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AN ABSTRACT OF THE THESIS OF Jennifer M. Cruz for the Master of Education  
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Title: An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers, and Prospective Teachers in Guam

Approved: \_\_\_\_\_

  
Ed Luid, Ph.D., Chairperson, Thesis Committee

Litigation in education has increased over the years. Although there is no published source that provides an accurate account on the number of lawsuits involving educators, it is estimated that over 10,000 suits are filed nationally each year. One factor, which may be attributed to this increase, is society's inclination for the courts to intervene and decide on the challenges to educational policies and procedures or the actions and decisions of school personnel. Another factor that may have attributed to the increase in education litigation is the exclusion of a school law component in teacher preparation and certification programs. With the number of educators becoming the target of litigation in increasing proportions and the enactment of new education laws, it is essential for educators to have adequate knowledge of the laws and their impact on their responsibilities as professional educators.

The intent of this study was to describe the degree of Guam public school administrator, Guam public school teacher, and prospective teacher school law knowledge. The study also intended to provide evidence to include a school law component in both the undergraduate teacher preparation program and teacher certification requirements on Guam.

A School Law Survey was disseminated to 82 Guam public school administrators, 492 Guam public school teachers in nine of the public schools, and 60 prospective teachers in an elementary and secondary teaching methods course at the University of Guam. Part I of the survey compiled demographic information on the respondents' current position, experience as an administrator, experience as a teacher, administrative certification status, degree institution, gender and ethnicity. Part II of the survey compiled data describing respondents' knowledge of legal concepts relating to teacher rights & responsibilities, student rights, issues related to special education, and tort law.

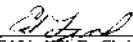
Survey results revealed statistically significant differences in the legal knowledge of Guam public school administrators, Guam public school teachers and prospective teachers. The post-hoc tests revealed statistically significant differences between Guam public school administrators', Guam public school teachers', and prospective teachers' school law knowledge. No significant differences in the legal knowledge of Guam public school teacher and prospective teacher knowledge of student rights and tort law were observed.


The study recommends that the teacher training program at the University of Guam collaborate with the Guam Department of Education certification office to align their requirements and specifically include a school law component. In addition, the University of Guam should require education law coursework for all its graduate education programs and not limit the offering to the administration and supervision program. Finally, the Guam Department of Education should conduct a needs assessment and provide periodic professional development workshops and in-service meetings to

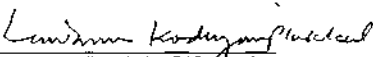
update and strengthen both new and experienced educators' knowledge of educational law.

TO THE OFFICE OF GRADUATE SCHOOL AND RESEARCH

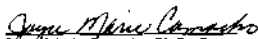
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**AN ANALYSIS OF THE LEGAL KNOWLEDGE  
OF PUBLIC SCHOOL ADMINISTRATORS, PUBLIC SCHOOL TEACHERS,  
AND PROSPECTIVE TEACHERS  
IN GUAM**

**BY**

**JENNIFER M. CRUZ**

**A thesis submitted in partial fulfillment of  
the requirements for the degree of**

**MASTER OF EDUCATION**

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## CHAPTER I

### INTRODUCTION

#### Context of the Study

The nation's public schools are operating in a society shaped by legal decisions. In the early part of this century schools could be considered fairly autonomous because the law rarely affected the students or their curricula. Today, the courts and the law have become intertwined with the schools. Courts are often looked upon to decide educational policy matters and issues related to curriculum, teacher rights and student rights (Reglin, 1990). With the many changes taking place in education, in tandem with social and political change, the decisions and actions of principals and teachers are becoming more vulnerable to judicial review (Squelch & Squelch, 1999).

According to a survey of randomly selected National Association of Secondary School Principals (NASSP) and National Association of Elementary School Principals (NAESP) members, litigation in schools has increased in the last 10 years (Joyce, 2000). There is no published source that provides an accurate and detailed accounting of all litigation involving educators in the public schools (Gullatt & Tollett, 1995). Musemeche (1995), however, estimates over 10,000 suits are filed nationally each year with a direct impact on educators.

The amount of education litigation and the outcome of court decisions indicate that many educators do not have an adequate grasp of the law (Dunklee & Shoop, 1988). Reglin's (1992) study suggests that educators require more preparation in public school law. Hardy (1982) also suggests that educators trained in the areas of duty and standard of care are in an important position to make rational decisions with increased confidence.

Reglin (1992) noted that many classroom teachers and administrators regarded legal principles applicable to public school education with apathy or disinterest. Sorenson and Chapman (1985) noted that the implications of federal law and court decisions for educators have been a continuing source of confusion and misunderstanding.

Educators have an obligation to be acquainted with appropriate sections of school law and legal decisions that affect their daily operations. Ignorance of the law will not protect educators from the ramifications of improper decisions, even if such improper decisions were well intended (Dunklee & Shoop, 1986).

The intent of this study is to describe the degree of school law knowledge of practicing and prospective educators. The information gathered from this study will provide baseline information for developing legal seminars and workshops for educators on Guam.

#### Statement of the Problem

Educators are not as knowledgeable in education law as they should be. Educators need to be knowledgeable in education law for the protection of the students, others and themselves (Dunklee & Shoop, 1988). Educators live in a litigious society and classroom teachers and school administrators who remain uninformed on school law and case law and its effects on their professional role, do so at their own peril (Przybyszewski & Tosetto, 1991).

Despite the increasing litigation in education, teacher certification and preparation on Guam does not require a law component. Teachers on Guam who are aspiring to become school administrators are required to take a school law course as part of the administration and supervision graduate program at the University of Guam. Teachers on



Guam may also elect to enroll in ED494, School Law for Teachers. Elective credits are granted for such a course; however, it is not a requirement for the completion of teacher preparation programs at the University of Guam.

Undergraduate teacher preparation program requirements do not include a school law course, however, the intent of this study is to provide data to support the importance of legal training for prospective educators. Prospective teachers, will therefore, be included in the study and their school law knowledge will be compared to the knowledge of practicing administrators and teachers.

#### Purpose of the Study

The purpose of this study is to describe the degree of school law knowledge related to teacher rights and responsibilities, student rights, special education, and tort law in a sample group of Guam public school administrators, Guam public school teachers and prospective teachers enrolled in a teaching methods course at the University of Guam.

This study is significant in determining whether practicing and prospective administrators and teachers are knowledgeable of legal issues critical to their profession.

#### Significance of the Study

There are currently no studies available on public school administrator, public school teacher, and prospective teacher knowledge of school law on Guam. This study will provide baseline information for developing legal seminars and workshops for current and prospective administrators and teachers on Guam.

### Research Questions

This study poses the following research questions:

1. Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of teacher rights and responsibilities?
2. Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of student rights?
3. Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of legal issues related to special education?
4. Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of tort law?

### Limitations of the Study

This study has the following limitations:

1. It focuses only on Guam public school administrators and teachers; therefore, the conclusions of this study may not be generalizable.
2. It focuses only on prospective teachers currently enrolled in a teaching methods course at the University of Guam; therefore, the conclusions of this study may not be applicable to other students enrolled in a teacher preparation program at the University of Guam.
3. It is limited to the level of accuracy of the reporting and interpretation of school administrators in the public schools on Guam.
4. It is limited to the level of accuracy of the reporting and interpretation of teachers in nine public schools on Guam.

5. It is limited to the level of accuracy of the reporting and interpretation of prospective teachers currently enrolled in a methods course at the University of Guam.

#### Delimitation of the Study

The study can only be applied to Guam public school administrators, teachers from nine public schools, and prospective teachers from two teaching methods courses at the University of Guam.

#### Definition of Terms

Guam public school administrator – a person responsible for the overall supervision and administration of a school.

Guam public school teacher – a person serving in the capacity of a facilitator of instruction of students in grades kindergarten through 12 who has been certified by a state licensing agency.

Knowledge – familiarity, awareness, or understanding gained through experience or study (Morris, 1982).

Legal concept – an area within the educational law knowledge domain (Hartmeister, 1995)

Liability – the most comprehensive significance, including almost every character of hazard or responsibility, absolute, contingent, or likely (Alexander & Alexander, 1992).

Negligence – failure to exercise due care.

Prospective teacher – an undergraduate senior enrolled in a teaching methods course at the University of Guam's College of Education.

School law – a generic term covering a wide range of legal subject matter including the basic fields of contract, property, torts, constitutional law, and other areas of law that directly affect the educational and administrative processes of the educational system (Alexander & Alexander, 1992).

Special education – direct instructional activities, special learning experiences or related services designed for students who have been identified as having exceptionalities (Johnson, Dupuis, Musial & Hall, 1994).

Student rights – privileges afforded to students that are reasonable and materially contribute to the maintenance and advancement of the educational process. Such privileges include, but are not limited to, due process, freedom of speech and expression, and reasonable search and seizure.

Teacher rights – privileges afforded to teachers that are reasonable and materially contribute to the maintenance and advancement of the educational process. Such privileges include, but are not limited to, freedom of speech and expression and due process.

Tort – a civil wrong independent of contract. It may be malicious and intentional, or it may be the result of negligence and disregard for the right of others.

## CHAPTER II

### REVIEW OF THE LITERATURE

According to Dunklee and Shoop (1986), education has entered into a period of history in which societal norms and standards are being tested and challenged in the courts of law. Reglin (1990) stated the escalation in the number of challenges to public education is due in part to the 1969 landmark Supreme Court case of *Tinker v. Des Moines Independent Community School District*. In *Tinker* the Supreme Court stated that students do not shed their constitutional rights at the schoolhouse gate. Since *Tinker*, the courts have been dealing with challenges to policies, procedures, actions, and decisions of school personnel (Reglin, 1990). Footlick (1977) noted that, "ordinary citizens, awakened to their rights only recently defined, have found more occasion to tell their troubles to a judge."

In the sections that follow, the researcher will discuss the implications of the many challenges in education. The information will be organized into five major sections beginning with litigation in education, implications for educators, the need for preparation in education law, reform for educators and essential knowledge for educators.

#### Litigation in Education

In the last generation there has been a dramatic increase in the number and variety of legal issues that affect public education (Heubert, 1997). The implementation of new national and provincial education legislation has dramatically changed the nature of the education system and the legal context in which schools now operate (Squelch & Squelch, 1999).

Education litigation continues to gain public favor (Dunklee & Shoop, 1986). In fact, it is so widespread that it has become the nation's "secular religion"; our society seemingly takes to the courtroom at the mere whisper of an insult (Leiberman, 1981). Dunklee and Shoop (1986) affirm that public schools are held to the same legal standards by the courts, as are individuals or corporations being sued by injured parties. As a result of this, school districts, administrators, and ultimately, teachers and support personnel are not immune from lawsuits. The courts are increasingly holding educators to higher standards of competence and knowledge as professionals. Since education is a right guaranteed to all, legal knowledge pertaining to schools is important to all educators (Reglin, 1990). With this in mind, the next section of this paper will discuss the implications of litigation for educators.

#### Implications for Educators

Educators make hundreds of decisions yearly. Some of the decisions and actions may render them defendants in a court of law (Ogletree & Garrett, 1981). As a result, educators are increasingly in a position where they are called upon to go into court to protect themselves (Reglin, 1990). Courts expect educators to answer strict questions of responsible action when required to explain injurious negligence that occurs to students (Dunklee & Shoop, 1986).

Educators work in a complex bureaucracy, governed by legal regulations and ethical principles. The law and contract obligations establish the standards educators must meet, their working conditions, duties, and rights as professional employees. In light of these complexities and increasing litigation, educators may not have a significant grasp of their legal liabilities nor obligations (Ogletree & Garret, 1981). At times,

education litigation seems to outpace educators' ability to cope, thus resulting in confusion, frustration, stress and even hostility towards the law (Reglin, 1992). Despite this, society and our courts of law demand performance by educators in the area of student welfare. Since education is now considered a right, the legal parameters have become more important to educators (Reglin, 1992). Educators need to be deliberately sensitive to the legal boundaries in teaching. Knowing the law as it relates to education can contribute more than incidentally to becoming a successful educator (Johnson, Dupuis, Musial & Hall, 1994).

Dunklee and Shoop (1986) assert that for a majority of school districts, it is the responsibility of the building level administrators and classroom teachers to know the law and practice within its boundaries. However, Bednar (1984) noted few educators currently have a grasp of preventive law, and even fewer have a working knowledge of how the laws affecting education apply to the daily operations and situations inherent in public school teaching. Strickland, Phillips and Phillips (1976) noted many educators seem to practice the principles of law by hindsight rather than foresight, and they often learn the basics of education law through firsthand experience as defendants in actual litigation rather than as students involved in teacher training programs.

Educators must have a strong working knowledge, beyond common sense, of education law. School law experts note that in a culture that constantly changes and demands more sophistication from professional educators, the study of school law has a place in the curriculum of teacher education programs (Reglin, 1990). The next section will discuss the need for teacher preparation programs to include a school law component.

### The Need for Preparation in Education Law

Studies have shown there is a need for the preparation of educators in education law. Dunklee and Shoop (1988) concluded the amount of education litigation and the outcome of court decisions indicate that many educators do not have an adequate grasp of the law. Reglin's (1992) study, investigating the knowledge of selected Supreme Court decisions by public school educators in South Carolina, also revealed that educators require more preparation in public school law. Zirkel and Richardson (1989) also concluded, "educators generally evidence serious deficits in their knowledge of various school-related legal issues."

Statistically the number of lawsuits in education is on the rise in the United States and most educators are aware of this phenomenon (Traynelis-Yurek & Giacobbe, 1992). As a result, teachers and administrators are increasingly realizing the need for greater awareness of legal issues that affect their daily work (Davis & Williams, 1992). In examinations of education litigation, researchers have found hundreds of cases that might have been avoided if school personnel had known or practiced their responsibilities in accordance with the law (Dunklee & Shoop, 1986). This is further affirmed by Hardy (1982) who suggested that "educators trained in the area of duty and standard of care are in an improved position to make rational decisions...their decisions will be made with increased confidence that each decision is reasonable under the circumstances." Sametz, McLoughlin and Streib (1983) noted, "contemporary educators, whether they are embarking on a career or are well established in their profession, cannot afford to be ignorant of the law. Such knowledge is critical to the definition and fulfillment of their



professional responsibilities.” Educators would be better able to avoid involvement in litigation if they possessed a working knowledge of the law (Dunklee & Shoop, 1986).

School principals encounter a wide variety of law-related problems on a regular basis ranging from the volatile and high profile to the obscure or less dramatic (Hartmeister, 1995). Having a practical and accurate “working knowledge” of the laws and regulations, which govern or influence school building operations is arguably one of the more essential skills required of a successful principal (Beckham, Grandstaff, Jaffee & Schimmel, 1993; Thurston, Clift & Schacht, 1993).

School teachers, like school administrators, need to be knowledgeable in school law. In light of this disclosure, educator preparation programs need to be reformed. The next section will discuss the need for reform in educator preparation programs.

### Reform for Educators

Students, parents and others have an increasing tendency to bring the educational enterprise into litigation. Litigiousness is not simply a legal phenomenon, but rather a reflection of social change (Dunklee & Shoop, 1988). To be more responsive to society and to better serve children’s interests, future child care professionals need a firm understanding of the law as it relates to children (Sametz, 1983). It is not enough to prepare school administrators in the area of school law; teachers must also receive in-depth study in education law (Dunklee & Shoop, 1986).

A 50-state survey by Gullat and Tollet (1997) of teachers revealed that only two states require a distinct course in education law. The survey also revealed that another 16 states require discussion of legal issues within other curricular offerings, while the remaining 32 states have no mandate for training in legal issues for future teachers.

Reglin (1992) notes teacher preparation or certification programs rarely require teachers to demonstrate their knowledge in public school law. Hensen (1979) states "Teacher education programs have a responsibility to prepare teachers to cope with situations that might involve student rights" (p. 33). Gerlach (1979) believes colleges and universities might require law studies in preservice and graduate programs. Knowledge of school law is more effective as a "protector" than as a "healer" and it is better to have a solid understanding of school law than it is to study the relevant statutes after the fact (Reglin, 1990). The dispensing of information on school law should begin in teacher preparation programs, should continue in programs preparing school administrators, and should become a regular part of in-service programming for educators at all levels and in all locations (Przybyszewski & Tosetto, 1991).

Education law courses are currently directed to the needs of school administrators and often do not directly address the needs of the classroom teachers. In order to ensure that teachers are prepared to function successfully in a litigious society, education law courses must draw examples from the classroom environment as well as the total school and school district setting (Dunklee & Shoop, 1986).

A majority of professors included in a survey by Haggard (1981) on undergraduate teacher preparation recommended requiring a course specifically on school law. The Education Law Association (ELA) further supports this claim. In a 1991 survey of the ELA membership, 94% of the respondents took the position that teacher education requirements should include an education law course (Sullivan & Zirkel, 1998).

On Guam, the University of Guam has taken a leadership role in recognizing the need for undergraduate teacher preparation programs to include a school law component. The University of Guam initiated a school law course designed specifically for teachers. The course is included in its catalog of undergraduate courses after a two-year pilot. According to Dr. E. Lind (personal communication, September 6, 2006), professor of the course, the course was designed to provide prospective teachers with enough resources and materials to make defensible decisions.

Teacher preparation programs must be dynamic rather than static, and education law must be solidly placed within the preparation curricula of colleges and universities (Dunklee & Shoop, 1986). Ogletree and Garrett (1981) concluded that not only do educators profit from a school law course, they also become better, informed educators.

In Hartmeister's 1995 study, there were 11 general categories of knowledge essential for effective administration. This study focused on only four categories as being essential law knowledge for educators. The next section will discuss the areas of essential legal knowledge for educators.

