

Virginia Athletic Directors and School Law

James M. Patrick

Dissertation presented to the faculty of Virginia Polytechnic Institute and State University in  
partial fulfillment of the requirements for the degree of

Doctor of Education

In

Education Leadership and Policy Studies

William Glenn, Chair

Walter Mallory

Kami Patrizio

Benjamin Nowak

November 2, 2016

Falls Church, VA

Keywords: Athletic directors, education administration, interscholastic athletics, National

Interscholastic Athletic Administrators Association (NIAAA), school law

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### **ABSTRACT**

A review of the literature indicates that there has been no previous studies on Virginia Athletic Directors (ADs) and their knowledge of school law. Several researchers have studied other educators' knowledge of school law. In general, previous studies on educators' knowledge of school law demonstrates that educators do not have a comprehensive working knowledge of school law. ADs differ from those studied previously due to the lack of unified certification requirements for ADs in the Commonwealth of Virginia.

This study was designed to measure Virginia interscholastic ADs' knowledge of job related school law. In addition, the study analyzed the data for any significant relationships between ADs' knowledge of school law and other variables. Such variables include age, experience, size of school district, level of education, administration and supervision endorsement, type of legal training, methods for obtaining current school law information and/or updates, membership in professional organizations, national certification level. Of the 315 Virginia public high school Ads, 305 were surveyed and 140 responded, for a response rate of 45.9%. Results were analyzed using descriptive statistics, t-tests, and ANOVA analysis.

Statistical analysis revealed that ADs in larger schools scored significantly higher than ADs in smaller schools. Also, ADs with that possessed the "Certified Athletic Administrator" (CAA) credential scored significantly higher than ADs that have not attained the CAA certification. Lastly, ADs that are members of both the state and national ADs association (VIAAA and NIAAA, respectively) scored significantly higher than ADs who are not members of both associations.

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### **GENERAL AUDIENCE ABSTRACT**

There have been several past studies on various educators' knowledge of school law. In general, these studies demonstrated that educators do not have a comprehensive working knowledge of school law. A review of the literature indicates no previous studies of Virginia Athletic Directors' (ADs) knowledge of school law exist. ADs differ from those studied previously due to the lack of unified certification requirements for ADs in the Commonwealth of Virginia.

This study measured Virginia interscholastic ADs' knowledge of job-related school law. The study also analyzed data for any significant relationships between ADs' knowledge of school law and other variables such as age, experience, size of school district, level of education, administration and supervision endorsement, type of legal training, methods for obtaining current school law information and/or updates, membership in professional organizations, national certification level. A total of 305 Virginia public school ADs were surveyed and 140 responded, for a response rate of 45.9%.

Statistical analysis revealed that ADs in larger schools scored significantly higher than ADs in smaller schools. Also, ADs that possessed the "Certified Athletic Administrator" credential scored significantly higher than ADs that have not attained the certification. Lastly, ADs that are members of both the state and national AD associations scored significantly higher than ADs who are not members of both associations. The significant relationships found in the research can be used to help ADs become more legally literate. Such knowledge helps mitigate risk and safeguards those under the care and supervision of the AD.

## **DEDICATION**

This dissertation is dedicated to my family:

To my parents, Bruce and Paula, who instilled in me the importance of education, and encouraged me to undertake this process

To my children: Jakob, Lily, Kaitlyn, Molly, and Lucy. I am sorry that so much of my time has been away from you; however, I am hopeful that my experience, and this dissertation, serve as an example for your own life-long learning; however formal it may be.

And most importantly, to my loving wife, Susie. Simply put, none of this would have been possible if it was not for your support and patience.

## ACKNOWLEDGEMENTS

I would like to thank several people that were instrumental in the creation and (most importantly) completion of this dissertation. I would first like to thank Dr. Bill Glenn for all of his guidance and support. He has selflessly given his time for me on this project, from the inception of the idea, through the final defense. The concept for this dissertation started at Washington Irving Middle School while we talked during his son's basketball practice. He has been a mentor and a resource throughout this entire time.

I would also like to thank the other members of my committee, Drs. Kami Patrizio, Walt Mallory, and Ben Nowak. Each of you have been instrumental in refining this dissertation each step of the way, and each with your unique perspectives. You have spent hours of time working with me, pushing me to produce work of which I did not know I was capable prior to the start of this journey. I would like to thank Susan Li for her assistance navigating the logistics of the graduate school.

