52	(7) 4.61	(6) 3.29
Appropriate administration of student discipline on extracurricular events.	(9) 3.98	(6) 4.93	(11) 3.41	(13) 4.57	(6) 4.76	(11) 3.07
Proper supervision of students in the agricultural mechanics shop to ensure safety.	(10) 3.97	(3) 5.57	(17) 3.02	(4) 5.74	(14) 3.71	(15) 2.90
Understanding state laws and procedure regarding the termination of a probationary contract teacher.	(11) 3.96	(14) 4.01	(8) 3.96	(5) 5.36	(12) 3.90	(10) 3.09
Proper implementation of modifications for students with disabilities.	(12) 3.90	(8) 4.69	(15) 3.20	(6) 5.35	(21) 3.19	(12) 2.96
Proper implementation of accommodations for students with disabilities.	(13) 3.89	(7) 4.89	(12) 3.31	(9) 5.02	(15) 3.71	(7) 3.19
Following proper procedures for reporting suspected child abuse.	(14) 3.73	(9) 4.44	(13) 3.31	(11) 4.84	(10) 4.01	(16) 2.85
Following proper procedures for reporting suspected child neglect.	(15) 3.55	(17) 3.57	(10) 3.53	(18) 4.07	(11) 3.91	(13) 2.94
Proper supervision of students on an overnight stay (supervision when students are "out of view").	(16) 3.48	(16) 3.91	(14) 3.23	(15) 4.34	(17) 3.65	(17) 2.83
Proper implementation of student's Individual Education Plan.	(17) 3.47	(12) 4.22	(16) 3.04	(16) 4.30	(19) 3.36	(14) 2.91
Appropriate administration of student discipline in the classroom.	(18) 3.24	(15) 3.94	(19) 2.84	(17) 4.16	(18) 3.52	(18) 2.51

Educational Law Topic	(Rk) MWDS					
	Total	ECT <sup>a</sup> (n = 80)	MLCT <sup>b</sup> (n = 133)	0 PELT (n = 62)	1 PELT (n = 58)	2+ PELT (n = 92)
Proper enforcement of school district policies on bullying.	(19) 2.96	(18) 3.39	(20) 2.75	(21) 3.24	(16) 3.65	(19) 2.31
Proper supervision of students at livestock shows to ensure safety.	(20) 2.87	(20) 3.25	(22) 2.64	(19) 4.04	(24) 2.88	(22) 2.10
Proper supervision of students at school farm to ensure safety.	(21) 2.71	(25) 2.65	(18) 2.86	(20) 3.52	(13) 3.74	(29) 1.75
Duty to report discrimination based on sex (Title IX Complaints)	(22) 2.59	(24) 2.66	(23) 2.56	(22) 3.16	(22) 3.05	(25) 1.91
Duty to report sexual harassment (student-to-student).	(23) 2.53	(26) 2.57	(24) 2.50	(25) 2.99	(20) 3.22	(28) 1.76
Duty to report sexual harassment of co-workers.	(24) 2.50	(21) 2.90	(26) 2.31	(27) 2.51	(23) 3.01	(21) 2.15
Understanding of an SBAE teachers' supplemental duties as an extracurricular sponsor.	(25) 2.47	(31) 2.08	(21) 2.71	(26) 2.81	(26) 2.58	(20) 2.20
Proper supervision of students at extracurricular events (LDEs, CDEs, conventions, etc.).	(26) 2.45	(22) 2.88	(27) 2.20	(24) 3.11	(25) 2.86	(27) 1.76
Proper social media contact between educators and students.	(27) 2.34	(23) 2.77	(28) 2.08	(23) 3.11	(29) 2.20	(24) 1.92
Proper management/handling of travel funds.	(28) 2.02	(27) 2.43	(29) 1.82	(32) 1.76	(28) 2.37	(23) 1.94
Duty to report discrimination of pregnant and parenting students (Title IX Complaints).	(29) 1.98	(35) 1.13	(25) 2.49	(33) 1.58	(27) 2.56	(26) 1.84
Proper management/handling of budget and public funds.	(30) 1.88	(29) 2.20	(30) 1.74	(30) 2.00	(30) 2.13	(30) 1.67
Proper cellular texting contact between educators and students.	(31) 1.78	(28) 2.42	(31) 1.41	(28) 2.35	(33) 1.59	(31) 1.54
Proper management/handling of fundraising money.	(32) 1.17	(33) 1.34	(33) 1.11	(35) 1.00	(32) 1.73	(34) 1.00
Teacher's right to join or refuse to join professional associations.	(33) 1.14	(36) 0.89	(32) 1.30	(37) 0.32	(31) 2.11	(32) 1.13
Proper physical contact between educators and students.	(34) 1.11	(32) 1.45	(34) 0.79	(34) 1.07	(34) 1.24	(33) 1.01
Proper communication with parents.	(35) 1.09	(30) 2.19	(36) 0.47	(29) 2.17	(35) 1.00	(36) 0.39
Proper communication with supervisors and administrators.	(36) 0.62	(34) 1.33	(37) 0.20	(31) 1.86	(37) 0.15	(37) 0.10
Proper verbal contact between educators and students.	(37) 0.61	(37) 0.65	(35) 0.59	(36) 0.83	(36) 0.56	(35) 0.51