### Essential Law Knowledge for Educators

The literature reviewed emphasizes the need for educators to be knowledgeable in school law. The extent of essential knowledge in school law, however, is varied. Thomson (1993) noted the uncertainty of what comprised school law knowledge. This concern is also reflected in the queries raised by Imber (1995):

What do school administrators need to know to do their jobs well? What is taught in university-based administrator training programs? What do practicing administrators actually know? How much similarity is there

*between what administrators are taught, what they know, and what they need to know? (p. 40)*

Hartmeister (1995) similarly noted that many school law professors faced the dilemma of prioritizing the legal topics and concepts to be included in school law classes. Hartmeister's (1995) study revealed the top eleven categories essential for effective administration as follows:

1. Teacher rights and responsibilities.
2. Student rights.
3. Special education.
4. School finance.
5. Personnel and employment concerns.
6. Tort law.
7. Relationship between church and state.
8. Relationship between federal, state and local governing bodies.
9. Overview of the American legal system.
10. Federal and state remedies for discrimination.
11. Collective bargaining.

Hartmeister's study was the basis for the selection of knowledge essential for educators in this study's review of literature and survey. Although all eleven categories are important in the study of school law, this study focused on four categories which were essential to both school administrators and teachers. The next sections will include a discussion of the legal knowledge essential for educators. These essential areas are

teacher rights and responsibilities, student rights, issues related to special education and torts.

### Teacher Rights and Responsibilities

Too many teachers view the law with anxiety and fear. Teachers see themselves as potential victims of a legal system that seems out of control and are fearful about being sued. Much of this fear, however, is unfounded and often is based on half-truths, misunderstanding, and misinformation about education law (Fischer, Schimmel & Kelly, 1999).

It is imperative that educators display knowledge of the law, provide evidence that normal foresight has been exercised and that planning, precaution and execution of one's task has been performed as a reasonable and prudent educator would have performed under similar conditions (Dunklee & Shoop, 1988). Gullat and Tolleit (1995) affirm it is essential that teachers become advised of the effects of law on their classrooms and their activities.

In their study, which surveyed a sample of 480 Louisiana teachers on their undergraduate education in school law, Gullat and Tolleit (1995) provided several recommendations to help teachers become knowledgeable in educational law. First, the study recommended a general course in educational law be taught at the undergraduate level to acquaint a prospective teacher with his or her rights as a professional educator and also help acquaint the professional with his or her job obligations. Second, a more specific course in educational law should be taught at the graduate level with particular interest being paid to the teacher's area of responsibility. Third, periodic professional development workshops and in-service meetings designed by universities and legal

authorities in collaboration with the local educational authorities to update and strengthen both the new and experienced teachers' knowledge of current educational law. Fourth, each school should designate a resource teacher interested in educational law to be responsible for collecting professional information related to school law and making this information available to the entire faculty.

Gullat and Tollett concluded their study by noting that teachers have a tremendous influence over their students and have an amplified duty not only to know the law, but also to abide by it at all times. Spring (1982) stated that to be an effective professional, an educator must be cognizant of the law and "should make a full investigation of the rights and responsibilities of both teachers and students" (p. 235).

#### Student Rights

Professional educators function within an educational community and a society, which are becoming increasingly litigious. Citizens, and especially parents, are generally more aware of their legal rights and are more inclined to resolve disputes through litigation (Sametz, 1983). In response to these social pressures some educators have recommended that colleges of education reflect the changing times by adapting curriculum to include instruction on the diverse legal issues related to children's rights which may impact on the teacher's role (Hensen, 1979; Strickland, Phillips & Phillips, 1976).

Knowledge of children's legal rights is but one segment of the array of legal concerns that affect teachers. Hensen (1979) states: "Teacher education programs have a responsibility to prepare teachers to cope with situations that might involve student rights" (p. 33). Strickland, Phillips, and Phillips (1976) state that as a part of certification

requirements all teachers should "have training in law and education" (p. 138). At the very least, teachers should have information on the legalities surrounding child abuse and special education (Gerlach, 1979). A teacher's primary responsibility is to educate children and treat them fairly. The place to begin is with a course on children and the law (Sametz, 1983).

Teacher certification programs rarely, if ever, require preservice teachers to be competent in legal matters (Woellner, 1981). However, an understanding of the law is fundamental to the teacher's role in relating to parents and students (Hazard, Freeman, Eisdorfer & Tractenberg, 1977). Sametz (1983) suggests that all preservice teachers should be mandated to enroll in a course on children and the law. Such a course would serve a dual function. First, teachers would be aware of children's rights and their rights in relation to their students. Second, teachers would be able to inform their students about the law as it relates to them.

#### Issues Related to Special Education

Nearly a third of all federal court litigation in education involves special education (Heubert, 1997). Underwood (1997) states the federal statute, known officially as the IDEA Amendments of 1997 encouraged litigation. All educators need to share in the responsibility for services provided for all students including those with disabilities. To do so, educational leaders should remain current on legal requirements under IDEA (Williams & Katsiyannis, 1998).

All educational leaders—not just special educational administrators—need to make it their business to know special education law (Evans & Henderson, 1997). Armstrong and Ryerson (1997) support this claim and state: "Every public school

teacher must accommodate the special learning needs of each child who has been identified as having a disability. In essence, every K-12 educator can be required to take on some of the responsibilities of a special educator."

In their study to investigate knowledge of children's legal rights held by sophomores and seniors enrolled in teacher preparation programs, Sametz, McLoughlin and Streib (1983) found that respondents were generally unsure of their roles and obligations with respect to child abuse, corporal punishment and special education. The researchers concluded that colleges of education have a responsibility to teach the basic issues of special education, multicultural education, and individual differences.

Equally important to teacher rights and responsibilities, student rights and issues related to special education is tort law. The next section will include a discussion on torts, an essential legal knowledge for educators.

### Tort Law

Dunklee and Shoop's (1988) study indicated that neither teachers nor principals have an adequate working knowledge of tort law. The authors concluded that teachers' and principals' lack of knowledge in tort law is caused by the lack of pre-service and in-service programs in the area of education law.

Education is affected by a variety of laws. One of these is the law of torts. A tort is a legal wrong against the person, property or reputation of another (Dunklee & Shoop, 1988). The most frequent tort action in the educational setting is negligence (Russo, 1999). Negligence is the "failure to exercise the degree of care for the safety and well-being of others that a reasonable and prudent person would have exercised under similar circumstances" (Peterson, Rossmiller & Voltz, 1978).



Principals and teachers are most prone to be involved in the legal system through actions or inactions related to the performance of their duty (Johnson, 1994). According to Dunklee and Shoop (1988), educators need to be cognizant of the following areas of tort liability: duty and standard of care, proper instruction, supervision and maintenance, field trips and post-injury treatment. Additionally, access to the information superhighway known as the Internet has created a new liability concern for the contemporary administrator (Lind, 1998). Lind examined the legal implications for school site administrators as well as the liability issues and concerns schools face as a result of going "online."

According to Lind (1998), administrators face a whole new range of liabilities related to the Internet. Administrators must now be concerned with regulating access to computers, content of computers, the search of data disks and electronic mail and the privacy that students and teachers have in their personal email and other communications.

It seems crucial that educators have avenues to learn more about legislation and court decisions that affect their destinies. There is a need for education to coordinate efforts to provide appropriate knowledge and skills about legal matters affecting teaching and learning in the classroom. Educators with a significant background in education law from their undergraduate or graduate training would, perhaps, never need to be involved in litigation (Gullat & Tollett, 1995).

This chapter of the study discussed the implications of the many challenges in education. One such implication is that educators are not adequately prepared in education law. This study is an attempt to describe the degree of practicing and

prospective educators' knowledge in school law. The design of the study is discussed in the next chapter.

## CHAPTER III

### METHOD

#### Introduction

The purpose of this study is to describe the degree of public school administrator, public school teacher, and prospective teacher knowledge of school law on Guam. The degree of administrator, teacher, and prospective teacher knowledge of school law, will provide baseline information for the development of legal seminars and workshops for *current and prospective administrators and teachers*.

The sample consists of public school administrators and public school teachers from randomly selected elementary, middle and high schools on Guam. The sample also consists of undergraduate seniors enrolled in a teaching methods course at the University of Guam.

The instrument used in this study is a two-part survey that consists of 28 questions. The questions were derived from legal knowledge surveys, school law literature, the *Guam Territorial Board of Education/Guam Federation of Teachers Contract* and components of the Guam Territorial Board of Education policies.

The survey was distributed to all Guam public school administrators assigned to a school, Guam public school teachers of randomly selected schools, and prospective teachers enrolled in two teaching methods courses at the University of Guam during the month of December 2000. Survey participants were given two weeks to complete and return the survey. During the third week of December 2000, the completed surveys were collected, organized, and analyzed.

The researcher was responsible for the distribution, collection, and analyses of the survey data. Microsoft Excel and Access were the computer programs used for analyses.

### Schools

Cluster sampling procedures were used to determine the number of schools to survey. The researcher and thesis committee members agreed on surveying 20 percent of the Guam public schools. Based on this agreement, nine of the 38 public elementary, middle and high schools were selected for the study. The nine schools selected are comprised of: (a) five elementary schools, (b) two middle schools, and (c) two high schools. The schools were randomly selected from a list provided by the Guam Department of Education's Research Planning & Evaluation office. (See Appendix A).

Five or 20% of the 27 public elementary schools were selected at random to participate in the survey. The five elementary schools were selected at random by assigning each school a number and selecting the fifth, tenth, fifteenth, twentieth and twenty-fifth school from the top of the list.

Two or 20 percent of the seven public middle schools were selected at random to participate in the survey. The two public middle schools were selected at random by assigning each school a number and selecting the second and fourth school from the top of the list.

Two of the four public high schools were selected at random to participate in the survey. Each high school was assigned a number and the second and fourth schools from the top of the list were selected.

The names of the schools are not mentioned in the study at the request of Nerissa Bretania-Shafer, Ph.D., Administrator of Research, Planning & Evaluation (personal communication, November 24, 2000). (See Appendix B.)

### Subjects

#### A. Public School Administrators

A request (Appendix C) was sent to the Administrator for Research, Planning & Evaluation, Department of Education, for a listing of school administrators assigned to school site. The DOE School Administrator, Telephone & Fax Directory for School Year 1999-2000 (see Appendix D) was furnished by the Department of Education's Director's Office. Because the researcher had no control over which of the respondents will return the completed survey, special sampling procedures were adopted in this study. The formula to determine a random sample size was used to estimate the number of public school administrators to survey. Based on the formula (see Appendix E) to determine sample size, 47 school administrators were required to participate in the survey, however, all 82 Guam public school administrators were chosen to participate to ensure a greater return rate (Rea & Parker, 1997).

The demographic information on administrators in the survey include:

1. Current position.
2. Length of administrative experience.
3. Administrative certification.
4. Gender.
5. Institution the respondent received his degree from
6. Ethnicity.

7. Whether the respondent took a school law course or not.

B. Public School Teachers

A request (see Appendix C) was sent to the Administrator for Research, Planning and Evaluation, Department of Education, for a listing of Guam public school teachers assigned to a school site. Four hundred ninety-two or 26% of the 1,880 teachers in the Guam public schools were chosen to participate in the survey. Because the researcher had no control over which of the respondents will return the completed survey, special sampling procedures were adopted in this study.

The formula to determine a random sample size, assuming simple random sampling, was used to estimate the number of Guam public school teachers to survey. Based on the formula (see Appendix E), 87 elementary school teachers were estimated to participate in the survey; however, the number was increased at least two-fold to ensure a greater return rate (Rea & Parker, 1997). Two hundred forty-six public elementary school teachers from five of the 27 elementary schools were chosen to participate in the survey. These teachers make up 26% of the elementary school teacher population in the Guam Department of Education.

The formula to determine a random sample size, assuming simple random sampling, was used to estimate the number of middle school teachers to survey. Based on the formula (see Appendix E), 80 middle school teachers were estimated to participate in the survey; however, the number was increased at least two-fold to ensure a greater return rate (Rea & Parker, 1997). One hundred sixty-two public middle school teachers from two of the seven middle schools were chosen to participate in the survey. These

teachers make up 34% of the middle school teacher population in the Guam Department of Education.

The formula to determine a random sample size, assuming simple random sampling, was used to estimate the number of high school teachers to survey. Based on the formula (see Appendix E), 79 teachers were required to participate in the survey; however, the number was increased at least two-fold to ensure a greater return rate (Rea & Parker, 1997). Two hundred twenty-one high school teachers from two of the four high schools were chosen to participate in the survey. These teachers make up 49% of the high school teacher population in the Guam Department of Education.

The demographic information on teachers in the survey included:

1. Current position.
  2. Length of teaching experience.
  3. Administrative certification.
  4. Gender.
  5. Institution respondent received degree from.
  6. Ethnicity.
  7. Whether the respondent took a school law class or not.
- C. Prospective teachers

Requests (see Appendix F) were sent to two University of Guam professors to conduct the School Law Survey in their teaching methods classes. The average enrollment in each class was 30 students; therefore, all the students were given a copy of the survey.

The demographic information on prospective teachers in the survey included:

1. Present position.
2. Gender.
3. Ethnicity.

### Instrument

A survey (see Appendix G) was developed to gather information on the extent of Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of school law. The survey consisted of two parts. Part I of the survey consisted of ten questions which provided information on the respondents' current position, administrative experience, teaching experience, administrative certification, gender, institution respondent received degree from, ethnicity, having taken a school law course, areas of school law the respondent possessed adequate knowledge in, and areas of school law the respondent would like to receive training in.

For questions 1 to 8 in Part I, respondents were asked to read each question and circle the appropriate number. For questions 9 and 10 in Part I of the survey, respondents were asked to circle the general categories of school law they possessed a working knowledge in and would like to receive training in.

Part II of the survey contained 28 questions on the respondent's knowledge of school law. In Part II of the survey, a nominal scale was used. The number 1 corresponds to a "yes" response, the number 2 corresponds to a "no" response, and the number 3 corresponds to a "no idea" response. Respondents were asked to read each question and circle the number that corresponds closely with their view.



Similar questions in Part II of the survey were logically grouped to form four composite areas. These included teacher rights and responsibilities, student rights, special education, and tort law.

#### Procedure

The survey was piloted in a school law class on November 16, 2000. There were 15 respondents. The respondents took approximately 10 minutes to complete the survey. After completing the survey, the researcher and respondents engaged in a question and answer session on the design of the instrument. Based upon the recommendations made by the respondents, the following revisions were made:

1. The addition of the question, "Have you taken a school law class?" in Part I of the survey.
2. In Part I of the survey, the questions on the areas of school law the respondents are most and least knowledgeable in were combined to read, "What areas of school law do you possess a working knowledge in?"
3. Question 9 in Part II of the survey was revised to read, "In a normal school or class setting, can schools prohibit the wearing of earrings, jewelry, or other symbols?"

Upon final approval by the thesis committee, the researcher disseminated the "School Law Survey" to public school administrators, public school teachers and prospective teachers.

The surveys along with a cover letter (see Appendix H) were hand delivered to Guam public school administrators and teachers at their respective school sites via the school secretary or their mailboxes. Surveys for prospective teachers were distributed via

their teaching methods professor. All surveys were delivered by December 7, 2000. Participants were given a maximum of two weeks to complete and return the survey. The deadline for surveys to be returned to the researcher was December 15, 2000.

Upon completion of the survey, Guam public school administrators were requested to return the survey to a designee at each school site. Guam public school teachers were requested to return the survey to a drop box located at a designated site. Prospective teachers who participated in the survey were requested to return the completed surveys to their teaching methods professor at the University of Guam. All surveys were collected during the week of December 18 through December 22, 2000.

Follow-up telephone calls were made to school administrators who did not return their completed surveys by December 22, 2000. These remaining surveys were either left with a designee at the school site or sent via the Department of Education mail system.

#### Data Analysis

In describing the degree of Guam public school administrator, Guam public school teacher, and prospective teacher school law knowledge, the responses from the School Law Survey were compiled. The survey respondents indicated their level of school law knowledge by responding to questions related to teacher rights and responsibilities, student rights, issues related to special education, and tort law. A nominal scale was used to score responses to questions, however, the responses were rescaled for the data analyses. The rescaled factors were: a) the number 0 corresponded to a non-response, b) the number 1 corresponded to an incorrect response, and c) the number 2 corresponded to a correct response. These values were used to determine the

mean of each sample group for each category of questions. The response rates, percentages and correct response for each question are provided in Appendix I.

The analysis of variance (ANOVA) procedure was used to evaluate the mean differences between each sample with a probability level  $\alpha$  "alpha" set at .05. This statistical procedure indicated significant differences among means; however, the procedure did not indicate specifically which of the means were different. To determine the specific difference among means, post hoc analyses were performed using the Scheffé post-test to identify exactly where significant differences exist. Pairwise comparisons were made between Guam public school administrator and Guam public school teacher school law knowledge, Guam public school administrator and prospective teacher school law knowledge, and Guam public school teacher and prospective teacher school law knowledge.

This chapter included discussions on the selection of schools and subjects for the study, the instrument used, procedure followed, and data analysis conducted. The next chapter will focus on the findings of the study.

## CHAPTER IV

### FINDINGS

The purpose of this study was to describe the degree of public school administrator, public school teacher, and prospective teacher knowledge of school law on Guam. There are currently no studies available on public school administrator, public school teacher and prospective teacher knowledge of school law on Guam.

This study described the degree of Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of school law in the following areas:

1. Teacher rights and responsibilities.
2. Student rights.
3. Issues related to special education.
4. Tort law.

The results presented in this chapter include the survey respondents' demographic data and their responses to the legal concept questions.