My colleagues at McLean High School were also instrumental in completing this dissertation. First, my boss, Dr. Ellen Reilly for encouraging me to undertake this challenge, and supporting me throughout the process. I would also like to thank Fernando Belli for his support and the fact he had to cover night events for me at McLean when I had class.

I would be remiss if I did not also thank Mr. Ken Tilley, retired Executive Director of the Virginia High School League, for his support. He gave me a forum to speak at the March 2016 VHSL meeting, and provided moral encouragement for this endeavor. Lastly, I would like to thank all the members of my cohort for their help over the last three years.

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## CHAPTER I INTRODUCTION

On any given Friday night in the fall, thousands gather in high school stadiums across the country to attend football games. People attend in order to watch student-athletes compete, while cheerleaders and marching bands perform. Often local “heroes” are recognized, politicians campaign, and students and community members alike gather for a good time. Coordinating a football game is only one aspect of the job of an Athletic Director (AD); however, it illustrates some of the legal issues an AD must be prepared to address.

Imagine you are attending a high school football game in your local town. You park and make your way to a long, well-lit line to wait to buy a ticket. As you walk in, the stands are full. Students are holding signs which root against the opposing team with phrases on them such as “Smash the Saxons.” The marching band is playing, while the cheerleaders encourage the crowd as the home team takes the field. As you take your seat, you see two players move away from their team and quietly join in prayer.

The game is suspenseful, but the night gets even more exciting when an expected thunder storm moves into the area bringing with it loud thunder and massive lightning strikes. The PA announcer informs the spectators of the exit strategy. You, along with over 2,000 other people file into the building to wait out the storm. Administrators and other event personnel are in the gym and advise the crowd of the weather plan. A gentleman announces to the waiting spectators: “The game will resume 30 minutes after the last lightning strike.” After the adequate waiting time, you walk back out to the stadium.

The game resumes after a brief warm-up. Unfortunately, a serious injury occurs in the fourth quarter. Medical personnel including athletic trainers, a team doctor, and a paramedic crew are all on site. They immediately begin treating the student-athlete. Spectators next to you

suspect the poor field conditions had something to do with the player's injury. They think that the player slipped which caused him to have a helmet-to-helmet collision with an opposing player. They mention that he looked a little bit dizzy as he was leaving the field. After the injured player is cared for and is safely removed from the field, the game resumes and the home team pulls out a victory.

Exuberant students rush the field to celebrate with the team. After the event, staff clears the field and you walk to your car. You see several police officers disperse a pack of students from opposing schools that look like they are ready to fight with one another. Fortunately, the situation de-escalates. You get to your car and head for home after an eventful Friday evening at your local high school's football game.

### **Background of the Problem**

ADs are typically the employees responsible for the direct supervision of a school's athletic program (Case, 2010; Whitehead & Blackburn, 2013). Athletic teams may be seen by many as fun ways to build character amongst students, foster community pride, and even help students stay physically fit. However, some educators may not recognize the potential for litigation in the activity programs in their school. The sponsorship and oversight of said teams present legal issues of which school personnel should be knowledgeable (Green, 2013; Stier & Schneider, 2000, 2003).

While many aspects of law are relevant to the field of education, five legal areas are considered the most relevant for administrators of interscholastic athletic programs. They are: a) liability and legal mandates, b) gender equity, c) constitutional/civil rights, d) prevention of hazing and bullying, and e) prevention of sexual harassment (Green, 2013). Some of these areas are also relevant to other building administrators; however, these five topics encompass a unique

legal niche relevant to the duties of a school AD (Alexander & Alexander, 2009; Green, 2013). In order for ADs to be effective in the execution of their duties, it is important that they have a legal competency in relevant legal areas (Green, 2013; Stier & Schneider, 2000, 2003). The importance of ADs possessing this knowledge is so salient that high school principals list legal knowledge as the most important competency when hiring and evaluating their athletic administrators (Stier & Schneider, 2000).

The fictitious scenario above was presented to give the reader some examples of the legal issues that can be present at an athletic event. Although the job descriptions ADs vary across the country, most ADs manage athletic events (Stevens, 2013; Whitehead & Blackburn, 2013). The legal issues presented in the scenario are not intended to be a comprehensive listing. They are designed to be illustrative of potential litigation present in only one aspect of an AD's job requirements, thus providing the reader a small glimpse of legal issues.

### **Legal Issues Presented in the Scenario**

This section will examine several of the legal principles and precedents presented in the scenario. The intent of the scenario is to provide a glimpse of legal issues present in one facet of an AD's job.