Note. <sup>a</sup>Early-Career Teachers = Teachers with 0-5 years of teaching experience; <sup>b</sup>Mid to Late-Career Teachers = Six or more years of teaching experience. 0 PELT = Teachers with no previous educational law training; 1 PELT = teachers who attended one previous educational law training; 2+ PELT = teachers who attended two or more previous educational law trainings.

The final objective was to determine the main effects of teacher's career phase and previous educational law training, and the interaction effect between the two factors on the SBAE teachers' perceived competency in educational law. In regard to perceived competency in educational law, EC teachers ( $M = 4.05$ ,  $SD = 0.32$ ) indicated a slightly higher level of perceived competence, in comparison to MLC teachers ( $M = 4.00$ ,  $SD = 0.42$ ). On average, both groups of teachers considered themselves to be *Competent* (RL = 3.50 - 4.49) of the educational law topics. A total of 63 teachers indicated having no previous educational law training; the mean score for perceived competence for this group was 3.92 ( $SD = 0.05$ ; *Competent* RL = 3.50 - 4.49). The teachers which reported having one previous source of educational law training ( $n = 58$ ) had a slightly higher mean score ( $M = 4.00$ ,  $SD = 0.05$ ) in comparison to teachers who had not previously received educational law training. With a mean score of 4.12 ( $SD = .05$ ), teachers who previously attended two or more educational law training events ( $n = 92$ ) had a higher perceived competence of educational law than the two other groups. Regardless of the career phase or previous exposure to educational law training, all teachers perceived themselves to be *competent* (RL = 3.50 - 4.49) associated with educational law issues (see Table 3).

**Table 3**

*Summated Mean of Teachers' Perceived Competency Scores for Treatment Conditions Career Phase and Previous Educational Law Training.*

Characteristic	<i>n</i>	<i>M</i>	<i>SD</i>
Career phase			
Early-career teachers	80	4.05	0.32
Mid to late-career teachers	133	4.00	0.42
Number of previous educational law training(s)			
0	62	3.92	0.05
1	58	4.00	0.05
2+	92	4.12	0.05

*Note.* Perceived competency scale: 1 = *Not Competent* (RL = 0 - 1.49), 2 = *Little Competence* (RL = 1.50 - 2.49), 3 = *Somewhat Competent* (RL = 2.50 - 3.49), 4 = *Competent* (RL = 3.50 - 4.49), 5 = *Very Competent* (RL = 4.50 - 5.00).