#### Demographic Characteristics of Survey Respondents

Of the 771 surveys distributed, 332 or 43% were collected from public school administrators, public school teachers, and prospective teachers at the University of Guam. Table I provides a breakdown of survey respondents.

Table 1

**Breakdown of Survey Respondents**

| Group                | n   | %  |
|----------------------|-----|----|
| Administrators       | 34  | 10 |
| Teachers             | 256 | 77 |
| Prospective Teachers | 29  | 9  |
| Others               | 13  | 4  |

Note. Total number of survey respondents = 332.

**Public School Administrators**

Thirty-four or 41% of the Guam public school administrators completed the School Law Survey. Eighteen were from the elementary schools, 13 from the middle schools and three from the high schools. Table 2 provides demographic information on administrators to include:

1. Length of administrative experience.
2. Administrative certification.
3. Gender.
4. Degree institution.
5. Ethnicity.
6. Whether the administrator has taken a school law course or not.

Demographic Characteristics of Guam Public School Administrators

| Characteristic               | n  | %  |
|------------------------------|----|----|
| Administrative Experience    |    |    |
| 0-2 years                    | 7  | 20 |
| 3-10 years                   | 19 | 56 |
| More than 10 years           | 2  | 6  |
| No response                  | 6  | 18 |
| Administrative Certification |    |    |
| Completed Certification      | 26 | 76 |
| Temporary Certification      | 4  | 12 |
| No Certification             | 4  | 12 |
| Gender                       |    |    |
| Female                       | 20 | 59 |
| Male                         | 14 | 41 |
| Degree Institution           |    |    |
| UOG                          | 26 | 76 |
| Other                        | 8  | 24 |
| Ethnicity                    |    |    |
| Chamorro                     | 20 | 59 |
| Caucasian                    | 2  | 6  |
| Filipino                     | 7  | 20 |
| Other                        | 5  | 15 |
| Legal Education              |    |    |
| Taken School Law Course      | 27 | 79 |
| No Legal Education           | 7  | 21 |

Note. Total of Guam public school administrator respondents = 34.

The data provided in Table 2 revealed that most of the school administrator respondents had 3 to 10 years of administrative experience and had completed administrative certification requirements. The data also indicated that most of the administrator respondents were female, were trained at the University of Guam, were Chamorro and had taken a school law course.

### Public School Teachers

Two hundred sixty-nine or 14% of the Guam public school teachers completed the School Law Survey. One hundred ten were from the elementary schools, 64 from the middle schools and 82 from the high schools. Thirteen respondents were categorized as teachers but specifically listed their current position as either a counselor, school nurse or curriculum resource teacher. Table 3 provides demographic information on teachers to include:

1. Length of teaching experience.
2. Gender.
3. Degree institution.
4. Ethnicity.
5. Whether the teacher had taken a school law course.

### Demographic Characteristics of Guam Public School Teachers

| Characteristic      | n   | %    |
|---------------------|-----|------|
| Teaching Experience |     |      |
| 0-2 years           | 47  | 18   |
| 3-10 years          | 111 | 41   |
| More than 10 years  | 105 | 39   |
| No Response         | 6   | 2    |
| Gender              |     |      |
| Female              | 199 | 74   |
| Male                | 69  | 26   |
| No Response         | 1   | .003 |
| Degree Institution  |     |      |
| UOG                 | 172 | 64   |
| Other               | 92  | 34   |
| No Response         | 5   | 2    |
| Ethnicity           |     |      |
| Chamorro            | 105 | 39   |
| Caucasian           | 34  | 13   |
| Filipino            | 97  | 36   |
| Other               | 30  | 11   |
| No Response         | 3   | 1    |

Note. Total Guam public school teacher respondents = 256.

The data provided in Table 3 revealed most of the public school teacher respondents had 3 to 10 years teaching experience, were predominantly female, were trained at the University of Guam, and were of Chamorro descent.

### Prospective Teachers

Twenty-nine prospective teachers completed the School Law Survey. Of the 29, 13 were prospective elementary school teachers and 16 were prospective secondary



school teachers. Table 4 provides demographic information on prospective teachers to include gender and ethnicity.

Table 4

Demographic Characteristics of Prospective Teachers

| Characteristic | n  | %  |
|----------------|----|----|
| Gender         |    |    |
| Female         | 19 | 66 |
| Male           | 10 | 34 |
| Ethnicity      |    |    |
| Chamorro       | 9  | 32 |
| Caucasian      | 3  | 10 |
| Filipino       | 14 | 48 |
| Other          | 3  | 10 |

Note. Total prospective teacher respondents = 29.

The data provided in Table 4 revealed that most of the prospective teacher respondents were female. The data also revealed that most were of Filipino descent.

In Part I of the survey, respondents were asked to indicate the areas of school law they possessed a working knowledge of. Respondents were given eight areas to choose from. Table 5 indicates the areas Guam public school administrators felt they possessed a working knowledge of. Findings indicated that 79% of public school administrator respondents felt they possessed a working knowledge of teacher rights and responsibilities. Seventy-six percent of the public school administrator respondents indicated they possessed a working knowledge of student rights. Seventy-four percent of the public school administrator respondents indicated they possessed a working knowledge of issues related to special education.

Table 5

Working School Law Knowledge of Guam Public School Administrators

| Area                                | n <sup>a</sup> | %  |
|-------------------------------------|----------------|----|
| Teacher Rights and Responsibilities | 27             | 79 |
| Special Education                   | 25             | 74 |
| Tort Law                            | 18             | 53 |
| Collective Bargaining               | 18             | 53 |
| Student Rights                      | 26             | 76 |
| School Finance                      | 21             | 62 |
| Personnel and Employment Concerns   | 25             | 74 |
| Religious Issues                    | 22             | 65 |

Note. Total Guam public school administrator respondents = 34.

<sup>a</sup>Numbers of Guam public school administrators out of 34 who responded to the question.

In Part I of the survey, respondents were asked to indicate the areas of school law they possessed a working knowledge of. Respondents were given eight areas to choose from. Table 6 indicates the areas Guam public school teachers felt they possessed a working knowledge of. Findings indicated that 52% of public school teachers felt they possessed a working knowledge of school finance. Thirty-nine percent of the public school teacher respondents felt they possessed a working knowledge of teacher rights and responsibilities. Thirty-three percent of the public school teacher respondents indicated they possessed a working knowledge of student rights.

Table 6

Working School Law Knowledge of Guam Public School Teachers

| Area                                | n <sup>a</sup> | %  |
|-------------------------------------|----------------|----|
| Teacher Rights and Responsibilities | 106            | 39 |
| Special Education                   | 85             | 32 |
| Tort Law                            | 8              | 3  |
| Collective Bargaining               | 17             | 6  |
| Student Rights                      | 88             | 33 |
| School Finance                      | 14             | 52 |
| Personnel and Employment Concerns   | 45             | 17 |
| Religious Issues                    | 50             | 19 |

Note. Total Guam public school teacher respondents = 256.

<sup>a</sup>Numbers of Guam public school teachers out of 256 who responded to the question.

In Part I of the survey, respondents were asked to indicate the areas of school law they possessed a working knowledge of. Respondents were given eight areas to choose from. Table 7 indicates the areas prospective teachers felt they possessed a working knowledge of. Findings indicated that 41% of the prospective teacher respondents felt they possessed a working knowledge of teacher rights and responsibilities. Forty percent of the prospective teacher respondents indicated they possessed an adequate working knowledge of student rights. Twenty-eight percent of the prospective teacher respondents indicated they possessed an adequate working knowledge of issues related to special education.

Table 7

Working School Law Knowledge of Prospective Teachers

| Area                                | n <sup>a</sup> | %  |
|-------------------------------------|----------------|----|
| Teacher Rights and Responsibilities | 12             | 41 |
| Special Education                   | 8              | 28 |
| Tort Law                            | 0              | 0  |
| Collective Bargaining               | 0              | 0  |
| Student Rights                      | 11             | 40 |
| School Finance                      | 2              | 7  |
| Personnel and Employment Concerns   | 5              | 17 |
| Religious Issues                    | 8              | 28 |

Note. Total prospective teacher respondents = 29.

<sup>a</sup>Numbers of prospective teachers out of 29 who responded to the question.

In Part I of the survey, respondents were asked to indicate the areas of school law they would like to receive training in. Table 8 provides a breakdown of survey respondents' responses to the inquiry. Of the eight areas respondents chose from, the top three areas were:

1. Teacher rights and responsibilities.
2. Student rights.
3. Personnel and employment concerns.

Table 8

School Law Areas Survey Respondents Would Like Training In

| Area                                | n <sup>a</sup> | %  |
|-------------------------------------|----------------|----|
| Teacher Rights and Responsibilities | 197            | 59 |
| Special Education                   | 134            | 40 |
| Tort Law                            | 117            | 35 |
| Collective Bargaining               | 88             | 27 |
| Student Rights                      | 168            | 51 |
| School Finance                      | 111            | 33 |
| Personnel and Employment Concerns   | 158            | 48 |
| Religious Issues                    | 93             | 28 |

Note. Total number of respondents = 332.

<sup>a</sup>Numbers of respondents out of 332 who answered the question.

Legal Concepts

In Part II of the survey, respondents were asked to answer 28 questions assessing their knowledge of legal concepts. There were four composites of legal concepts relating to teacher rights and responsibilities, student rights, special education issues, and tort law. The section that follows describes survey respondents' knowledge of school law.

Research Question One:

Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of teacher rights and responsibilities?

Tables 9, 10, and 11 represent the first composite of legal concepts relating to teacher rights and responsibilities. Table 9 reports the findings for public school

administrator responses to questions assessing their knowledge of teacher rights and responsibilities. Findings indicated that out of 34 Guam public school administrator respondents: (a) thirty-three administrators or 97% thought a teacher can be held liable for failing to report child abuse and neglect, (b) thirty-one administrators or 91% believed a teacher can be dismissed for sexual advances toward a student, and (c) twenty-eight administrators or 82% thought a teacher can be held liable for student-to-student harassment.

Table 9

**Public School Administrator Responses to Survey Items on Teacher Rights and Responsibilities**

| Survey Item   | Yes |    | No |    | No Idea |   |
|---|-----|----|----|----|---------|---|
|   | n   | %  | n  | %  | n       | % |
| A teacher can be held liable for failing to report child abuse or neglect.  | 33  | 97 | 0  | 0  | 1       | 3 |
| A teacher can be held liable for student-to-student harassment.   | 28  | 82 | 5  | 15 | 1       | 3 |
| A teacher can be dismissed for sexual advances toward a student.  | 31  | 91 | 2  | 6  | 1       | 3 |
| The First Amendment protects a teacher's complaints expressing his private disagreements with school policies and procedures.   | 18  | 53 | 9  | 26 | 3       | 9 |
| A teacher can be excused from saluting the flag.  | 27  | 79 | 3  | 9  | 3       | 9 |
| Parental complaints, an inability to maintain classroom order and an inability to adequately prepare for a subject matter are grounds for the dismissal of a teacher. | 19  | 56 | 14 | 41 | 0       | 0 |
| On Guam, union representatives or members of a bargaining unit must be allotted 10 minutes of a regularly scheduled faculty meeting to discuss union matters.         | 30  | 82 | 3  | 9  | 1       | 3 |

Note: Percents do not always total 100 because of non-responses.

Table 10 reports the findings for public school teacher responses to questions assessing their knowledge of teacher rights and responsibilities. Findings indicated that out of 269 Guam public school teacher respondents: (a) two hundred forty public school

teachers or 89% believed a teacher can be held liable for failing to report child abuse or neglect, (b) two hundred thirty-eight public school teachers or 88% believed a teacher could be dismissed for sexual advances toward a student, and (c) one hundred eighty-two public school teachers or 68% believed that a teacher can be held liable for student-to-student harassment.



Table 10

Public School Teacher Responses to Survey Items on Teacher Rights andResponsibilities

| Survey Item   | Yes |    | No  |    | No Idea |    |
|---|-----|----|-----|----|---------|----|
|   | n   | %  | n   | %  | n       | %  |
| A teacher can be held liable for failing to report child abuse or neglect.  | 240 | 89 | 8   | 3  | 16      | 6  |
| A teacher can be held liable for student-to-student harassment.   | 182 | 68 | 41  | 15 | 39      | 14 |
| A teacher can be dismissed for sexual advances toward a student.  | 238 | 88 | 14  | 5  | 15      | 6  |
| The First Amendment protects a teacher's complaints expressing his private disagreements with school policies and procedures.   | 150 | 56 | 29  | 11 | 83      | 31 |
| A teacher can be excused from saluting the flag.  | 149 | 55 | 62  | 23 | 54      | 20 |
| Parental complaints, an inability to maintain classroom order and an inability to adequately prepare for a subject matter are grounds for the dismissal of a teacher. | 105 | 39 | 124 | 46 | 35      | 13 |
| On Guam, union representatives or members of a bargaining unit must be allotted 10 minutes of a regularly scheduled faculty meeting to discuss union matters.         | 202 | 75 | 8   | 3  | 55      | 20 |

Note: Percents do not always total 100 because of non-responses.

Table 11 reports the findings for prospective teacher responses to questions assessing their knowledge of teacher rights and responsibilities. Out of 29 prospective

teacher respondents: (a) twenty-six prospective teachers or 90% were aware that a teacher could be held liable for failure to report child abuse and neglect, (b) twenty-three prospective teachers or 79% believed a teacher could be dismissed for sexual advances toward a student, and (c) twenty-one prospective teachers or 72% were aware that a teacher could be held liable for student-to-student harassment.

Table 11

Prospective Teacher Responses to Survey Items on Teacher Rights and Responsibilities

| Survey Item   | Yes |    | No |    | No Idea |    |
|---|-----|----|----|----|---------|----|
|   | n   | %  | n  | %  | n       | %  |
| A teacher can be held liable for failing to report child abuse or neglect.  | 26  | 90 | 1  | 3  | 1       | 3  |
| A teacher can be held liable for student-to-student harassment.   | 21  | 72 | 3  | 10 | 4       | 14 |
| A teacher can be dismissed for sexual advances toward a student.  | 23  | 79 | 3  | 10 | 2       | 7  |
| The First Amendment protects a teacher's complaints expressing his private disagreements with school policies and procedures.   | 11  | 38 | 2  | 7  | 14      | 48 |
| A teacher can be excused from saluting the flag.  | 15  | 52 | 6  | 21 | 7       | 24 |
| Parental complaints, an inability to maintain classroom order and an inability to adequately prepare for a subject matter are grounds for the dismissal of a teacher. | 10  | 34 | 12 | 41 | 6       | 21 |
| On Guam, union representatives or members of a bargaining unit must be allotted 10 minutes of a regularly scheduled faculty meeting to discuss union matters.         | 17  | 59 | 0  | 0  | 11      | 38 |

Note: Percents do not always total 100 because of non-responses.

The ANOVA procedures were used to evaluate mean differences between Guam public school administrator, Guam public school teacher, and prospective teacher

knowledge of teacher rights and responsibilities. The analysis of variance for educator knowledge of teacher rights and responsibilities is presented in Table 12.

Table 12

Educators' Knowledge of Teacher Rights and Responsibilities

| Source  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators, Teachers and Prospective Teachers | 2                | 2,321           | 13.40* |

\* $p < .05$ .

Post hoc analyses were performed using the Scheffé post-test to identify exactly where significant differences exist. Table 13 indicates the results of the post-hoc analyses and reveals significant differences among Guam public school administrator, Guam public school teacher and prospective teacher knowledge of teacher rights and responsibilities.

Table 13

Scheffé Post-Test for Educators' Knowledge of Teacher Rights and Responsibilities

| Source                                  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators and Teachers             | 2                | 2,118           | 8.52*  |
| Administrators and Prospective Teachers | 2                | 438             | 12.71* |
| Teachers and Prospective Teachers       | 2                | 2,083           | 3.59*  |

\* $p < .05$ .

### Research Question Two.

Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of student rights?

Tables 14, 15, and 16 represent the second composite of legal concepts concerning student rights. Table 14 reports the findings for public school administrator responses to questions assessing their knowledge of student rights. The findings indicated that out of 34 Guam public school administrator respondents: (a) thirty administrators or 88% believed school authorities can search a student's data storage for e-mail correspondence or retrieve data on a disk if a student uses a school's computer for e-mail, and (b) thirty administrators or 88% believed school authorities can exercise editorial control over the style and content of student speech in school-sponsored expressive activities.

Table 14

Public School Administrator Responses to Survey Items on Student Rights

| Survey Item   | Yes |    | No |    | No Idea |   |
|---|-----|----|----|----|---------|---|
|   | n   | %  | n  | %  | n       | % |
| Students can be required to wear uniforms to school.  | 21  | 62 | 13 | 38 | 0       | 0 |
| In a normal school or class setting, schools can prohibit the wearing of earrings, jewelry, and other symbols.  | 19  | 56 | 12 | 35 | 1       | 3 |
| School officials need the same level of suspicion as law enforcement officers in the search of a student or his property.                                     | 11  | 32 | 21 | 62 | 2       | 6 |
| School authorities can search a student's data storage for e-mail correspondence or retrieve data on a disk if a student uses a school's computer for e-mail. | 30  | 88 | 1  | 3  | 2       | 6 |
| Students have to observe a period of silence at the beginning of the school day.  | 8   | 24 | 21 | 62 | 3       | 9 |
| School officials can exercise editorial control over the style and content of student speech in school-sponsored expressive activities.                       | 30  | 88 | 4  | 12 | 0       | 0 |
| Students have the right to pray during school events as long as the prayer is non-sectarian, student-initiated and voluntary.                                 | 21  | 62 | 8  | 24 | 3       | 9 |

Note: Percents do not always total 100 because of non-responses.