#### **Civil Rights**

Civil rights issues were presented several times in the above scenario. A school administrator who is not aware of the law could inadvertently suppress an individual's rights, or conversely, allow far greater latitude than the courts require (Imber, 2008). In the above scenario, students had signs promoting their team with benign statements such as "Smash the Saxons." What would happen if a student brought in a sign with profane or lewd statements about their opponent? Unchecked speech of the students may eliminate the family-friendly

educational setting that the school intends to foster at the game. Most high schools in the United States are considered limited open forums (Alexander & Alexander, 2009). If the school administration allows a forum for signage at the game, they must allow *most* signage regardless of message (Equal Access Act, 1984; *Colin v. Orange Unified School District*, 2000). However, the school is allowed some discretion based upon past court rulings.

Issues involving the establishment clause and the free exercise of religion are also presented in the fictitious scenario above. Two students are said to be kneeling quietly in prayer. Does this create a legal issue for the school administration since the student athletes are in uniform, with their team, and in front of the student body? Does allowing this act mean that the school is tacitly endorsing religion?

The key fact in that instance is that the students have a right to exercise their religion. They are doing so (seemingly) under their own volition. The right for these students to pray is guaranteed by the “free-exercise” clause of the First Amendment to the United States Constitution. An AD should be concerned if the coach led a team prayer, required the team to attend a student led prayer, read a prayer over the loudspeaker, etc. In each of these instances, the school is seen as promoting one religion, or religion in general, over another. The Supreme Court has held each of the above-mentioned examples would be unconstitutional following the precedent of *Lemon v. Kurtzman* (1971). Recent rulings guide schools to be neutral in terms of religion; neither promoting religion nor prohibiting the free exercise of religion (Alexander & Alexander, 2009).

School officials often find themselves balancing two potentially conflicting rights guaranteed in the First Amendment. The competing rights are the right of students to freely

exercise their religion while not violating the establishment clause by giving the perception of school endorsement of religion (Alexander & Alexander, 2009).

### **Liability**

The opening scenario provided many potentially litigious situations of which ADs should be aware. Specifically, potentially negligent areas were presented that should have been foreseen by the AD and school administration. Examples include, but are not limited to, event security plans (to include personnel, lighting, police, communication of stadium policies, etc.), safety of venue (to include facility maintenance, playing surface, stands, parking lots), assumption of risk for athletes, possible concussion of the injured athlete, compliance with state concussion laws, emergency weather plans, and the prevention and management of crowd surge (Alexander & Alexander, 2009; Beach, 2003; Green, 2013; Stevens, 2013).

Case law has established that schools and their personnel have a legal duty of care owed to student-athletes, employees, spectators, and various other persons. Failure to fulfill such duties can lead to the school district or its employees being held legally liable for damages to others (Alexander & Alexander, 2009; Green, 2013). Zirkel's (2008) review of liability cases involving school districts found that the majority of liability cases brought against school divisions were for incidents at the secondary level. He attributes this to the nature of the activities (i.e., physical education, athletics, etc.) and the larger size of the institutions.

Most school law liability cases involving athletics centers around alleged negligence (Green, 2013). Specifically, cases involve situations when the actions (or inactions) of a school or school employee(s) results in the failure to fulfill a duty owed to student-athletes, spectators or other person. The National Interscholastic Athletic Administrators Association (NIAAA) has identified fourteen duties owed to student-athletes by the school and its employees:

- Planning
- Supervision
- Selection and training of coaches and other athletic personnel
- Proper technique instruction
- Warnings
- Safe playing environment
- Protective athletic equipment
- Evaluation of condition and initial preparedness to participate
- Evaluation of injuries and incapacities affecting continuing participation
- Matching and equating student-athletes for safe participation
- Immediate medical assistance
- Emergency medical response plan
- Safe transportation
- Full and accurate disclosure (Green, 2013; p. 247)

Schools may be culpable for injuries to others if the courts find the schools negligent to fulfil one or more of their duties. Such a finding will likely lead to the school paying damages to the injured party (Alexander & Alexander, 2009). ADs should be knowledgeable of, and execute properly, the legal duties of care owed to their student-athletes (Green, 2013). Doing so will more likely result in a safer environment and more favorable legal outcomes.

### **Need for the Study**

Fulfilment of legal duties is one of the most important tasks for which ADs are responsible (Green, 2013; Stier & Schneider, 2001). Many legal duties that ADs perform are present to safeguard student athletes. Failure to follow legal mandates not only endangers

students and staff but can entangle school personal in time-intensive legal proceedings (Green, 2013; Imber, 2008; Schimmel & Militello, 2007; Taylor, 2001).