Residual analysis was conducted to assess compliance with the assumptions of the two-way ANOVA. Boxplots were inspected to assess possible outliers and a Shapiro-Wilk test was conducted to assess normality. The assumption of homogeneity of variance was assessed by conducting a Levene's test. No outliers were identified, there was a normal distribution of residuals ( $p > .05$ ) and the assumption of homogeneity of variance was met ( $p = .114$ ).

A 3x2 factorial ANOVA was conducted to determine the interaction and main effects. The interaction effect between teacher's career phase and previous educational law training, on the teacher's perceived competence in educational law was not statistically significant,  $F(2, 206) = 1.20$ ,  $p = .304$ ,  $\eta_p^2 = .011$  (see Table 4). Thus, we failed to reject the first null hypothesis ( $H_{01}$ ).

**Table 4**

*Analysis of Variance Source Table of Effects of Teachers' Career Phase and Previous Educational Law Training on the Dependent Variable of Teachers' Perceived Competence on Educational Law Topics*

Source	SS	df	MS	F	p	$\eta_p^2$
Corrected Model	2.496	5	.499	3.493		
Intercept	2870.896	1	2870.896	20089.978		
Career Phase	.487	1	.487	3.405	.066	-
PELT	1.448	2	.724	5.066	.007	.047
Career Phase x PELT	.342	2	.171	1.196	.304	-
Error	29.438	206	.143			
Total	3463.921	212				

Note.  $R^2 = .078$ , Adjusted  $R^2 = .056$ ,  $*p < .05$ , PELT = Previous educational law training.

According to Kirk (1995), main effects in a two-way ANOVA should be analyzed when the interaction effect is not statistically significant. The main effect of career phase on the teacher's perceived competence on educational law topics yielded an  $F(1, 206) = 3.41$ ,  $p = .07$ . Hence, the main effect of career phase was deemed to be non-significant, and we failed to reject the second null hypothesis ( $H_02$ ). Conversely, the main effect of previous educational law training on teacher's perceived competence on educational law topics was statistically significant ( $F(2, 206) = 5.07$ ,  $p = .007$ ,  $\eta_p^2 = .047$ ). The third null hypothesis ( $H_03$ ) was rejected with the probability of .007 of making a Type I error.

A Bonferroni post-hoc test was conducted to determine where the differences existed in regard to the main effect of previous educational law training. The post-hoc analysis revealed a statistically significant difference in perceived competence between teachers who attended two or more sources of educational law training ( $p = .005$ ) and teachers who received only had one source of educational law training (see Table 5).

**Table 5**

*Comparison of Teachers Perceived Competence of Educational Law Topics Based Upon the Bonferroni Post Hoc Test*

Group	n	$M^1$	SD
No previous educational law training	62	3.92 <sub>a</sub>	0.05
One source of educational law training	58	4.00 <sub>b</sub>	0.05
Two or more sources of educational law training	92	4.12 <sub>ab</sub>	0.05

Note. <sup>1</sup> = Subscripts with differing letters are significantly different at  $<.05$ ). Perceived competency scale: 1 = *Not Competent* (RL = 0 - 1.49), 2 = *Little Competence* (RL = 1.50 - 2.49), 3 = *Somewhat Competent* (RL = 2.50 - 3.49), 4 = *Competent* (RL = 3.50 - 4.49), 5 = *Very Competent* (RL = 4.50 - 5.00).

Additionally, the educational law competency scores of teachers who had no previous educational law training were significantly different ( $p = .028$ ) from the competence scores of teachers who indicated they utilized one source of educational law training.

### Conclusions

The purpose of this research study was to determine the educational law training needs of Texas SBAE teachers. Moreover, this study sought to determine the impact of teachers' career phases and

previous educational law training on SBAE teachers' perceived competence of educational law. The findings of this needs assessment study and information provided in this manuscript does not, and is not intended to, constitute legal advice.