Table 15 reports the findings for public school teacher responses to questions assessing their knowledge of student rights. Findings indicated that out of 269 Guam public school teacher respondents: (a) one hundred seventy-eight public school teachers or 66% believed students had the right to pray during school events, (b) one hundred sixty-eight public school teachers or 62% believed school officials could exercise editorial control over school-sponsored expressive activities, and (c) one hundred twenty-seven public school teachers or 48% believed school officials could search a student's data storage for e-mail correspondence or retrieve data on a disk.

Table 15

Public School Teacher Responses to Survey Items on Student Rights

| Survey Item   | Yes |    | No  |    | No Idea |    |
|---|-----|----|-----|----|---------|----|
|   | n   | %  | n   | %  | n       | %  |
| Students can be required to wear uniforms to school.  | 112 | 42 | 130 | 48 | 23      | 9  |
| In a normal school or class setting, schools can prohibit the wearing of earrings, jewelry, and other symbols.  | 126 | 47 | 103 | 38 | 36      | 13 |
| School officials need the same level of suspicion as law enforcement officers in the search of a student or his property.                                     | 130 | 48 | 80  | 30 | 51      | 19 |
| School authorities can search a student's data storage for e-mail correspondence or retrieve data on a disk if a student uses a school's computer for e-mail. | 127 | 47 | 65  | 24 | 74      | 28 |
| Students have to observe a period of silence at the beginning of the school day.  | 52  | 19 | 171 | 64 | 41      | 15 |
| School officials can exercise editorial control over the style and content of student speech in school-sponsored expressive activities.                       | 168 | 62 | 44  | 16 | 53      | 20 |
| Students have the right to pray during school events as long as the prayer is non-sectarian, student-initiated and voluntary.                                 | 178 | 66 | 35  | 13 | 52      | 19 |

Note: Percents do not always total 100 because of non-responses.



Table 16 reports the findings for prospective teacher responses to questions assessing their knowledge of student rights. The findings indicated that out of 29 prospective teacher respondents: (a) seventeen prospective teachers or 59% believed students had the right to pray during school events, (b) sixteen prospective teachers or 55% believed students can be required to wear uniforms to school, and (c) sixteen prospective teachers or 55% believed school officials could exercise editorial control over the style and content of student speech in school-sponsored expressive activities.

Table 16

Prospective Teacher Responses to Survey Items on Student Rights

| Survey Item   | Yes |    | No |    | No Idea |    |
|---|-----|----|----|----|---------|----|
|   | n   | %  | n  | %  | n       | %  |
| Students can be required to wear uniforms to school.  | 16  | 55 | 11 | 38 | 2       | 7  |
| In a normal school or class setting, schools can prohibit the wearing of earrings, jewelry, and other symbols.  | 16  | 55 | 7  | 24 | 6       | 21 |
| School officials need the same level of suspicion as law enforcement officers in the search of a student or his property.                                     | 8   | 28 | 13 | 45 | 7       | 24 |
| School authorities can search a student's data storage for e-mail correspondence or retrieve data on a disk if a student uses a school's computer for e-mail. | 11  | 38 | 7  | 24 | 10      | 34 |
| Students have to observe a period of silence at the beginning of the school day.  | 4   | 14 | 18 | 62 | 6       | 21 |
| School officials can exercise editorial control over the style and content of student speech in school-sponsored expressive activities.                       | 16  | 55 | 4  | 14 | 8       | 28 |
| Students have the right to pray during school events as long as the prayer is non-sectarian, student-initiated and voluntary.                                 | 17  | 59 | 3  | 10 | 7       | 24 |

Note: Percents do not always total 100 because of non-responses.

The ANOVA procedures were used to evaluate mean differences between Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of student rights. The analysis of variance for educator knowledge of student rights is presented in Table 17.

Table 17

Educators' Knowledge of Student Rights

| Source  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators, Teachers and Prospective Teachers | 2                | 2,321           | 17.95* |

\* $p < .05$ .

Post hoc analyses were performed using the Scheffé post-test to identify exactly where significant differences exist. Table 18 indicates the results of the post-hoc analyses and reveals significant differences among Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of student rights. The analyses also revealed no significant difference between Guam public school teacher and prospective teacher knowledge of student rights.

Table 18

Scheffé Post-Test for Educators' Knowledge of Student Rights

| Source                                  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators and Teachers             | 2                | 2,118           | 16.71* |
| Administrators and Prospective Teachers | 2                | 438             | 12.04* |
| Teachers and Prospective Teachers       | 2                | 2,083           | 0.46   |

\*p &lt; .05.

Research Question Three.

Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of issues related to special education?

Tables 19, 20, and 21 represent the third composite of legal concepts that concern issues related to special education. Table 19 reports the findings for public school administrator responses to questions assessing their knowledge of issues related to special education. Findings indicated that out of 34 Guam public school administrator respondents: (a) thirty-three administrators or 97% were aware that general education teachers are required to participate in the development of an IEP, (b) twenty-nine administrators or 85% were aware that every public school teacher must accommodate the special learning needs of a child with a disability, and (c) twenty-eight administrators or 82% believed that public schools were not always considered appropriate educational settings for special education students.

Table 19

Public School Administrator Responses to Survey Items on Special Education

| Survey Item   | Yes |    | No |    | No Idea |   |
|---|-----|----|----|----|---------|---|
|   | n   | %  | n  | %  | n       | % |
| General education teachers are required to participate in the development of an IEP for each eligible student with a disability.  | 33  | 97 | 1  | 3  | 0       | 0 |
| A manifestation hearing must be held before a special education student is suspended from school, provided the offense does not pose an immediate threat to the school community. | 16  | 47 | 16 | 47 | 1       | 3 |
| Every public school teacher must accommodate the special learning needs of each child identified as having a disability.  | 29  | 85 | 5  | 15 | 0       | 0 |
| A regular classroom is always considered the least restrictive environment (LRE) for special education students.  | 6   | 18 | 27 | 79 | 1       | 3 |
| If a substantial number of non-English speaking students are enrolled in a school, they must be given special help to overcome this language barrier.                             | 27  | 79 | 4  | 12 | 0       | 0 |
| The services provided to a student with a disability must continue during a disciplinary period such as suspension or expulsion.  | 19  | 56 | 11 | 32 | 2       | 6 |
| Public schools are always considered appropriate educational settings for special education students.   | 5   | 15 | 28 | 82 | 1       | 3 |

Note: Percents do not always total 100 because of non-responses.

Table 20 reports the findings for public school teacher responses to questions assessing their knowledge of issues related to special education. Findings indicated that out of 269 Guam public school teacher respondents: (a) two hundred forty-two public school teachers or 90% believed that every public school teacher must accommodate the special learning needs of each child identified as having a disability, (b) two hundred thirty-two public school teachers or 86% believed that general education teachers are required to participate in the development of an IEP, and (c) two hundred twenty-four public school teachers or 83% believed that non-English speaking students must be given help to overcome such language barrier.

Table 20

Public School Teacher Responses to Survey Items on Special Education

| Survey Item   | Yes |    | No  |    | No Idea |    |
|---|-----|----|-----|----|---------|----|
|   | n   | %  | n   | %  | n       | %  |
| General education teachers are required to participate in the development of an IEP for each eligible student with a disability.  | 232 | 86 | 14  | 5  | 20      | 7  |
| A manifestation hearing must be held before a special education student is suspended from school, provided the offense does not pose an immediate threat to the school community. | 140 | 52 | 26  | 10 | 99      | 37 |
| Every public school teacher must accommodate the special learning needs of each child identified as having a disability.  | 242 | 90 | 10  | 4  | 14      | 5  |
| A regular classroom is always considered the least restrictive environment (LRE) for special education students.  | 53  | 20 | 141 | 52 | 69      | 26 |
| If a substantial number of non-English speaking students are enrolled in a school, they must be given special help to overcome this language barrier.                             | 224 | 83 | 11  | 4  | 29      | 11 |
| The services provided to a student with a disability must continue during a disciplinary period such as suspension or expulsion.  | 132 | 49 | 49  | 18 | 83      | 31 |
| Public schools are always considered appropriate educational settings for special education students.   | 58  | 22 | 158 | 59 | 48      | 18 |

Note: Percents do not always total 100 because of non-responses.

Table 21 reports the findings for prospective teacher responses to questions assessing their knowledge of issues related to special education. Findings indicated that of the 29 prospective teacher respondents: (a) twenty-three prospective teachers or 79% thought that every public school teacher must accommodate the special learning needs of each child identified as having a disability, (b) twenty-two prospective teachers or 76% believed general education teachers are required to participate in the development of an IEP, and (c) twenty-two prospective teachers or 76% thought that a substantial number of non-English-speaking students enrolled in a school must be given special help to overcome such language barrier.



Table 21

Prospective Teacher Responses to Survey Items on Special Education

| Survey Item   | Yes |    | No |    | No Idea |    |
|---|-----|----|----|----|---------|----|
|   | n   | %  | n  | %  | n       | %  |
| General education teachers are required to participate in the development of an IEP for each eligible student with a disability.  | 22  | 76 | 1  | 3  | 5       | 17 |
| A manifestation hearing must be held before a special education student is suspended from school, provided the offense does not pose an immediate threat to the school community. | 14  | 48 | 4  | 14 | 9       | 31 |
| Every public school teacher must accommodate the special learning needs of each child identified as having a disability.  | 23  | 79 | 3  | 10 | 2       | 7  |
| A regular classroom is always considered the least restrictive environment (LRE) for special education students.  | 8   | 28 | 14 | 48 | 6       | 21 |
| If a substantial number of non-English speaking students are enrolled in a school, they must be given special help to overcome this language barrier.                             | 22  | 76 | 2  | 7  | 4       | 14 |
| The services provided to a student with a disability must continue during a disciplinary period such as suspension or expulsion.  | 14  | 48 | 4  | 14 | 10      | 34 |
| Public schools are always considered appropriate educational settings for special education students.   | 5   | 17 | 16 | 55 | 7       | 24 |

Note: Percents do not always total 100 because of non-responses.

The ANOVA procedures were used to evaluate mean differences between Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of teacher rights and responsibilities. The analysis of variance for educator knowledge of issues related to special education is presented in Table 22.

Table 22

Educators' Knowledge of Issues Related to Special Education

| Source  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators, Teachers and Prospective Teachers | 2                | 2,321           | 20.08* |

\*p < .05.

Post hoc analyses were performed using the Scheffé post-test to identify exactly where significant differences exist. Table 23 indicates the results of the post-hoc analyses and reveals significant differences among Guam public school administrator, Guam public school teacher and prospective teacher knowledge of issues related to special education.

Table 23

Scheffé Post-Test for Educator's Knowledge of Issues Related to Special Education

| Source                                  | df               |                 | F        |
|---|------------------|-----------------|----------|
|   | Between subjects | Within subjects |          |
| Administrators and Teachers             | 2                | 2,118           | 17.52*   |
| Administrators and Prospective Teachers | 2                | 438             | 15.25*   |
| Teachers and Prospective Teachers       | 2                | 2,083           | -216.87* |

\*p &lt; .05.

Research Question Four

Are Guam public school administrators, Guam public school teachers, and prospective teachers knowledgeable of tort law?

Tables 24, 25, and 26 represent the fourth composite of legal concepts concerning tort law. Table 24 reports the findings for public school administrator responses to questions assessing their knowledge of tort law. Findings indicated that out of 34 Guam public school administrator respondents: (a) thirty-one administrators or 91% believed a school district can be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment, (b) thirty-one administrators or 91% believed a signed permission form for a field trip does not relieve a teacher and school district of liability, and (c) twenty-eight administrators or 82% believed a school district can be held liable for negligent hiring or retention of unfit employees.

Table 24

Public School Administrator Responses to Survey Items on Tort Law

| Survey Item:   | Yes |    | No |    | No Idea |   |
|--|-----|----|----|----|---------|---|
|  | n   | %  | n  | %  | n       | % |
| Teachers are always held liable for accidents that occur during the teacher's absence from the classroom.                                  | 8   | 24 | 25 | 74 | 1       | 3 |
| A school district can be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment.                  | 31  | 91 | 0  | 0  | 2       | 6 |
| A signed permission notice for a field trip by a parent relieves the teacher and school district of liability for the injury of a student. | 2   | 6  | 31 | 91 | 0       | 0 |
| A teacher can be held liable for written remarks about a student that are vague and derogatory even though the remarks were unintentional. | 26  | 76 | 6  | 18 | 1       | 3 |
| A teacher can be held liable if a student injures another student or a teacher.  | 22  | 65 | 10 | 29 | 1       | 3 |
| A school district can be held liable for negligent hiring or retention of unfit employees.   | 28  | 82 | 4  | 12 | 1       | 3 |
| A teacher can be held liable for the activity of children on the Internet.   | 25  | 74 | 8  | 24 | 1       | 3 |

Note: Percents do not always total 100 because of non-responses.

Table 25 reports the findings for public school teacher responses to questions assessing their knowledge of tort law. Findings indicated that out of 269 Guam public school teacher respondents: (a) two hundred thirteen public school teachers or 79% believed a school district can be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment, (b) one hundred ninety-four public school teachers or 72% believed a school district can be held liable for negligent hiring or retention of unfit employees, and (c) one hundred eighty public school teachers or 67% believed a signed permission notice for a field trip by a parent does not relieve a teacher and school district of liability for the injury of a student.

Table 25

Public School Teacher Responses to Survey Items on Tort Law

| Survey Item  | Yes |    | No  |    | No Idea |    |
|--|-----|----|-----|----|---------|----|
|  | n   | %  | n   | %  | n       | %  |
| Teachers are always held liable for accidents that occur during the teacher's absence from the classroom.                                  | 83  | 31 | 141 | 52 | 39      | 15 |
| A school district can be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment.                  | 213 | 79 | 10  | 4  | 42      | 16 |
| A signed permission notice for a field trip by a parent relieves the teacher and school district of liability for the injury of a student. | 57  | 22 | 180 | 67 | 24      | 9  |
| A teacher can be held liable for written remarks about a student that are vague and derogatory even though the remarks were unintentional. | 152 | 57 | 46  | 17 | 66      | 25 |
| A teacher can be held liable if a student injures another student or a teacher.  | 121 | 45 | 73  | 27 | 62      | 23 |
| A school district can be held liable for negligent hiring or retention of unfit employees.   | 194 | 72 | 21  | 8  | 50      | 19 |
| A teacher can be held liable for the activity of children on the Internet.   | 112 | 42 | 74  | 28 | 74      | 28 |

Note: Percents do not always total 100 because of non-responses.

Table 26 reports the findings for prospective teacher responses to questions assessing their knowledge of tort law. Findings indicated that of the 29 prospective teacher respondents: (a) twenty-one prospective teachers or 72% believed a school district can be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment, (b) fifteen prospective teachers or 52% believed a signed permission notice for a field trip by a parent does not relieve the teacher and school district of liability for the injury of a student, and (c) eighteen prospective teachers or 62% believed a school district could be held liable for negligent hiring or retention of unfit employees.

Table 26

Prospective Teacher Responses to Survey Items on Tort Law

| Survey Item  | Yes |    | No |    | No Idea |    |
|--|-----|----|----|----|---------|----|
|  | n   | %  | n  | %  | n       | %  |
| Teachers are always held liable for accidents that occur during the teacher's absence from the classroom.                                  | 13  | 45 | 10 | 34 | 5       | 17 |
| A school district can be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment.                  | 21  | 72 | 0  | 0  | 7       | 24 |
| A signed permission notice for a field trip by a parent relieves the teacher and school district of liability for the injury of a student. | 9   | 31 | 15 | 52 | 3       | 10 |
| A teacher can be held liable for written remarks about a student that are vague and derogatory even though the remarks were unintentional. | 15  | 52 | 4  | 14 | 9       | 31 |
| A teacher can be held liable if a student injures another student or a teacher.  | 14  | 48 | 7  | 24 | 7       | 24 |
| A school district can be held liable for negligent hiring or retention of unfit employees.   | 18  | 62 | 2  | 7  | 8       | 28 |
| A teacher can be held liable for the activity of children on the Internet.   | 11  | 38 | 7  | 24 | 10      | 34 |

Note: Percents do not always total 100 because of non-responses.



The ANOVA procedures were used to evaluate mean differences between Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of teacher rights and responsibilities. The analysis of variance for educator knowledge of teacher rights and responsibilities is presented in Table 27.

Table 27

Educators' Knowledge of Tort Law

| Source  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators, Teachers and Prospective Teachers | 2                | 2,321           | 27.03* |

\* $p < .05$ .

Post hoc analyses were performed using the Scheffé post-test to identify exactly where significant differences exist. Table 28 indicates the results of the post-hoc analyses and reveals significant differences among Guam public school administrator, Guam public school teacher and prospective teacher knowledge of tort law. The analyses also revealed no significant difference between Guam public school teacher and prospective teacher knowledge of tort law.

Table 28

Scheffé Post-Test for Educators' Knowledge of Tort Law

| Source                                  | df               |                 | F      |
|---|------------------|-----------------|--------|
|   | Between subjects | Within subjects |        |
| Administrators and Teachers             | 2                | 2,118           | 22.05* |
| Administrators and Prospective Teachers | 2                | 438             | 22.26* |
| Teachers and Prospective Teachers       | 2                | 2,083           | 2.99   |

\*p &lt; .05.

The information presented in this chapter are the results of a School Law Survey disseminated to Guam public school administrators, Guam public school teachers, and prospective teachers enrolled in a teaching methods course at the University of Guam. The data presented revealed demographic information of survey respondents to include:

1. Current position.
2. Administrative experience.
3. Teaching experience.
4. Gender.
5. Degree institution.
6. Ethnicity.
7. Whether the respondent has taken a school law class/
8. Areas of school law respondents possessed an adequate working knowledge in.
9. Areas of school law respondents would like to receive training in.