A review of the literature demonstrates a need for educators to have a working knowledge of school law. Failure to have an adequate working knowledge of the law can lead to various negative outcomes such as an inadvertent suppression of student rights, increase in student injuries, and/or undue stress and loss of time due to legal proceedings (Imber, 2008; Schimmel & Militello, 2007). Many studies have measured knowledge of school law possessed by principals, teachers, and counselors, but not ADs (e.g., Brabrand, 2003; Caldwell, 1986; Czarnecki, 2010; Eberwein, 2008; Ivey, 2008; Littleton, 2008; Schimmel & Militello, 2007). The overall trend in this research is that most educators lack an extensive knowledge of legal issues pertaining to schools (Eberwein, 2008).

Researchers cannot precisely gauge the level of ADs' knowledge of school law due to the lack of studies on the topic. Some inferences can be made based upon the body of research regarding other school employees' knowledge of school law. Research related to teachers, principals, counselors and other school employees finds that, as a whole, school employees have a less than proficient understanding of school law (e.g., Brabrand, 2003; Caldwell, 1986; Czarnecki, 2010; Eberwein, 2008; Ivey, 2008; Littleton, 2008; Schimmel & Militello, 2007). General trends show that principals have a better understanding of school law than teachers (Eberwein, 2008). This is not surprising given the fact that administrators often have taken course work (both pre-service and in-service) on school law (Eberwein, 2008), whereas teachers largely do not take school law coursework for college credit (Gullat & Tollet, 1997; Virginia Department of Education, 2011).



No consistent preparation path exists for ADs (Case, 2010; Whitehead & Blackburn, 2013) which makes it difficult to draw inferences about ADs from the current body of research. For example, in Virginia some school districts require ADs to have master's degrees in educational leadership (Fairfax County Public Schools Job Description, 2014). Such a requirement necessitates the completion of course work in school law. This requirement would make ADs' preparation similar to that of principals. At the same time, other Virginia ADs have only a bachelor's degree and teaching certification (Case, 2010; Virginia Board of Education, 2011). The diversity of preparation paths for ADs makes it difficult to compare ADs as a whole to current research regarding other educational employees' knowledge of school law. Therefore, in the absence of a study, one cannot generalize ADs' knowledge of school law by comparing it to previous studies about teachers, principals, or other school employees. Given the legal issues ADs must manage and lack of a previous study to measure ADs' knowledge of school law, there is a clear need for this study.

### **Purpose of the Study**

The purpose of this study is to fill the void in the current body of research regarding educators' knowledge of school law. Specifically, this study was designed to measure the understanding of school law of Virginia's public school interscholastic ADs. The study also examined significant relationships between ADs' understanding of school law and other factors, including membership in professional organizations, national certification from the NIAAA, level of education, years of experience, type of legal training, and size and type of school district. Findings from this study may be used by school districts, professional organization, the Virginia Department of Education, and other administrative or AD preparatory programs in developing school law curricula for prospective ADs.

## **Research Questions**

The following research questions are addressed in this study:

1. To what extent are interscholastic ADs in the Commonwealth of Virginia knowledgeable about the law related to issues that commonly arise in the activities overseen by ADs?
2. What is the relationship between AD's knowledge of school law and
  - a. Age
  - b. Years of experience
  - c. Size of school district
  - d. Setting of school district
  - e. Level of education
  - f. Administrative and supervision endorsement
  - g. Type of legal training
  - h. Methods for obtaining current school law information/updates
  - i. Membership in professional organization(s)
  - j. Certification level through the National Interscholastic Athletic Administrators Association (NIAAA)

## **Overview of Methodology**

This study utilized close-ended survey questions to measure ADs' school law knowledge. Respondents also reported several demographic factors so that relationships could be examined between one's demographic factor and one's knowledge of school law (e.g., administrative certification and total score). Close-ended research questions were used due to their uniform responses and ease of coding (Fink, 2013). Once the raw data were collected, they were analyzed using descriptive statistics, analysis of variance (ANOVA), and independent t-tests.

Methods were used as appropriate to determine significant relationships between ADs' demographic factors and the mean score on the full school law assessment as well as mean scores on subsections of the assessment.