Over 70% ( $n = 151$ ) of the SBAE teachers in this study indicated they had previously received educational law training. Based on the educational law training needs expressed by the teachers in this study, the relevance and effectiveness of their previous training is in question. Historically, researchers have recommended the implementation of preservice courses (Delahoussaye, 2016; Gajda, 2008; Wagner, 2007; Zirkel, 2006), and professional development events (Littleton, 2008) to bolster teachers' knowledge of educational law. Twenty-nine Texas SBAE teachers (13%) reported taking an undergraduate course in educational law. The low number of teachers who reported taking an undergraduate educational law course coincides with findings of previous educational law studies (Delahoussaye, 2016; Reglin, 1990; Wagner, 2008). While the implementation of a stand-alone educational law course might not be feasible for some SBAE teacher preparation programs, teacher educators could potentially integrate educational law topics in their existing curricula. Teacher educators should consider using legal counsel from professional organizations and local school district attorneys as a resource to develop and deliver this content.

The majority (99.03%) of Texas SBAE teachers indicated being members of the Agriculture Teachers Association of Texas (ATAT), and 47% indicated their previous educational law training was provided from professional organizations. The ATAT provides educational law professional development events at each summer conference. However, at the 2016 summer professional development conference, less than four percent ( $n = 64$ ) of the SBAE teachers who attended the summer conference participated in this training (K. Jones, personal communication, September, 29, 2016). The low attendance of this event could signify: (1) teachers were not aware of the professional development offerings in this area, (2) teachers have attended a professional development events before do see value in additional trainings, or (3) the teachers perceive themselves to be competent in educational law.

The top five ranked educational law topics which teachers indicated the largest amount of professional development need involved qualified immunity, search and seizure of students, transportation of students in school and personal vehicles, and teacher-initiated removal of students, respectively.

Qualified immunity (Texas Education Code [T.E.C.] §22.0511, 2007) was the top-ranked educational law topic by Texas SBAE teachers. Qualified immunity assures that professional employees in the state of Texas are protected from civil liability when they act within the scope of their teaching duties and are exercising discretion (Walsh et al., 2014). Walsh et al. (2014) cautioned that while T.E.C. §22.0511 (2007) provides broad protection, it is not absolute. Eventualities associated with teachers use of excessive force in the discipline of students, teachers' negligence resulting in bodily injury of students, or the teachers "operation, use, or maintenance of any motor vehicle" (T.E.C. §22.0511, 2007, p. 11) are listed as limitations to immunity of tort liability under this statute.

Carman (2009) recommended educators should familiarize themselves with the civil liability protection provided from this statute. Walsh et al. (2014) also highlighted the importance of teachers having a working knowledge of educational law to protect themselves from liability for civil damages. This knowledge will assist them in avoiding the violation of "clearly established statutory or constitutional rights of which a reasonable person would have known" (Walsh et al., 2014, p. 404). Statutory provisions of T.E.C. §22.0511 are also tied to other educational law topics in this study, such as the operation, use, or maintenance of school and personal vehicles. Walsh et al. signified the importance of teachers understanding the limitations to immunity from tort suits, based on the motor vehicle exception. Essex (2016) recommended that liability workshops / seminars should be

periodically provided for teachers to ensure they understand the limitations to liability protection. Future educational law trainings should focus on the statutory provisions of T.E.C. §22.0511 based on the recommendations provided from educational law scholars and the perceived training needs expressed by the SBAE teachers in this study.

The search and seizure of students and their belongings was another top ranked educational law topic in this study. Walsh et al., (2014) noted the Supreme Court's ruling of *New Jersey v. T.L.O.* (1985), indicated that protections granted by the Fourth Amendment, "protecting persons from unreasonable searches and seizures" (p. 366), are applicable to students in the public school setting. The Supreme Court decision (*New Jersey v. T.L.O.*, 1985) put forth a two-pronged test to determine if the search of students and their belongings is lawful (Walsh et al., 2014). Specifically, the school official "must (1) establish reasonable cause for believing that the student is violating or has violated a school rule or a law" and "(2) ensure that the search is reasonable in scope in light of the age and sex of the student and the nature of the offense" (Walsh et al., 2014, p. 366).