The data presented also included Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of school law concepts in the areas of:

1. Teacher rights and responsibilities.
2. Student rights.
3. Issues related to special education.
4. Tort law.

The next chapter will present the researcher's conclusions and recommendations on the study to describe the degree of Guam public school administrator, Guam public school teacher and prospective teacher knowledge of school law.

## CHAPTER V

### CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

This study sought to describe the knowledge Guam public school administrators, Guam public school teachers, and prospective teachers had of school law. It intended to determine the areas of school law they might be deficient and to explain possible relationships between level of understanding and having taken a school law course, experience, and administrative certification. The study also intended to provide some insight on the issue of including a school law component in the teacher preparation and certification requirements on Guam and providing baseline information for the development of legal seminars and workshops for current and prospective administrators and teachers on Guam.

The sections that follow describes Guam public school administrator, Guam public school teacher, and prospective teacher knowledge of school law in the following areas: a) teacher rights and responsibilities, b) student rights, c) issues related to special education, and d) tort law. A discussion of the possible relationships between level of knowledge and three variables is also included. The chapter then concludes with recommendations.

#### Administrator School Law Knowledge

The results of the School Law Survey indicated that administrator knowledge of school law was adequate compared to teachers and prospective teachers. This may be attributed to 79% of the administrator respondents having taken a school law class for

enrichment, certification or completion of a master's program. Seventy-six percent of administrators indicated they were fully certified. The second factor, which may have had an impact on administrator school law knowledge, was experience. Fifty-six percent of the administrator respondents had 3 to 10 years of administrative experience. Six percent had more than 10 years of experience. Only 21% of the administrator respondents had two or less years of experience.

Despite the knowledge Guam public school administrators had of school law, the following sections highlight several areas of concern.

#### A. Teacher Rights & Responsibilities

Overall, Guam public school administrators were cognizant of teacher rights and responsibilities. There were, however, two areas of concern. First, out of the 34 public school administrator respondents, 41% did not think that parental complaints, an inability to maintain classroom order, and an inability to adequately prepare for a subject matter were grounds for the dismissal of a teacher. Three percent did not respond to the question.

Additional responses to the question were that such actions were grounds for the dismissal of a teacher, but due process procedures make it a lengthy process. Other comments were that progressive discipline must be administered over a period of time before a teacher is dismissed, and that complaints against a teacher must be substantiated by facts. This mindset lead to the conclusion that the 44% of administrators who responded incorrectly or provided no response may have interpreted the question to mean that teachers were immediately dismissed under such circumstances.

State laws, local school board policies, and collective bargaining agreements set forth the specific reasons why teachers can be dismissed (Fischer, Schimmel & Kelly, 1999). On Guam, the actions or inactions of a teacher must be considered unsatisfactory before procedures are initiated to dismiss a teacher. The Guam Territorial Board of Education policy states that teachers must be given notification of unsatisfactory performance and recommendations to improve such unsatisfactory performance. The teacher is also given a reasonable amount of time to correct inadequate performance. If such performance remains inadequate after a final evaluation, discipline in the form of dismissal may result.

Second, out of the 34 public school administrator respondents, 26% indicated the First Amendment did not protect a teacher's complaints expressing his private disagreements with school policies and procedures. The remaining 26% provided no response to the question. This is disturbing because eleven of the 16 respondents who were uncertain about a teacher's right to free speech indicated they took a school law class. It is highly unlikely that First Amendment issues were not discussed or mentioned in a school law class.

#### B. Student Rights

There appeared to be some inconsistency between administrator responses to questions on student rights and the data in Table 5. According to Table 5, seventy-six percent of the administrators indicated they possessed an adequate working knowledge of student rights. Administrator responses to survey questions, however, revealed that only two of the seven questions garnered a correct response rate of 88%. The remaining five questions received a correct response rate of 62% at most. There appeared to be

uncertainty among administrators on student rights. The following discussions highlight these areas.

First was the issue of schools requiring students to wear uniforms. Sixty-two percent of the administrators indicated that schools could require students to wear uniforms while 38% responded otherwise. Thirteen administrator respondents believed that students could not be required to wear uniforms to school. This uncertainty could be attributed to the recent challenges to the uniform policies of Guam Department of Education schools. The controversy of school uniforms in Guam public schools remains unsettled. Perhaps the administrators who believed students could not be required to wear uniforms were waiting for the DOE to issue a directive on the issue.

Second was the question of whether schools could prohibit students from using earrings, jewelry, and other symbols. Fifty-six percent indicated schools could prohibit the use of such items while 35% indicated otherwise, and 9% either had no idea or provided no response. Fifteen administrator respondents were uncertain about prohibiting students from wearing earrings, jewelry, and other symbols to school. Prohibiting the use of such items was primarily to control or prevent gang activity in the high schools. Since gang activity is seldom found in the elementary and middle schools, it was not surprising that 14 out of 15 administrators who responded incorrectly were from the elementary and middle school level. What was surprising, however, was that one high school administrator believed schools could not prohibit the wearing of earrings, jewelry or other symbols. The incorrect response by this administrator could be attributed to having a temporary administrative certificate and not having taken a school law class.

or his property. Sixty-two percent of the administrators indicated that school officials required the same level of suspicion as law enforcement officers while 32% responded otherwise and 6% had no idea. Search and seizure is a topic that is covered at great length in a school law class. It was shocking to know that of the 13 administrators who provided an incorrect or no response, eight had taken a school law class and nine possessed an administrative certificate. This finding emphasized the need for continual school law training.

Fourth was the question of whether students could be compelled to observe a period of silence at the beginning of the school day? Twenty-four percent responded correctly by answering yes while 62% responded incorrectly by answering no. Nine percent had no idea and 6% did not provide a response. The Guam Territorial Board of Education policy states, "A period of silent meditation for a duration of not less than one (1) minute nor more than two (2) minutes shall be provided to all students prior to the commencement of classroom activities at the beginning of the school day" (1973). This statement can be interpreted to mean that if a period of silence is provided, students must observe this period of silence. The type of meditation the student chooses to engage in, however, is left to the student's discretion. A student may, therefore, choose to engage in a silent prayer or silently plan a fishing trip.

Fifth was the question of whether student prayer at school events was permissible. Sixty-two percent of administrators thought students had the right to pray during school events. Twenty-four percent disagreed with this statement and 14% either had no idea or provided no response. Thirteen elementary and middle school administrator respondents



were uncertain about student prayer at school events. This was not surprising because elementary and middle school students are not as involved in the planning and implementation of school activities as are high school students. Administrators in the elementary and middle school levels are more inclined to decide what takes place during school events. High school administrators are more inclined to including students in the decision-making process when deciding on school activities. High school administrators need to be mindful of the fact the most high school students are aware of their rights. If students choose to pray, and other stipulations are met, it is allowable because the law states that student prayer is allowed at school events so long as the prayer is non-sectarian, student-initiated and voluntary.

#### C. Issues Related to Special Education

Administrators appeared to possess an adequate knowledge of issues related to special education, however, there were two areas of concern. First, administrators were uncertain if a manifestation hearing must be held prior to the suspension of a special education student. Forty-seven percent indicated that a hearing was required and 47% also indicated that a hearing was not required. Amendments to the Individuals with Disabilities Education Act (IDEA) specifically stated, "manifestation determinations are only required if a school is implementing a removal that constitutes a change of placement." A change of placement occurs if a child, identified as having a disability, is removed for more than ten consecutive school days. The suspension of a special education student for an offense that does not pose an immediate threat to the school community does not require a manifestation hearing beforehand. All that is required is a meeting of the child's IEP team to develop or review a behavioral assessment plan. This

uncertainty among administrators on whether a manifestation hearing is required prior to the suspension of special education students may stem from the confusion between a manifestation hearing and a behavioral assessment meeting.

Second, only 56% of administrators indicated that the services to a special education student must continue during a disciplinary period. Thirty-two percent indicated that services are suspended during such a period, and 12% had no idea or did not respond to the question. The IDEA Amendments of 1997 state that “schools do not need to provide services during the first ten school days in a school year that a child is removed.” For subsequent removals, however, “schools must provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP.” The uncertainty among administrators may stem from these regulations. Despite the confusion that may arise from the interpretation of the regulations, administrators need to be aware of such regulations. Ignorance of special education regulations is no excuse, especially when faced with a lawsuit.

#### D. Tort Law

The responses to survey questions on tort law indicated that administrator knowledge of tort law was adequate. There are, however, several areas of concern that need to be noted. First, at least 29% of the administrator respondents indicated a teacher could not be held liable if a student injures another student or teacher. Injury is similar to harassment. A teacher can be held liable for harassment just like a teacher can be held liable for injury caused by a student, especially if the teacher could have foreseen or prevented the injury.

Second, 24% believed a teacher could not be held liable for the activity of children on the Internet. Internet access is a new tool that has become a pedagogical necessity and has also created a new liability concern for the contemporary administrator (Lind, 1998). It is essential for administrators to be knowledgeable of all the legal implications surrounding the use of the Internet. An administrator who responded correctly to the question on whether a teacher could be held liable for the activity of children on the Internet stated that, "there should be an acceptable use policy in place before issuing a class project or assignment" requiring the use of the Internet. Another administrator stated, a teacher could be held liable for such activity "even with an acceptable use policy." This is the mindset all administrators should have.

Lastly, 24% believed teachers are always held liable for accidents that occur during the teacher's absence from the classroom. The question may have appeared to be vague to the nine administrators who responded incorrectly. One respondent indicated a teacher could be held liable if the teacher was responsible for the students at the time of the accident. Another respondent stated that a teacher could be held liable "depending on the situation." Although it is true that holding a teacher liable for accidents that occur during the teacher's absence would depend on the situation, it is incorrect to say that a teacher could always be held liable for such accidents.

The School Law Survey provided some insight on administrator knowledge of school law. Survey results revealed that although administrators were fairly knowledgeable of teacher rights and responsibilities, student rights, issues related to special education and tort law, there were areas that posed some concern.

### Public School Teacher School Law Knowledge

The results of the School Law Survey indicated that public school teacher knowledge of school law was inadequate. This may be attributed to the fact that of the 269 teacher respondents, only 37 or 14% had taken a school law class. Two hundred thirty-two or 86% of the teacher respondents indicated they had not taken a school law class.

The sections that follow point out the areas of school law that posed some concern among teachers.

#### **A. Teacher Rights and Responsibilities**

At a time when public school teachers are increasingly faced with civil suits charging them with a failure to perform their duties adequately (Dunklee & Shoop, 1986), it was disturbing to find that Guam public school teachers were unsure about some of their most basic rights and responsibilities.

First, 31% of the 269 teachers responded that the First Amendment did not protect their complaints expressing private disagreements with school policies and procedures. These teachers who believed their complaints were not protected probably chose to remain silent on matters they opposed or disagreed with for fear of retribution by management. They simply lacked awareness of their free speech rights. Those teachers, however, who were aware of their rights, are most likely to speak out and voice their opinions or concerns.

Second, out of the 269 teacher respondents, 23% believed a teacher could not be excused from saluting the flag. Twenty-two percent had no idea or provided no response. This finding was difficult to discern because as a teacher, one would need to be aware of

their rights as well as that of their students. It would be unfortunate for a teacher to be challenged by a student who knew that neither a student nor teacher could be compelled to salute the flag.

Another noteworthy finding was that 46% of the 269 teacher respondents believed parental complaints, an inability to maintain classroom order, and an inability to adequately prepare for a subject matter were not grounds for the dismissal of a teacher. Fifteen percent had no idea or provided no response.

Sixty-one percent of the teachers were uncertain about the basis for dismissing a teacher. It was troubling to find that there were teachers in the system that took parental complaints lightly. It was also troubling to find that teachers believed the inability to maintain order in the classroom or the inability to adequately prepare for the subject matter were not grounds for dismissal.

It is apparent that teachers are not aware of the Guam Territorial Board of Education policy on employee discipline that outlines the causes for discipline, which may result in dismissal.

#### **B. Student Rights**

Guam public school teachers did not appear to be knowledgeable of student rights. Of the seven questions related to student rights, only three garnered a correct response rate above 60%. The remaining four questions garnered correct response rates below 50%.

The responses to survey questions related to student rights painted a disturbing picture of public school teacher law knowledge. Forty-eight percent of the teachers responded that students could not be required to wear uniforms to school. Ten percent

had no idea or provided no response. More public school teachers appeared uncertain about uniforms in light of the fact that many public schools on Guam have adopted uniform policies. Perhaps the uncertainty stems from the recent challenges to these policies

In response to the issue of schools prohibiting the use of earrings, jewelry or other symbols, Guam public school teachers again appeared to be uncertain. Thirty-eight percent of the teacher respondents believed schools could not prohibit the use of such items. Fifteen percent had no idea or provided no response.

A close examination of the responses to question 9 of the survey revealed that of the 142 incorrect responses, 67 were from elementary teachers, 32 were from middle school teachers, 37 were from high school teachers, and 7 were from other school personnel.

The use of earrings, jewelry or other symbols may be associated with gang membership. Schools do not condone nor approve of gangs and for prevention purposes, prohibit the use of such items. Gang activity, although present at all school levels, is not common in the elementary schools. This could be the reason 67 elementary teachers responded incorrectly. The number of incorrect responses from middle and high school teachers was approximately half of the elementary teachers and therefore, posed a concern. All teachers need to be cognizant of the use of such items and their meanings, especially if such items posed a threat to the safety of the school community.

In response to the issue of school officials needing the same level of suspicion as law enforcement officers in the search of a student or his property, Guam public school

teachers appeared to be uncertain. Fifty-two percent of the teachers responded incorrectly, had no idea or did not provide a response.

The search of a student or his property usually is determined and conducted by a school administrator. Teachers may have felt that because they were not authorized to conduct searches, they do not have to be knowledgeable of the level of suspicion required for a search. Although it is common practice for administrators to conduct searches, it is still beneficial for teachers to be knowledgeable for the protection of their students. When a child is in school, the child is left in the care of the teacher who acts as the child's parent. If a school official conducts an illegal search, the teacher can then act responsibly to protect the child from such illegal, inappropriate action.

In response to the issue of school authorities searching a school computer or data storage device, Guam public school teachers again were uncertain. Twenty-four percent indicated such action was not allowable. Twenty-nine percent had no idea or provided no response.

Many schools have included the use of computer technology and the Internet in their curriculum. Teachers need to be knowledgeable of the implications involved in the use of technology. Teachers need to be aware of the rights and responsibilities of students, the school and themselves. Acceptable use policies (AUPs) are recommended prior to the infusion of technology in the schools. Unfortunately, not all schools have AUPs in place. This could be the reason for the uncertainty teachers have regarding the search of computer data storage devices.

### C. Issues Related to Special Education

The responses to survey questions related to special education provided a troublesome view of Guam public school teacher law knowledge. Of the seven questions related to special education, three garnered a correct response rate of 83% or more. The remaining four questions received correct response rates ranging from 10% to 59%. These four questions posed some concern among public school teachers.

In response to the issue of holding a manifestation hearing prior to the suspension of a special education student, 90% of the public school teacher respondents appeared uncertain. Fifty-two percent indicated a manifestation hearing was required, 38% had no idea or provided no response.

A manifestation hearing is only required if a school is implementing a removal that constitutes a change of placement. Such a hearing is usually initiated by an administrator and may not necessarily include the teacher. Teachers, therefore, may not be aware of the procedures and processes involved in conducting such a hearing. Despite this, teachers still need to be somewhat knowledgeable of the procedures. Having some knowledge would perhaps lessen the confusion among teachers when administrators decide on consequences for the discipline of special education students.

The issue of whether a regular classroom was always considered the least restrictive environment garnered a substantial incorrect response rate of 48%. This was indicative of the lack of knowledge public school teachers had of issues related to special education.

An understanding of the least restrictive environment should be common knowledge to all teachers and not just the special education teachers or administrators.



This finding was surprising because teachers are introduced to the basic special education requirements in at least one undergraduate teacher preparation class. The finding was also indicative of teachers not receiving regular inservice training, which is essential these days, with the ever-changing laws and regulations for special education.

On the issue of providing services to a student with a disability during a disciplinary period such as suspension or expulsion, Guam public school teachers appeared to be unsure. Forty-nine percent of the teachers believed that services were discontinued during a disciplinary period. Thirty-one percent had no idea if services must continue, and 2% provided no response.

Teachers do not have the authority to impose a punishment for disciplinary offenses committed by a student. Because of this, teachers may believe it is not their duty to know if services provided to a student with a disability must continue during a disciplinary period.

#### D. Tort Law

Guam public school teachers appeared to lack an adequate knowledge of teacher rights and responsibilities, student rights, and issues related to special education, as well as tort law.

There were several noteworthy concerns provided by the responses to survey questions related to tort law. Of the seven questions, three questions garnered a correct response rate of 67% or better. The remaining four questions garnered a correct response rate of 57% or lower.

Forty-seven percent of the teacher respondents believed teachers could always be held liable for accidents that occur during the teachers' absence from the classroom.

Teachers need to be knowledgeable of the responsibilities and liabilities involved in their line of work. Teachers who are informed on such an issue could avoid an unnecessary lawsuit or allegation.

Guam public school teachers were also uncertain if they could be held liable for written remarks about a student that were vague and derogatory even though the remarks were unintentional. Fifty-six percent of the teacher respondents believed that teachers could be held liable for such action. Seventeen percent believed teachers could not be held liable and 27% had no idea or provided no response.

Although it is not recommended for teachers to make derogatory remarks about students, it is not uncommon. Teachers who are aware of the liabilities are more likely to avoid such action. Teachers who remain uninformed of the liabilities most likely find out the hard way when they encounter a challenge to such action.