### **Collection of Data**

A secure online assessment was developed to assess Virginia public high school ADs' knowledge of pertinent school law issues. Three steps were taken to develop this assessment. First, there was a thorough review of the literature on ADs and school law. Secondly, the survey questions were reviewed by a school law expert to ensure they were legally accurate. Finally, the survey instrument was piloted by a cohort of Educational Leadership and Policy Studies doctoral students at Virginia Tech. They reviewed the assessment for readability and accuracy.

The structure of the assessment was developed in part from examining past studies of various Virginia school employees and their knowledge of school law. Specifically, Czarnecki's (2010), Ivey's (2008), Power's (2007), Brabrand's (2003), and Caldwell's (1986) studies of educators' knowledge of school law were utilized in the design of both the methods of the research and the content of this study. Where relevant and practicable, survey questions were re-used. This study focuses on ADs' knowledge of school law related to their routine job expectations. Therefore, some topics (e.g., gender equity) covered in this study were not studied in the previously mentioned studies.

### **Limitations of the Study**

The study had the following limitations:

1. There is no way to know if the person who received the survey is the one that answered the survey.
2. True/False questions do not account for correct answers due to guessing

### **Delimitations of the Study**

The following delimitations of the study exist:

1. The assessment only focuses on five areas of school law applicable to ADs: civil rights, liability, hazing/sexual harassment, and gender equity (Green, 2013).
2. Only public school ADs in the Commonwealth of Virginia were surveyed.

### **Organization of the Study**

This document is organized into five chapters. The first chapter discussed the background of the problem, and provided an introduction and overview of the proposed study. The second chapter reviews the body of literature. The third chapter discusses the methodology for the study. The fourth chapter contains a presentation of the findings. The fifth chapter summarizes the findings and discusses their implications.

### **Definitions**

The following definitions are used in this study:

1. *Athletic Director (AD)*: School personnel whose primary responsibility is the administration of athletic programs and activities: also referred to as Activities Director or Director of Student Activities (Whitehead & Blackburn, 2013).
2. *Case Law*: Legal precedents that developed over time through subsequent judicial rulings (Black's Law Dictionary Free Online Legal Dictionary, n.d.).
3. *Exculpatory Notes*: Notes that advise of risk of certain activities. These notes are evidence of advisement of risk; however, they are not held as absolute shields of liability (Green, 2013).
4. *Hazing*: To recklessly or intentionally endanger the health or safety of a student for the purposes of initiation, admission into or affiliation with a club, organization,

association...or student body regardless of whether the student voluntarily participated (Code of Virginia §18.2-56, 2014).

5. *Interscholastic athletics*: High school sports programs where the participants are comprised of high school student-athletes that engage in competition against other high schools. An “integral part of the total American educational community” (Whitehead & Blackburn, 2013).
6. *Litigation*: “A contest in a court of justice, for the purpose of enforcing a right” (Black’s Law Dictionary Free Online Legal Dictionary, n.d.).
7. *Negligence*: An action or omission not that a reasonable person would not do, which results in an injury to another. (Black’s Law Dictionary Free Online Legal Dictionary, n.d.).
8. *Sovereign Immunity*: Common law concept that the government cannot be sued without its consent. This defense is increasingly less accepted and should not be viewed as a “blanket shield” in tort liability cases (Green, 2013, p. 247)
9. *Tort*: A wrong or injury to another. (Alexander & Alexander, 2009)
10. *Virginia High School League (VHSL)*: Governing body of high school interscholastic athletics in the Commonwealth of Virginia.

## **CHAPTER II REVIEW OF LITERATURE**

Legal action involving public schools has been a growing and evolving process throughout the history of the United States. Given this reality, an educators' knowledge of school law is imperative for them to avoid time-consuming and costly litigation. Many studies have measured various educators' knowledge of school law. These studies have typically found that teachers have a less-than-proficient knowledge of school law, while school administrators and counselors have a slightly better, but still less-than-proficient, knowledge of school law.

To date there have been no studies that measure ADs' knowledge of school law. This is surprising given the many litigious areas for which ADs are responsible. It is difficult to make inferences about ADs from the data related to other school employees due to the fact that there is no consistent preparation path for ADs. Across the United States, high school ADs' minimum preparation requirements range from bachelor's degrees in a teaching content area to master's degrees in educational administration.

### **Development of School Law**

Litigation in education was relatively sparse in the United States until the mid-twentieth century. Legal action against schools in the United States did exist prior to the 1950s, but its nature has been very different over the last 60 years (Alexander & Alexander, 2009; Tyack & Benavot, 1985). During the nineteenth century, most school law cases involved the scope of compulsory education, and the levying of taxes for the purpose of education (Alexander & Alexander, 2009; Tyack & Benavot, 1985). In general, the federal government was often too weak to implement national change due to "a common fear of a strong government" (Tyack & Benavot, 1985, p. 342). Accordingly, the legal action brought against schools during this time

reflected a desire to define the scale of education and the role it played as an agent of the government (Tyack & Benavot, 1985).