Cambron-McCabe et al. (2009) indicated school officials who violate the Fourth Amendment rights of students could be subject to civil and/or criminal liability and the results of an unlawful search could have implications on the inadmissibility of evidence in criminal prosecutions (e.g., exclusionary rule and under the *fruit of the poisonous tree doctrine*). While the courts have declared that teachers' position of being in loco parentis (in place of parents) cannot be a stand-alone justification for searching students, school officials only need to have "reasonable suspicion" as opposed to "probable cause" (Alexander & Alexander, 2009; Essex, 2016; Walsh et al., 2014). Alexander and Alexander (2009) explained "reasonable suspicion is a belief or opinion based on facts and circumstances" (p. 201) which is a lower standard compared to probable cause where law enforcement would be required to obtain a warrant to conduct a lawful search. Aquila (2008) posited the lower standard for school-based searches is because the reason for the search is not to collect prosecutorial evidence and the heightened school-based security threats.

Educational law scholars have also indicated there must be individualized suspicion to justify a legal search. In other words, the scope of the search should be restricted to the incident at hand and "a sweep search of all students by a teacher in hopes of turning up evidence of contraband or violation of rules would be illegal" (Essex, 2016, p. 66). One example of case law related to individualized suspicion was *Doe v. Little Rock Sch. Dist.* (2004) where the Fourth Circuit court ruled the school policy of randomly searching book bags of students constituted an illegal invasion of students' privacy (Cambron-McCabe et al., 2009). In the context of Agricultural Education, would our searches of students' luggage and belongings before leaving for overnight trips be justified based on a reasonable, individualized suspicion?

Colwell and Ingle (2013) and Walsh et al. (2014) both recommend that teachers and school officials turn over student searches (especially strip searches) to local law enforcement. Walsh et al. (2014) stated "[i]nvolving the police has the advantage of helping maintain a chain of custody of confiscated items and diverting potential litigation from the district. (p. 368).

Another educational law topic which teachers indicated a high need for training was teacher-initiated removal of students. The inclusion of teacher-initiated removal (T.E.C. §37.002, 2013) in the Texas Education Code bolsters the authority of teachers, allowing them to maintain order and discipline in their classroom (Walsh et al., 2014). This section of the Texas Education Code includes three types of teacher-initiated removal including: (1) for student assistance, (2) discretionary teacher removal, and (3) mandatory teacher removal of students. Walsh et al. (2014) described the removal for student assistance as sending a student to the principal's office.

Discretionary teacher removal allows teachers to remove a student “who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn” or “whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn” (T.E.C. §37.002, 2013, p. 7). Moreover, §37.002(b) notes after a teacher has exercised the authority to remove the student from their classroom, the administration must hold a conference with the student and assign an alternative placement (e.g., another classroom, in-school suspension, or a disciplinary alternative education program [DAEP]). This aspect of the education code also specifies that administrators cannot force teachers to accept the student back into the original classroom, unless a placement review committee (PRC) determines the teacher's classroom “is the best or only alternative available” (T.E.C. §37.002, 2013).

The third form of teacher-initiated removal, mandatory removal “arises only when the student commits an offense in the classroom that requires removal to a DAEP or expulsion” (Walsh et al., 2014, p. 309). Walsh et al. (2014) posited the statutory provisions of T.E.C. §37.002 are only effective if the teacher does their due diligence to document their efforts to control a given student's disruptive behavior. Walsh et al. recommended teachers develop class rules, post them in their classrooms, review the rules with their students, and enforce the rules consistently.