Guam public school teachers were also uncertain about the liabilities involved when a student injures another student or teacher. At least 55% of the teacher respondents indicated a teacher could not be held liable if a student injures another student or teacher. This finding was indicative of teachers being unaware of their responsibilities. In a school setting, it is important for the entire school community to work together to ensure a safe learning environment. If a teacher had prior knowledge of a student injuring another person and did not act to prevent such injury, the teacher could be held liable. Perhaps the mindset of many teachers was that injuries that occur outside of their classrooms were not their responsibility.

Liability for the activity of children on the Internet was another issue that produced uncertainty among Guam public school teachers. Twenty-eight percent of the

teacher respondents indicated they could not be held liable for the activity of children on the Internet. Thirty-one percent had no idea or provided no response.

Many schools are connected to the Internet and students are encouraged to use the Internet as a resource. Many teachers are unaware of the liabilities and responsibilities involved in using the Internet. This lack of awareness can be avoided if teachers and the school develop acceptable use policies (AUPs). AUPs are created not only to outline what activity is allowable, but to also outline the restrictions for using the Internet provided by the school.

Compared to administrator knowledge of school law, teachers appeared to have a less than adequate working knowledge. This inadequacy might be attributed to the small number of Guam public school teachers who had taken a school law class. Another factor that might have attributed to the less than adequate working knowledge is the lack of in-service training to update teachers on the fast-changing laws and regulations.

#### Prospective Teacher School Law Knowledge

The results of the School Law Survey indicated that prospective teacher knowledge of school law was insufficient. This could be attributed to a number of reasons. First, the prospective teacher respondents have not yet completed their teacher preparation programs. Second, they have not gone through the student teaching experience. Third, they have not been exposed to legal issues in their teacher preparation courses.

The following sections point out the areas of school law that posed some concern for prospective teachers.

#### A. Teacher Rights and Responsibilities

Prospective teachers appeared to have a firm grasp of issues related to child abuse and harassment. Despite this, there were some areas of concern. Of the seven survey questions related to teacher rights and responsibilities, three garnered a correct response rate of 73% or better. The remaining four questions garnered a correct response rate of 59% or lower. The areas of concern among prospective teacher school law knowledge are discussed in the sections that follow.

Forty-eight percent of the prospective teacher respondents had no idea if the First Amendment protected a teacher's complaints expressing his private disagreements with school policies and procedures. Seven percent believed that the First Amendment did not protect a teacher's complaints and 7% provided no response.

Fifty-two percent of the prospective teacher respondents believed a teacher is not compelled to salute the flag. Surprisingly, 21% believed a teacher could not be excused from saluting the flag and 27% had no idea or provided no response.

These findings were indicative that prospective teachers were not exposed to issues related to their rights in their undergraduate studies. It is imperative that prospective teachers possess a working knowledge of teacher rights and responsibilities for their protection as they embark on a teaching career.

Prospective teachers were also uncertain about specific grounds for the dismissal of a teacher. Forty-one percent of the respondents believed a teacher could not be dismissed because of parental complaints, the inability to maintain classroom order, or the inability to adequately prepare for a subject matter. Twenty-four percent of the respondents had no idea or provided no response.

While it is important for prospective teachers to be aware of their rights, it is also important for them to be cognizant of their responsibilities. Teachers facilitate the learning process. To ensure that learning takes place, teacher must maintain a safe learning environment. Maintaining classroom order and being prepared are essential to producing an environment that is conducive to learning. They are also essential to the success of a teacher.

Prospective teachers also appeared to be uncertain of the time allotted to a regularly scheduled faculty meeting for union matters. It is not surprising that 40% of the prospective teacher respondents had no idea or provided no response since most teachers are not exposed to union matters until they elect to become members of the union.

#### B. Student Rights

Findings indicated that prospective teachers had insufficient knowledge of student rights. It was appalling to find that all seven questions related to student rights garnered a correct response rate of 59% at most. The following sections point out the areas of deficiency.

Prospective teachers appeared to be uncertain on issues related to student expression in the form of dress and speech. Fifty-five percent indicated students could be required to wear uniforms to school. Thirty-eight percent believed otherwise and 7% had no idea. Fifty-five percent of the prospective teacher respondents also believed that schools could prohibit the wearing of earrings, jewelry or other symbols. Twenty-four percent believed otherwise and 21% had no idea. Fifty-five percent of the prospective teacher respondents believed school officials can exercise editorial control over the style and content of student speech in school-sponsored expressive activities. Fourteen percent

believed such editorial control was not allowable and 31% either had no idea or provided no response.

Prospective teachers also appeared to be uncertain on the issue of search and seizure. Forty-five percent of the respondents believed school officials required the same level of suspicion as law enforcement officers in the search of a student or his property. Twenty-eight percent believed otherwise and 27% had no idea or did not provide a response. Only 38% of the respondents indicated school officials could search a school's computer or a computer storage device for e-mail correspondence. Twenty-four percent of the prospective teacher respondents believed such a search was not allowable and 27% either had no idea or provided no response.

Another area of deficiency that was noteworthy was compelling students to observe a period of silence and school prayer. In response to the question of whether students were required to observe a period of silence at the beginning of a school day, only 14% believed such a requirement was permissible. Surprisingly, 62% believed students could not be compelled to observe a period of silence and 24% either had no idea or provided no response. The issue of affording students the right to pray during school events garnered a correct response rate of 59% among prospective teachers. Only 10% believed students did not have the right to pray at school events and 31% either had no idea or provided no response.

It was unfortunate that these prospective teachers will shortly be in the classroom and their knowledge of student rights was deficient. Although it is generally understood that teacher preparation programs do not prepare teachers to handle all situations that may arise in a teaching career, it was apparent that prospective teachers are inadequately

prepared in school law. Situations involving students' rights appear at any time. Teachers must know how to respond to these situations when they arise. A firm grasp of school law will not only help with a teacher's success on the job, it will also help a teacher to respond responsibly to situations involving students' rights.

### C. Issues Related To Special Education

Prospective teacher responses to questions related to special education were not as worse off as the responses to questions on issues related to special education. Of the seven questions related to issues on special education, three garnered a correct response rate of 76% or better. The remaining four questions, however, received a correct response rate of 55% at most.

Prospective teachers appeared to be knowledgeable of general education teachers' participation in the development of an IEP. They were also aware that every public school teacher must accommodate the special learning needs of each child identified as having a disability. Prospective teachers were also knowledgeable of a school's responsibility to provide special help for non-English-speaking students to overcome the language barrier. Despite their certainty in these areas, there were other areas that posed great concern among prospective teachers.

It was not surprising to find that prospective teacher knowledge of manifestations hearings and the continuation of services during a disciplinary period appeared deficient. In response to the question of whether a manifestation hearing was required prior to the suspension of a student, only 14% believed such a hearing was not required. Forty-eight percent believed a hearing was required and 38% either had no idea or provided no response.

In response to the question of whether the services provided to a student with a disability must continue during a disciplinary period, only 14% said no. Forty-eight percent indicated the services ceased during such a period and 38% either had no idea or provided no response.

These topics are definitely beneficial for teachers to know about, however, school administrators are most likely to be faced with such situations. It was, therefore, not surprising that prospective teachers appeared to have very little knowledge. What was extremely surprising, however, was prospective teacher knowledge of the least restrictive environment (LRE) and appropriate educational settings.

In response to the question of whether a regular classroom was always considered the least restrictive environment, only 48% of the prospective teacher respondents answered correctly. Twenty-eight percent believed the regular classroom was always the least restrictive environment and 24% either had no idea or provided no response. Only 55% of the prospective teacher respondents believed that public schools were not always considered appropriate educational settings for special education students. Eighteen percent believed otherwise and 27% either had no idea or provided no response.

Teacher preparation programs include in their curriculum exposure to special education issues. It is highly unlikely that LRE and appropriate education settings are omitted from such curriculum. Although prospective teachers appeared to have minimal knowledge of issues related to special education, it would greatly help if they had a bit more exposure.



#### D. Tort Law

Prospective teacher knowledge of tort law was also inadequate. The following sections outline the areas of tort law prospective teachers appeared to have inadequate knowledge of.

Of the seven questions related to tort law, only one garnered a correct response rate of 73%. The remaining six questions garnered correct response rates ranging from as low as 34% to as high as 62%. This finding was indicative of the lack of knowledge prospective teachers had of tort law.

Prospective teachers appeared to be uncertain whether they could always be held liable for accidents that occur during their absence from the classroom. Forty-five percent believed they could be held liable while 20% either had no idea or provided no response. Prospective teachers were also uncertain if a signed permission note for a field trip by a parent relieves the teacher and school district of liability. Thirty-one percent of the respondents believed such a note relieved the teacher and school district of liability and 17% either had no idea or provided no response.

In response to the question of whether a teacher could be held liable for written remarks about a student, only 52% believed a teacher could be held liable. Fourteen percent believed a teacher could not be held liable for such written remarks and 34% either had no idea or provided no response.

Prospective teachers were also uncertain about the liability involved when a student injures another person. Only 49% of the prospective teacher respondents believed a teacher could be held liable if a student injured another student or teacher.

Twenty-four percent believed a teacher could not be held liable for a student's actions and 27% either had no idea or provided no response.

In response to the question of whether a school district could be held liable for negligent hiring or retention of unfit employees, only 62% believed a school could be held liable. Seven percent believed a school could not be held liable and 31% either had no idea or provided no response.

Prospective teachers were also uncertain about the liability involved for the activity of children on the Internet. Thirty-eight percent of the respondents believed a teacher could be held liable for the activity of children on the Internet. Twenty-four percent believed that such activity did not pose a liability for teachers and 38% either had no idea or provided no response.

Teachers need to be knowledgeable of their responsibilities as well as the liabilities of their actions or inactions. A teacher will be better able to respond to situations with a working knowledge of tort law. Prospective teachers are no exception. It might seem impossible and not feasible to include a course on school law at the undergraduate teacher preparation level, however, the cost of adding a course might outweigh the cost of a lawsuit. The findings of the survey revealed that prospective teacher school law knowledge was inadequate. A lawsuit, therefore, is inevitable.

Overall, the outcome of the School Law Survey exhibited public school administrator school law knowledge was adequate compared to public school teacher and prospective teacher knowledge. It would, however, be beneficial for public school administrators to receive in-depth, continuous training to update them on the ever-changing laws that affect education.

Public school teachers, like prospective teachers, need more extensive training in school law. It is important for all teachers to have an awareness of their rights and that of their students. This awareness is not only for their protection but also that of their students. A school law course is definitely a step toward the right direction.

### Recommendations

The following recommendations need to be considered by the Department of Education and the University of Guam.

1. The study was conducted at nine of the 37 Guam public schools. Replication of this study in other schools is recommended.
2. This study was conducted with 20% of the Guam public school administrator and Guam public school teacher population. Replication of this study with a larger population is recommended.
3. This study was conducted with students of only two teaching methods courses at the University of Guam. Replication of this study with all prospective teachers is recommended.
4. Colleges of education have a clear responsibility to adequately prepare prospective teachers to be responsible professional educators in an increasingly litigious society (Sametz, 1981). The University of Guam should work with the teacher training program to include an undergraduate education law course in all teacher preparation programs. Such a step might heighten legal awareness and prudence on the part of the prospective educator (Dunklee & Shoop, 1986).

5. The Department of Education certification office should require all teachers to demonstrate competencies in the area of education law. Such areas should include as a minimum: teacher rights and responsibilities, student rights, issues related to special education, and tort law.
6. The University of Guam, teacher training program should collaborate with the Department of Education certification office to align both teacher preparation program and state teacher certification requirements, and specifically include an education law course component.
7. The University of Guam should require coursework in education law for its graduate education programs, particularly if such coursework was not required at the undergraduate level.
8. The Department of Education should conduct, as part of its overall professional development plan, a needs assessment and provide periodic professional development workshops and in-service meetings to update and strengthen both the new and experienced educators' knowledge of educational law.

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**Appendix A**  
**Elementary Teachers Breakdown**  
**and**  
**Secondary Teachers Breakdown**  
**SY 2000-2001**

**ELEMENTARY TEACHERS BREAKDOWN**  
**SY 2000-2001**

| Elementary Schools | Number of Classroom Teachers |
|--------------------|------------------------------|
| Agana Heights      | 30                           |
| Astumbo            | 40                           |
| C. L. Taitano      | 32                           |
| Carbullido         | 34                           |
| Chief Brodie       | 39                           |
| F. Q. Sanchez      | 9                            |
| Firegayan          | 63                           |
| H. S. Truman       | 19                           |
| J. P. Torres       | 10                           |
| Inarajan           | 26                           |
| J. Q. San Miguel   | 38                           |
| L. B. Johnson      | 25                           |
| M. A. Ulloa        | 52                           |
| Machananao         | 23                           |
| Juan M. Guerrero   | 43                           |
| Marcial Sablan     | 40                           |
| Merizo             | 22                           |
| Mt. Santa Rosa     | 35                           |
| Ordos/Chalan Pago  | 34                           |
| M. U. Lujan        | 52                           |
| P. C. Lujan        | 39                           |
| Price              | 43                           |
| Talofoto           | 24                           |
| Tamuning           | 44                           |
| Daniel L. Perez    | 45                           |
| Upi                | 42                           |
| Wettengel          | 50                           |

**SECONDARY TEACHERS BREAKDOWN**  
**SY 2000-2001**

| Schools             | Number of Classroom Teachers |
|---------------------|------------------------------|
| <b>MIDDLE</b>       |                              |
| Agueda I. Johnston  | 65                           |
| Vicente Benavente   | 94                           |
| Inarajan            | 56                           |
| L. P. Untalan       | 68                           |
| F. B. Leon Guerrero | 84                           |
| Jose L.G. Rios      | 59                           |
| Oceanview           | 51                           |
|                     |                              |
| <b>HIGH</b>         |                              |
| George Washington   | 121                          |
| John F. Kennedy     | 123                          |
| Southern            | 108                          |
| Simon Sanchez       | 98                           |

**Appendix B**  
**Approval to Conduct Survey**  
**from**  
**Research, Planning & Evaluation**  
**Department of Education**



**Rafael B. Tomanaga**  
Director of Education

# LETTER OF APPROVAL

To: Dr. NERISSA BRETANIA-SHAPER  
From: Dr. Rafael B. Tomanaga  
Date: 11/1/2000



**Nerissa Bretania-Shaper, Ph.D.**  
Administrative  
Research, Planning & Evaluation

November 24, 2000

Ismael M. Cruz  
Graduate Student  
113 W. Abner Casis  
Dededo, Guam 96942

Dear Mr. Cruz:

The Guam Department of Education Research Review Panel has granted approval of your request to conduct research relative to "An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers, and Prospective Teachers in Guam." Due to the Department's long-term goal of establishing web-based managed schools, the Panel has given you the school principals the final say in participating in any research activity such as this request. We will do our best to encourage the school principals to participate in this study. You are responsible for contacting the school principals to request approval to conduct your survey at their school. The Department reserves the right to terminate your data collection activity any time it deems appropriate to do so.

Please ensure that your completed paper contains the following statements to the same effect:

"The activity, which is the subject of this report, has been authorized by the Guam Department of Education. However, the opinions expressed herein do not necessarily reflect the position of the Department, and no official endorsement by the Guam Department of Education or the Government of Guam should be inferred. The author accepts full responsibility for the contents of this document".

Please also note that somewhere in the final report should reference be made to school districts in which the participants work.

Finally, the Department requests three (3) bound copies of the completed report. Please submit the copies to the Administrative, Research, Planning and Evaluation. The Department of Education looks forward to the successful completion of your research.

Sincerely,

**NERISSA BRETANIA-SHAPER, Ph.D.**  
Administrator, DOE Research Review Panel

I agree to the aforementioned conditions  
for conducting this study:

Ismael M. Cruz  
ISMAEL M. CRUZ


Date: 11/1/2000



## Appendix C

### Letters to Administrator of Research, Planning & Evaluation

Edward Lind, Ph.D.  
University of Guam, College of Education  
UOG Station, Mangilao, Guam 96926  
Tel.: 735-2405  
e-mail: [edlind@ue.net](mailto:edlind@ue.net)



November 8, 2000

Nerissa Shafer, Ph.D.  
Administrator, Research, Planning & Evaluation  
Department of Education  
P.O. Box DE  
Hagatna, Guam 96932

Dear Dr. Shafer:

This is to inform you that I have been working with Ms. Jennifer M. Cruz on the development of her thesis in the last few months and support her request for implementation in the Guam Department of Education (DOE).

Essentially, Ms. Cruz's proposal attempts to determine the degree of public school administrator, public school teacher, and prospective teacher knowledge of school law in Guam. The sample population consists of public school administrators and teachers assigned to a school site.

With just a few weeks of the fall semester remaining, Ms. Cruz faces the challenge of disbursing and gathering her survey. Therefore, I urge your office to expeditiously review Ms. Cruz's proposal.

Attached is Ms. Cruz's research summary, thesis proposal and letter requesting for a list of names and school locations of public school administrators and teachers.

I will be happy to respond to any concerns or inquiries at the address or number listed above.

Sincerely,



Edward Lind, Ph.D.  
Thesis Committee Chair  
Administration & Supervision Program



Jennifer M. Cruz  
113 W. Abao Court, Dededo, Guam 96912  
Tel./Fax. 622-1015  
e-mail. [jmamlon@ttd.net](mailto:jmamlon@ttd.net)

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November 8, 2000

Dr. Nerissa Shafer, Ph.D.  
Administrator  
Research, Planning & Evaluation  
Department of Education  
P.O. Box DE  
Hagatna, Guam 96932

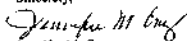
Dear Dr. Shafer:

I am currently working on my thesis entitled, "An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers and Prospective Teachers in Guam" to fulfill the requirements for a Master of Education degree in Administration and Supervision at the University of Guam. My thesis will attempt to determine the degree of school law knowledge in Guam.

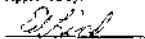
The analysis of legal knowledge will be determined through the use of a survey to be disseminated to Guam public school administrators and teachers employed by the Guam Department of Education (DOE). I am requesting for your assistance in obtaining a list of names and school locations for public school administrators and teachers in DOE.

Your approval of and assistance on this request is greatly appreciated. If you have any questions or concerns, please contact me at the address or numbers listed above.

Sincerely,

  
Jennifer M. Cruz

Approved by:

  
Edward Lind, Ph.D.  
Thesis Committee Chair

## **Appendix D**

**DOE School Administrator  
Telephone & Fax Directory  
School Year 1999-2000**

[illegible]

**Appendix E**  
**Formulas for Estimating**  
**Sample Size**

**FORMULA TO DETERMINE GUAM PUBLIC SCHOOL ADMINISTRATOR  
SAMPLE SIZE:**

$$n = \frac{Z_{\alpha}^2 [p(1-p)] N}{Z_{\alpha}^2 [p(1-p)] + (N-1) C_p^2}$$

$Z_{\alpha}$  = Z score for various levels of confidence = 1.96

$p$  = true proportion = .5

$N$  = population = 90

$C_p$  = confidence interval = .10

$$n = \frac{(1.96)^2 [.5(1-.5)] 90}{(1.96)^2 [.5(1-.5)] + (90-1) (.10)^2}$$

$$n = \frac{86.436}{1.85040}$$

$$n = 46.712062 \approx 47$$

**FORMULA TO DETERMINE GUAM PUBLIC SCHOOL TEACHER SAMPLE SIZE:**

$$n = \frac{Z_{\alpha}^2 [p(1-p)] N}{Z_{\alpha}^2 [p(1-p)] + (N-1) C_p^2}$$

$Z_{\alpha}$  = Z score for various levels of confidence = 1.96

$p$  = true proportion = .5

$N$  = population

$C_p$  = confidence interval = .10

Elementary Teachers (N=953):

$$n = \frac{(1.96)^2 [.5(1-.5)] 953}{(1.96)^2 [.5(1-.5)] + (953-1) (.10)^2}$$

$$n = \frac{915.2612}{10.4804}$$

$$n = 87.33075 \approx 87$$

**Middle School Teachers (N = 477):**

$$n = \frac{(1.96)^2 [.5(1-.5)] 477}{(1.96)^2 [.5(1-.5)] + (477-1) (.10)^2}$$

$$n = \frac{458.1108}{5.7204}$$

$$n = 80.0837 \approx 80$$

**High School Teachers (N = 450):**

$$n = \frac{(1.96)^2 [.5(1-.5)] 450}{(1.96)^2 [.5(1-.5)] + (450-1) (.10)^2}$$

$$n = \frac{432.18}{5.4504}$$

$$n = 79.293262 \approx 79$$

**Appendix F**  
**Letter to Professors of**  
**Teaching Methods Course**  
**at the**  
**University of Guam**

*Jennifer M. Cruz*  
113 W. Abas Ct., Dededo, Guam 96912  
Tel./Fax: 632-1015  
e-mail: [mamulan@jtc.net](mailto:mamulan@jtc.net)

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November 29, 2000

Lawrence Kodiyanplakkal, Ed.D.  
Assistant Professor of Secondary Education  
University of Guam  
College of Education  
University Station  
Mangilao, Guam 96923

Dear Dr. Kodiyanplakkal:

I am currently working on my thesis entitled, "An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers and Prospective Teachers in Guam" to fulfill the requirements for a Master of Education degree in Administration and Supervision at the University of Guam. My thesis will attempt to determine the degree of school law knowledge in Guam.

The analysis of legal knowledge will be determined through the use of a survey to be disseminated to prospective teachers enrolled in a teaching methods course at the University of Guam. I am requesting for your assistance and permission to disseminate a School Law Survey to students in your Secondary Teaching Methods course.

Respondents are to fill out the survey, seal it in the envelope provided, and return it to you by Friday, December 15, 2000. A large manila envelope has been provided for you to deposit completed surveys. I will contact you by December 15, 2000 to make arrangements to pick-up completed surveys.

Thank you for your support and assistance. If you have any questions or concerns, please contact me at the address or number above.

Sincerely,

Jennifer M. Cruz



**Jennifer M. Cruz**  
113 W Abas Ct., Dededo, Guam 96912  
Tel /Fax: 632-1015  
e-mail: [mamulan@ite.net](mailto:mamulan@ite.net)

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November 29, 2000

Dr. Bernadita Camacho-Dungca  
Associate Professor, Elementary/Secondary  
University of Guam  
College of Education  
University Station  
Mangilao, Guam 96923

Dear Dr. Camacho-Dungca:

I am currently working on my thesis entitled, "An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers and Prospective Teachers in Guam" to fulfill the requirements for a Master of Education degree in Administration and Supervision at the University of Guam. My thesis will attempt to determine the degree of school law knowledge in Guam.

The analysis of legal knowledge will be determined through the use of a survey to be disseminated to prospective teachers enrolled in a teaching methods course at the University of Guam. I am requesting for your assistance and permission to disseminate a School Law Survey to students in your teaching methods course. A copy of the survey and approval notices to conduct the study from UOG and DOE have been provided for your review.

If you approve of this request, let me know how many surveys are needed for your class. Please contact me at the address or number above for the number of surveys required, or if you have any questions or concerns. Thank you for your support and assistance.

Sincerely,

Jennifer M. Cruz  
Graduate Student

## *School Law Survey*



*This survey seeks to assess  
your professional role as an educator.*

## PART I – DEMOGRAPHICS

For each of the following questions, please circle one number to indicate your choice.

- Q-1 What is your present position?
- 1 Elementary principal or assistant principal
  - 2 Middle school principal or assistant principal
  - 3 High school principal or assistant principal
  - 4 Elementary teacher
  - 5 Middle school teacher
  - 6 High school teacher
  - 7 Prospective teacher enrolled in a teaching methods course at the University of Guam
  - 8 Other (specify): \_\_\_\_\_
- Q-2 If you are an administrator, please indicate years of experience as an administrator.
- 1 0-2 years
  - 2 3-10 years
  - 3 More than 10 years
- Q-3 If you are a teacher, please indicate years of experience as a teacher.
- 1 0-2 years
  - 2 3-10 years
  - 3 More than 10 years
- Q-4 Please indicate whether you have completed your Guam administration certificate, you are presently employed under a temporary certificate, or that you do not presently hold either type of administrative certificate.
- 1 Completed certification
  - 2 Temporary certification
  - 3 No certification at this time
- Q-5 Please indicate your gender.
- 1 Female
  - 2 Male
- Q-6 Please indicate the institution you received your degree from.
- 1 University of Guam
  - 2 Other (specify): \_\_\_\_\_
- Q-7 Ethnicity
- 1 Chamoru
  - 2 Caucasian
  - 3 Filipino
  - 4 Other (specify): \_\_\_\_\_

Q-8 Have you taken a school law class?

- 1 Yes
- 2 No

For questions 9 and 10 below, you may circle one or more numbers to indicate your choice(s).

Q-9 Please indicate the areas of school law you possess a working knowledge in:

- |   |                       |   |                                 |
|---|-----------------------|---|---------------------------------|
| 1 | Teacher Rights        | 5 | Student Rights                  |
| 2 | Special Education     | 6 | School Finance                  |
| 3 | Tort Law              | 7 | Personnel & Employment Concerns |
| 4 | Collective Bargaining | 8 | Religious Issues                |

Q-10 Please indicate the areas of school law you would like to receive training in:

- |   |                       |   |                                 |
|---|-----------------------|---|---------------------------------|
| 1 | Teacher Rights        | 5 | Student Rights                  |
| 2 | Special Education     | 6 | School Finance                  |
| 3 | Tort Law              | 7 | Personnel & Employment Concerns |
| 4 | Collective Bargaining | 8 | Religious Issues                |

## PART II- LEGAL CONCEPTS

Please complete each question by circling one response.

1. Can a teacher be held liable for failing to report child abuse or neglect?  
1 – Yes  
2 -- No  
3 – No Idea
2. Can a teacher be held liable for student-to-student harassment?  
1 – Yes  
2 -- No  
3 – No Idea
3. Can a teacher be dismissed for sexual advances toward a student?  
1 – Yes  
2 -- No  
3 – No Idea
4. Does the First Amendment protect a teacher's complaints expressing his private disagreements with school policies and procedures?  
1 – Yes  
2 – No  
3 – No Idea
5. Can a teacher be excused from saluting the flag?  
1 – Yes  
2 -- No  
3 – No Idea
6. Are parental complaints, an inability to maintain classroom order and an inability to adequately prepare for a subject matter grounds for the dismissal of a teacher?  
1 – Yes  
2 -- No  
3 – No Idea
7. On Guam, must union representatives or members of a bargaining unit be allotted 10 minutes of a regularly scheduled faculty meeting to discuss union matters?  
1 – Yes  
2 -- No  
3 – No Idea

8. Can students be required to wear uniforms to school?  
1 – Yes  
2 -- No  
3 – No Idea
9. In a normal school or class setting, can schools prohibit the wearing of earrings, jewelry, or other symbols?  
1 – Yes  
2 -- No  
3 – No Idea
10. In the search of a student or his property, do school officials need the same level of suspicion as law enforcement officers?  
1 – Yes  
2 -- No  
3 – No Idea
11. If a student uses a school's computer for e-mail correspondence, can school authorities search a student's data storage for such correspondence or retrieve data on a disk?  
1 – Yes  
2 -- No  
3 – No Idea
12. Do students have to observe a period of silence at the beginning of the school day?  
1 – Yes  
2 -- No  
3 – No Idea
13. Can school officials exercise editorial control over the style and content of student speech in school-sponsored expressive activities?  
1 -- Yes  
2 -- No  
3 – No Idea
14. Do students have the right to pray during school events as long as the prayer is non-sectarian, student-initiated and voluntary?  
1 – Yes  
2 -- No  
3 – No Idea

15. Are general education teachers required to participate in the development of an individualized education program (IEP) for each eligible student with a disability?  
1 – Yes  
2 -- No  
3 – No Idea
16. Must a manifestation hearing be held before a special education student is suspended from school, provided the student's offense does not pose an immediate threat to the school community?  
1 – Yes  
2 -- No  
3 – No Idea
17. Must every public school teacher accommodate the special learning needs of each child identified as having a disability?  
1 – Yes  
2 – No  
3 – No Idea
18. Is a regular classroom always considered the least restrictive environment (LRE) for special education students?  
1 – Yes  
2 – No  
3 – No Idea
19. If a substantial number of non-English-speaking students are enrolled in a school, must they be given special help to overcome this language barrier?  
1 – Yes  
2 -- No  
3 – No Idea
20. Must the services provided to a student with a disability continue during a disciplinary period such as suspension or expulsion?  
1 – Yes  
2 -- No  
3 – No Idea
21. Are public schools always considered appropriate educational settings for special education students?  
1 – Yes  
2 – No  
3 – No Idea

22. Are teachers always held liable for accidents that occur during the teacher's absence from the classroom?  
1 – Yes  
2 -- No  
3 – No Idea
23. Can a school district be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment?  
1 – Yes  
2 -- No  
3 – No Idea
24. Does a signed permission notice for a field trip by a parent relieve the teacher and school district of liability for the injury of a student?  
1 – Yes  
2 -- No  
3 – No Idea
25. Can a teacher be held liable for written remarks about a student that are vague and derogatory even though the remarks were unintentional?  
1 – Yes  
2 -- No  
3 – No Idea
26. Can a teacher be held liable if a student injures another student or a teacher?  
1 – Yes  
2 -- No  
3 – No Idea
27. Can a school district be held liable for negligent hiring or retention of unfit employees?  
1 – Yes  
2 -- No  
3 – No Idea
28. Can a teacher be held liable for the activity of children on the Internet?  
1 – Yes  
2 -- No  
3 – No Idea



**ADDITIONAL COMMENTS:** Please use this space to make comments. One way to look at this request is to ask the question, "What should this survey have asked that it did not ask?"

Thank you for taking the time to complete this survey. Please enclose your survey in the attached envelope. School administrators and teachers are requested to return their surveys to the school secretary or designated drop box. Prospective teachers are requested to return their surveys to their teaching methods professor. Kindly submit your completed survey on or before Friday, December 15, 2000.

**Appendix H**  
**Survey Cover Letters**

**Jennifer M. Cruz**  
113 W. Abas Ct, Dededo, Guam 96912  
Tel./Fax: 632-1015  
e-mail: [mamulan@ite.net](mailto:mamulan@ite.net)

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November 29, 2000

Dear School Administrator:

I am currently working on my thesis entitled, "An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers and Prospective Teachers in Guam," to fulfill program requirements in Administration and Supervision.

I respectfully seek your support and assistance in completing a School Law Survey. The survey, which has been approved for dissemination by RP&E, will provide the necessary data to complete my research. It is anticipated that the results of this study will help provide baseline information for the development of seminars, workshops and courses on school law for practicing and prospective educators in Guam.

All responses to this survey will be aggregated together and no individual respondent will be singled out. Please be assured that this survey will be treated confidentially. Survey forms are not coded in any way and complete anonymity is guaranteed.

I encourage you to take several minutes to complete the attached survey. An envelope is included for your convenience in returning the completed survey. Please return completed surveys to your school secretary by Friday, December 15, 2000.

Thank you in advance for your cooperation and input. Your contribution to this study is absolutely critical and much appreciated!

Sincerely,

Jennifer M. Cruz  
Graduate Student, UOG

November 29, 2000

Dear Professional Educator:

As a professional educator with the Guam Department of Education, you have been selected to participate in a survey about school law. The purpose of the survey is to assess public school administrator, public school teacher and prospective teacher knowledge of school law in Guam. It is anticipated that the results of this study will help provide baseline information for the development of seminars, workshops and courses on school law for practicing and prospective educators in Guam.

All responses to this survey will be aggregated together and no individual respondent will be singled out. Please be assured that this survey will be treated confidentially. Survey forms are not coded in any way and complete anonymity is guaranteed.

I encourage you to take several minutes to complete the attached survey. An envelope is included for your convenience in returning the completed survey. Please deposit your survey by Friday, December 15, 2000 in the "School Law Survey" drop box located in your school's main office.

Thank you in advance for your cooperation and input. Your contribution to this study is absolutely critical and much appreciated!

Sincerely,

Jennifer M. Cruz  
Graduate Student, UOG

November 29, 2000

Dear Prospective Educator:

As a prospective educator, you have been selected at random to participate in a survey about school law. The purpose of the survey is to assess public school administrator, public school teacher and prospective teacher knowledge of school law in Guam. It is anticipated that the results of this study will help provide baseline information for the development of seminars, workshops and courses on school law for practicing and prospective educators in Guam.

All responses to this survey will be aggregated together and no individual respondent will be singled out. Please be assured that this survey will be treated confidentially. Survey forms are not coded in any way and complete anonymity is guaranteed.

I encourage you to take several minutes to complete the attached survey. An envelope is included for your convenience in returning the completed survey. Please return your survey by Friday, December 15, 2000 to your teaching methods professor.

Thank you in advance for your cooperation and input. Your contribution to this study is absolutely critical and much appreciated!

Sincerely,

Jennifer M. Cruz  
Graduate Student, UOG

## **APPENDIX I**

### **Breakdown of Survey Responses Part II – Legal Concepts**

A total of 332 surveys were collected. The response rate and percentages for each question in Part II of the survey are provided in the charts that follow. The asterisk indicates the correct response for each question.