The highest ranked educational law-related professional development needs for EC teachers were qualified immunity, search and seizure of students, supervision of students in the agricultural mechanics laboratory, and liability associated with student transportation in school and personal vehicles. The EC teachers concerns about supervision of students in the agricultural mechanics laboratory coincides with past findings. Previous studies in Texas (Saucier & McKim, 2011), Missouri (Saucier et al., 2014), and Wyoming (McKim & Saucier, 2011b) posited SBAE teachers had strong professional development needs in the areas of laboratory safety, managing hazardous materials, and equipment repair.

Educational law scholars have noted that the standard of care serves as an important concept related to the supervision of students in a laboratory setting (Alexander & Alexander, 2009; Aquila, 2008; Essex, 2016). Essex (2016) described standard of care as a concept which “requires that school personnel exercise the same degree of care that other professional educators holding similar positions would exercise under the same or similar conditions” (p. 167). When providing instruction in a laboratory setting, teachers must properly instruct students on proper use of equipment and materials, warn students about dangerous machinery or equipment, maintain laboratory equipment, and supervise laboratory activities to ensure instructions are followed (Aquila, 2008; Cambron-McCabe et al., 2009; Essex, 2016).

Based on recommendations presented by Essex (2016), the SBAE teachers should be trained on the various elements of negligence (i.e., standard of care, breach of duty, proximity or legal cause, and injury) to better understand the “limits of liability protection” (p. 183). The educational law professional development events should include activities for active learning such as reviewing case law to accommodate the learning style preferences of the adult learners (Knowles, 1980). Aside from formal professional development, EC teachers can engage in dialogue with other teachers who have extensive laboratory instruction experience to gather ideas and resources related to laboratory management. The laboratory management experiences accumulated by the experienced teachers can serve as a “rich resource for learning” (Knowles, 1980, p. 45).

The findings from this study indicated there was not a statistically significant difference between EC and MLC teachers in regard to their perceived educational law competence. The findings

of previous studies on the effect of teaching experience on educational law knowledge is mixed. While some prior research noted the increase of educational law knowledge with greater years of teaching experience (Bounds, 2000; Dretchen-Serapiglia, 2016; Koch, 1997; Mirabile, 2013), others (Brookshire & Klotz, 2002; Enteen, 1999) noted amount of teaching experience was not significantly related to higher educational law competence. The lack of a significant difference between the two groups obviates the need to develop separate educational law in-service events for each specific group. While the teachers of the different career phases in this study had similar training needs, future research should examine teachers' competence in educational law by career phase using a more granular lens. A replication of this study using Fessler and Christensen's (1992) eight career phase model may provide more insight into the dispersion of teachers' competence levels based on experience.

Contrary to the findings on differences on career phase, statistically significant differences in teachers' perceived educational law competency were discovered between teachers with various amounts of educational law training experiences. More specifically, teachers who had participated in two or more educational law trainings had a significantly higher perceived competence in educational law when compared to teachers who only experienced one or no previous educational law training. The SBAE teachers who attended two or more previous trainings (2+ PELT) had the lowest MWDS on 32 of the 37 items included on the instrument. This finding aligns with previous findings (Dummingier, 1989; Koch, 1997) which indicated teachers who participated in in-service training experiences had a significantly higher competence associated with educational law. Koch posited when teachers participated in two or more educational law in-service events, they had a greater knowledge in regard to Multicultural Educational Training and Advocacy (META), Section 504, and educational law in general.

Based on the findings of this study and recommendations from previous literature (Imber, 2008; Littleton, 2008; Mirabile, 2013), it is recommended that a concerted effort be made to provide teachers with more training associated with educational law topics. This training could be facilitated by implementing structured course work for preservice teachers, periodic professional development events, and engagement in professional organizations which focus on legal issues (Imber, 2008; Littleton, 2008; Mirabile, 2013). Regardless of the training delivery method used, previous studies have highlighted the need to deliver these trainings periodically (Davies, 2009; Harris, 2001; Imber, 2008; Littleton, 2008). Imber (2008) suggested community school districts or state education agencies should develop "interactive online tutorials that teachers would be required to complete periodically" (p. 96).

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