1. Can a teacher be held liable for failing to report child abuse or neglect?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 33   | 0  | 1       | 0           |
| Teachers             | 240  | 8  | 16      | 5           |
| Prospective Teachers | 26   | 1  | 1       | 1           |
| Percentage           | 90%  | 3% | 5%      | 2%          |

2. Can a teacher be held liable for student-to-student harassment?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 28   | 5   | 1       | 0           |
| Teachers             | 182  | 41  | 39      | 7           |
| Prospective Teachers | 21   | 3   | 4       | 1           |
| Percentage           | 70%  | 15% | 13%     | 2%          |

3. Can a teacher be dismissed for sexual advances toward a student?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 31   | 2  | 1       | 0           |
| Teachers             | 238  | 14 | 15      | 2           |
| Prospective Teachers | 23   | 3  | 2       | 1           |
| Percentage           | 88%  | 6% | 5%      | 1%          |

4. Does the First Amendment protect a teacher's complaints expressing his private disagreements with school policies and procedures?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 18   | 9   | 3       | 4           |
| Teachers             | 150  | 29  | 83      | 7           |
| Prospective Teachers | 11   | 2   | 14      | 2           |
| Percentage           | 54%  | 12% | 30%     | 4%          |

5. Can a teacher be excused from saluting the flag?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 27   | 3   | 3       | 1           |
| Teachers             | 149  | 62  | 54      | 4           |
| Prospective Teachers | 15   | 6   | 7       | 1           |
| Percentage           | 58%  | 21% | 19%     | 2%          |

6. Are parental complaints, an inability to maintain classroom order and an inability to adequately prepare for a subject matter grounds for the dismissal of a teacher?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 19   | 14  | 0       | 1           |
| Teachers             | 105  | 124 | 35      | 5           |
| Prospective Teachers | 10   | 12  | 6       | 1           |
| Percentage           | 40%  | 45% | 13%     | 2%          |

7. On Guam, must union representatives or members of a bargaining unit be allotted 10 minutes of a regularly scheduled faculty meeting to discuss union matters?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 30   | 3  | 1       | 0           |
| Teachers             | 202  | 8  | 55      | 4           |
| Prospective Teachers | 17   | 0  | 11      | 1           |
| Percentage           | 75%  | 3% | 20%     | 2%          |

8. Can students be required to wear uniforms to school?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 21   | 13  | 0       | 0           |
| Teachers             | 112  | 130 | 23      | 4           |
| Prospective Teachers | 16   | 11  | 2       | 0           |
| Percentage           | 45%  | 46% | 8%      | 1%          |



9. In a normal school or class setting, can schools prohibit the wearing of earrings, jewelry or other symbols?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 19   | 12  | 1       | 2           |
| Teachers             | 126  | 103 | 36      | 4           |
| Prospective Teachers | 16   | 7   | 6       | 0           |
| Percentage           | 48%  | 37% | 13%     | 2%          |

10. In the search of a student or his property, do school officials need the same level of suspicion as law enforcement officers?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 11  | 21  | 2       | 0           |
| Teachers             | 130 | 80  | 51      | 8           |
| Prospective Teachers | 8   | 13  | 7       | 1           |
| Percentage           | 45% | 34% | 18%     | 3%          |

11. If a student uses a school's computer for e-mail correspondence, can school authorities search a student's data storage for such correspondence or retrieve data on a disk?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 30   | 1   | 2       | 1           |
| Teachers             | 127  | 65  | 74      | 3           |
| Prospective Teachers | 11   | 7   | 10      | 1           |
| Percentage           | 51%  | 22% | 26%     | 1%          |

12. Do students have to observe a period of silence at the beginning of the school day?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 8    | 21  | 3       | 2           |
| Teachers             | 52   | 171 | 41      | 5           |
| Prospective Teachers | 4    | 18  | 6       | 1           |
| Percentage           | 19%  | 64% | 15%     | 2%          |

13. Can school officials exercise editorial control over the style and content of student speech in school-sponsored expressive activities?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 30   | 4   | 0       | 0           |
| Teachers             | 168  | 44  | 53      | 4           |
| Prospective Teachers | 16   | 4   | 8       | 1           |
| Percentage           | 64%  | 16% | 18%     | 2%          |

14. Do students have the right to pray during school events as long as the prayer is non-sectarian, student-initiated and voluntary?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 21   | 8   | 3       | 2           |
| Teachers             | 178  | 35  | 52      | 4           |
| Prospective Teachers | 17   | 3   | 7       | 2           |
| Percentage           | 65%  | 14% | 19%     | 2%          |

15. Are general education teachers required to participate in the development of an individualized education program (IEP) for each eligible student with a disability?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 33   | 1  | 0       | 0           |
| Teachers             | 232  | 14 | 20      | 3           |
| Prospective Teachers | 22   | 1  | 5       | 1           |
| Percentage           | 86%  | 5% | 8%      | 1%          |

16. Must a manifestation hearing be held before a special education student is suspended from school, provided the student's offense does not pose an immediate threat to the school community?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 16  | 16  | 1       | 1           |
| Teachers             | 140 | 26  | 99      | 4           |
| Prospective Teachers | 14  | 4   | 9       | 2           |
| Percentage           | 51% | 14% | 33%     | 2%          |

17. Must every public school teacher accommodate the special learning needs of each child identified as having a disability?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 29   | 5  | 0       | 0           |
| Teachers             | 242  | 10 | 14      | 3           |
| Prospective Teachers | 23   | 3  | 2       | 1           |
| Percentage           | 89%  | 5% | 5%      | 1%          |

18. Is a regular classroom always considered the least restrictive environment (LRE) for special education students?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 6   | 27  | 1       | 0           |
| Teachers             | 53  | 141 | 69      | 6           |
| Prospective Teachers | 8   | 14  | 6       | 1           |
| Percentage           | 20% | 55% | 23%     | 2%          |

19. If a substantial number of non-English-speaking students are enrolled in a school, must they be given special help to overcome this language barrier?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 27   | 4  | 0       | 3           |
| Teachers             | 224  | 11 | 29      | 5           |
| Prospective Teachers | 22   | 2  | 4       | 1           |
| Percentage           | 82%  | 5% | 10%     | 3%          |

20. Must the services provided to a student with a disability continue during a disciplinary period such as suspension or expulsion?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 19  | 11  | 2       | 2           |
| Teachers             | 132 | 49  | 83      | 5           |
| Prospective Teachers | 14  | 4   | 10      | 1           |
| Percentage           | 50% | 19% | 29%     | 2%          |

21. Are public schools always considered appropriate educational settings for special education students?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 5   | 28  | 1       | 0           |
| Teachers             | 58  | 158 | 48      | 5           |
| Prospective Teachers | 5   | 16  | 7       | 1           |
| Percentage           | 20% | 61% | 17%     | 2%          |

22. Are teachers always held liable for accidents that occur during the teacher's absence from the classroom?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 8   | 25  | 1       | 0           |
| Teachers             | 83  | 141 | 39      | 6           |
| Prospective Teachers | 13  | 10  | 5       | 1           |
| Percentage           | 31% | 53% | 14%     | 2%          |

23. Can a school district be held liable for injury resulting from the issuance of improper and ill-fitting sports equipment?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 31   | 0  | 2       | 1           |
| Teachers             | 213  | 10 | 42      | 4           |
| Prospective Teachers | 21   | 0  | 7       | 1           |
| Percentage           | 80%  | 3% | 15%     | 2%          |

24. Does a signed permission notice for a field trip by a parent relieve the teacher and school district of liability for the injury of a student?

|                      | Yes | No* | No Idea | No Response |
|----------------------|-----|-----|---------|-------------|
| Administrators       | 2   | 31  | 0       | 1           |
| Teachers             | 57  | 180 | 24      | 8           |
| Prospective Teachers | 9   | 15  | 3       | 2           |
| Percentage           | 21% | 68% | 8%      | 3%          |

25. Can a teacher be held liable for written remarks about a student that are vague and derogatory even though the remarks were unintentional?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 26   | 6   | 1       | 1           |
| Teachers             | 152  | 46  | 66      | 5           |
| Prospective Teachers | 15   | 4   | 9       | 1           |
| Percentage           | 58%  | 17% | 23%     | 2%          |

26. Can a teacher be held liable if a student injures another student or a teacher?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 22   | 10  | 1       | 1           |
| Teachers             | 121  | 73  | 62      | 13          |
| Prospective Teachers | 14   | 7   | 7       | 1           |
| Percentage           | 47%  | 27% | 21%     | 5%          |

27. Can a school district be held liable for negligent hiring or retention of unfit employees?

|                      | Yes* | No | No Idea | No Response |
|----------------------|------|----|---------|-------------|
| Administrators       | 28   | 4  | 1       | 1           |
| Teachers             | 194  | 21 | 50      | 4           |
| Prospective Teachers | 18   | 2  | 8       | 1           |
| Percentage           | 72%  | 8% | 18%     | 2%          |

28. Can a teacher be held liable for the activity of children on the Internet?

|                      | Yes* | No  | No Idea | No Response |
|----------------------|------|-----|---------|-------------|
| Administrators       | 25   | 8   | 1       | 0           |
| Teachers             | 112  | 74  | 74      | 9           |
| Prospective Teachers | 11   | 7   | 10      | 1           |
| Percentage           | 44%  | 27% | 26%     | 3%          |

**Appendix J**  
**Letter to Director of Education**

Jennifer M. Cruz  
113 W. Abas Court, Dededo, Guam 96912  
Tel./Fax: 632-1015  
e-mail: [mamulan@tte.net](mailto:mamulan@tte.net)

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November 8, 2000

Rosie Tainatongo, Director  
Department of Education  
P.O. Box DE  
Hagatna, Guam 96932

Dear Mrs. Tainatongo:

I am respectfully requesting your permission to conduct a "School Law Survey" at various schools within the Department of Education. This survey represents the final component of my thesis to fulfill program requirements in Supervision and Administration at the University of Guam.

Attached is a copy of the research summary and survey. These items, along with my thesis proposal have been submitted to the Administrator of Research, Planning & Evaluation for review.

The Department of Education requires three final bound copies of the completed research report, including a summary to be submitted to the Administrator of Research, Planning and Evaluation. Upon completion, I will be happy to comply with this requirement.

Thank you for your support. If you have any questions, please contact me at the address or number listed above.

Sincerely,

Jennifer M. Cruz  
Graduate Student  
Supervision & Administration

Approved by:

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Rosie Tainatongo, Director  
Department of Education

**Appendix K**  
**Approval to Conduct Survey**  
**from**  
**Committee on Human Subjects in Research,**  
**University of Guam**





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**COMMITTEE ON HUMAN SUBJECTS IN RESEARCH**

November 14, 2000

**MEMORANDUM**

**TO:** Jennifer M. Cruz, Graduate Student, and Dr. Edward Lind, CEO

**FROM:** Dr. Lilla-Karina Craig, Chair *Lilla-Karina Craig*

**SUBJECT:** Approval of your study: "An Analysis of the Legal Knowledge of Public School Administrators, Public School Teachers, and Prospective Teachers in Guam." CHSR 28-00

Your application for Human Subjects Approval meets the requirements for expedited review under the federal regulations Title 45, Part 46. There are no apparent physical or emotional risks to the research participant. Adequate provisions have been made to protect that anonymity of the research participants and the confidentiality of their responses. Appropriate informant consent is will be solicited.

Your study is approved and we wish you the best of luck.

**Appendix L**  
**Comments from Respondents**

Respondents were asked to make comments at the end of the survey and indicate what the survey should have asked that it did not ask. Below are responses.

**A. ADMINISTRATORS**

1. I though there were questions that needed some clarification.
2. There are lots of gray areas in the law. These exceptions feed the courts.
3. The law turns on specifics, word usage, circumstances, situations, intents, etc. Use of words such as always, all, can allow enough vagueness to correctly answer both ways. I fear for the validity of your results.
4. More questions on sports liability. Who takes responsibility? Who is held accountable for injuries in a game? NAF—proper procedures, etc.
5. The survey was fine. There were a few questions that I had a difficult time understanding. I don't believe there were any areas that should have been covered by your survey.
6. Issues are challenged everyday. Laws constantly change, we need to continue updating ourselves.
9. The GFT/Board Union Contract supercedes all other policies. This should be included extensively in the school law's content of the course.

**B. TEACHERS**

1. I realize that I know very little about the school laws.
2. This survey certainly made me realize how much I don't know about school law!
3. This survey should not be given to limited-term teachers, we have no clue.
4. Good survey!
5. Can or should legal action be taken on a student who injures or threatens another student?
6. Can a teacher refuse to accept a special education student in his/her class? Is the responsibility of personal hygiene (changing diapers) of a special education student the sole responsibility of the aide?

7. Do government employees have the right to ask for COLA during economic crisis such as now?
8. A lot of questions were good. Some of them I had to really think about. I guess I don't know what are all my rights and students' rights.
9. Middle school teachers don't leave as early as the elementary and high school teachers, and some teachers are committed to other Saturday morning activities. The survey should have asked for convenient times for workshops and how many would be willing to attend.
10. Good survey. Makes me realize there are many other aspects to teaching that one must be educated about—not just knowing your subject/lesson planning.
11. The way questions were formatted example (the use of always) are confusing. Please be specific when doing questions.
12. This survey was an "eye-opener" on a lot of issues/areas I though I had knowledge of. Apparently, I don't! Therefore, I had to go back to question 10 and circle everything.
13. The survey did not address specific instances such as, "can a teacher be held liable..." if the teacher was present at the time. If a teacher was legitimately absent, and a "sub" takes his or her place, is the teacher still liable?
14. Was this approved by DOE for distribution at the schools? Many questions need to be clarified in order to ask what you really want to know. Are you asking these questions based on public schools? You did not distinguish (although I think you made the assumption) between public, private and religious schools. (The cover letter says it is going to public school teachers but the survey doesn't say "in public schools.")
15. Should a special education student who is over the compulsory age and who had dropped out for two consecutive school years and has reached the "six continuous calendar years to complete graduation requirements" be allowed to re-enroll to complete 21 credits to graduate? These are though provoking questions. Excellent job! Please forgive me for the comments I had made after some of the questions. They were not made to ridicule but rather to clarify my answers. Sometimes I get carried away and just want to be challenging. I am sorry if I seem obnoxious. Good luck—I know this study will be beneficial to all educators.
16. You did not ask questions concerning the para-pros and other staff that many times are double-standard in the treatment of students.

17. I'm sure that DOE schools are way out of compliance on many of these issues.
18. One or two question should be more specific.
19. This survey offers a lot of food for thought. Thanks.
20. Should teachers from other jurisdictions be given training in school law on Guam?
21. Teachers have a lot to learn about school laws and codes. They must protect themselves and arm themselves with proper knowledge of school law.
22. About the teacher to administrator relationship at the school premises.
23. I feel some of these questions could have more than one answer depending on the situation. I did not see anything dealing with discrimination law. I feel all teachers need to take school law.
24. Some of the questions in this survey are vague. It was not clearly defined what exactly do they want.
25. Some of your questions were unclear or too vague.
26. This was an eye-opener! It would be great if the answers were provided to the school after the survey is finished. In that way we can see if we really knew what we said we knew. Thanks.
27. Not much on teacher rights concerning allegations, discipline, etc.
28. Number 22 was vague. What if as a teacher, I am in a meeting and a substitute is in my room? Number 26 vague. Held liable perhaps if it occurred in that teacher's classroom without proper supervision.
29. Is there any special significance of the number of questions that focus on special education?
30. Can we find out the correct answers to these questions?
31. Can an administrator remove a teacher on the grounds of mental illness which is proven from students' accounts or teachers' complaints?
32. Questions could also include: "Where did you get working knowledge from?" "Read books, taking a class, staff development, other teachers."

33. Question 26—Can a teacher be liable? Where does this occur? If a fight occurs in the cafeteria, am I still liable, even if I'm not there?
34. Who in the public school system can enforce the laws that relate to the school? I can report violations of the law; but who will enforce the law? When my civil rights and human rights are violated, who will enforce my rights? Is it called "due process" or "undue process" in a school setting? Who has jurisdiction over the public school system? The citizens? Who makes the decisions to enforce, so called "school law?" Individuals?
35. Many of the items are vague or carry potential for either yes or no depending on the circumstances of a given event. Therefore one would question the validity of any conclusions drawn.
36. By law are all teachers guaranteed due process as written in the Constitution?
37. How familiar are you to the legal aspects concerning school?
38. Additional choice answer with qualifications.
39. Are all teachers responsible for writing behavioral objectives for special education students' IEP meeting? Should high school teachers call parents, when their child has missed several days in their class or just wait until they have accumulated 11 absences, then call the parents to tell them their child has and NC in their course?
40. What rights do teachers have to ensure that their safety and well being is being looked after?
41. Very vague.
42. Questions were too broad. Needs more specification or must give scenarios, otherwise, questions may be interpreted differently.
43. I think you asked everything.
44. I'm hoping this is aimed at a training session for the near future. Guam Federation of Teachers should be interested in hosting one if DOE claims they can't afford it.
45. A lot of questions were too broad!
46. Questions too broad (need scenarios).

48.      Why not longer. Surveys should be done for education topics.
49.      This was very interesting. I hope you would give us the correct responses for this survey. I would like to know. Thank you.
50.      What year did you obtain your undergraduate degree? Do you possess a master's degree? If so, what was your specialization? In regards to question 9, under Part I – Demographics, you should have included a scale of 1-5 indicating 1 as the no knowledge to 5 as the thorough knowledge for each heading. Some of us obtained the knowledge through experience over the years or from conversing with others who are knowledgeable.
51.      No questions to ask, but I feel that school law is a class that should be taken by education students and, not only for educators seeking administrative positions. I myself am a teacher but was not exposed to these laws while going through my B. A. in education.
52.      No comment. Let the body decide what they think is best.
53.      Are school administrators fully equipped with the knowledge and experience needed? I can't see someone becoming a principal if they have not had enough experience in the classroom. Another thing is should principals be held liable if decisions they make are illegal? Example: hiring, firing, reprimand?
54.      Should the school have to provide other supplies or resources if supplies or resources are not available?
55.      If administrators do not follow the chain of command when dismissing a teacher from his or her duties without just cause, how do teachers fight for their rights when all avenues have been taken or sought?
56.      Some questions were "vague"—confusing. I look forward to hearing about or seeing workshops based on the results of survey—especially for administrators.
57.      Should administrators be effective, fun, enjoying, positive, role models to our students, staff and faculty? Should DOE be liable for not seeing that schools are equipped with proper supplies every quarter so that students will benefit with their learning and activities? Do teachers need a better pay increase so that effective teaching goes on?

- 58. Frankly, I don't understand were all these questions were leading to. It was unclear to me as to whether you are referring to a teacher who stays in the classroom or whose classroom was being used by someone else, i.e., school aide, etc. Good luck in your endeavor.
- 59. List resources for teachers that should be available at school sites and ask if they have seen them. Knowledge about union laws as it applies to the teacher.
- 60. I found some of the questions worded in such a way that I had a very difficult time answering the questions. Interesting survey—I'd love to attend workshops to learn more about the law as it pertains to teachers and parents.
- 61. It asked enough questions!

#### C. PROSPECTIVE TEACHERS

- 1. A lot, too much to mention. Overall, good job.
- 2. If some laws say a child can be treated as an adult in certain situations where does the line begin/end for a student who physically or verbally harasses or injures a teacher? Can the teacher use "proper force" to subdue or restrain the student? Can a teacher sue the student for injuries as a result of the altercation?
- 3. Because I am not in the classroom already I have no idea what else should be asked.
- 4. Why is it that most of your questions not taught has a mandatory class for all teachers?