During the early twentieth century, the courts did not take an active role in education despite the fact that there were many divisive social and political issues that impacted public schooling, such as Jim Crow segregation. During that era, most court cases involving public schools concerned small communities fighting the creation of consolidated and centralized school districts (Tyack & Benavot, 1985).

[During the early 20<sup>th</sup> century] the courts have played a muted, often conflicting, and relatively minor role in adjudicating basic social conflicts that surfaced in school law. Members of racial, religious, and other minority groups typically lacked the legal resources to challenge inequities, and their subordination to the majority was often not regarded as a legal issue. (p. 370)

The mid-1950s, however, saw groundbreaking legal action involving schools. The landmark case, *Brown v. Board of Education* (1954), ended legally mandated racial segregation in schooling. It also signaled the start of numerous court decisions and legislation which defined and protected the rights of students, teachers, racial minorities, females, and special education students (Tyack & Benavot, 1985). Groups of people who previously were disenfranchised in the public arena utilized legal maneuvers to bring about social justice (Tyack & Benavot, 1985).

For example, the Supreme Court in *Tinker v. Des Moines* (1969) took a clear stance in answering a fundamental question in education: Do students have constitutional rights? The court famously stated: “[S]tudents and teachers do not shed their constitutional rights to freedom of speech and expression at the schoolhouse gates” (*Tinker v. Des Moines*, 1969, p. 506). The *Tinker* (1969) decision established a clear framework for student rights. The decision also

defined when it is appropriate for school administrators to restrict the constitutional rights of students; specifically, when their actions could result in a “material and substantial disruption” to the learning process (Alexander & Alexander, 2009; *Tinker*, 1969, p. 511).

To help protect the rights of students who were political minorities, legislation and subsequent legal challenges also blossomed during in the 1960s and early 1970s. Title VI of the Civil Rights Act of 1964, Title I of the Elementary and Secondary Education Act of 1965, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Education for All Handicapped Children Act (1975) are all examples of the education laws passed during this time period.

School litigation saw a significant increase into the 1970s as courts began to define the pertinent legal parameters in which schools must operate (Imber & Gayler, 1988; Tyack & Benavot, 1985). The growth in litigation during this period is not surprising as school districts, families, the judiciary, and legislators grappled with interpreting, complying with, and defining the legal duties that came with new case law and statutes.

The frequency of legal action against schools increased significantly after the *Tinker* decision, with the rate of increase in law suits brought forward against schools far outpacing the increase in students (Imber & Gayler, 1988). However, the number of suits plateaued after the late 1970s (Imber & Gayler, 1988; Leonard, 2007; Zirkel, 2006). Studies have found the rate of litigation leveled or even slightly declined during the period of 1977-1986. Subsequently, litigation has increased slowly and steadily from 1986-2004, but that increase is consistent with the increase in students (Leonard, 2007). Today, the areas of school law that see the most legal complaints are special education and, recently, educational finance (Leonard, 2007). While



litigation has leveled in recent years, schools are more likely to be sued today than they were in 1960 (Imber & Gayler, 1988).

Case law indicates that the courts are willing to give wider deference to school officials in the execution of their duties. Zirkel (2006) found that the majority of cases brought against schools are decided in favor of the defendants. Nevertheless, legal action brought against school districts is a reality of which school employees must be aware (Imber & Gayler, 1988; Leonard, 2007).

Contrary to what many teachers believe, the rights of students are inherent, not earned (Imber, 2008). Faculty and staff of public schools are expected to comply with the law in the execution of their duties. Failure to comply with court precedents or legislative mandates can expose the school to litigation or even lead to discrimination against students and/or deprivation of fundamental rights (Imber, 2008; Schimmel & Militello, 2007, 2009).

### **School Law and its Impact on Practice**

The post-*Brown* era of education has seen an increase in litigation aimed at improving the educational experience of various minority/marginalized groups. Some lament the “intrusion” of the courts on the educational system. While there may have been less legal wrangling prior to the *Brown* decision, it was also a time when the status quo didn’t change for minority/marginalized groups because there was no mechanism to advance social justice both in and through public education (Tyack & Benavot, 1985).

While much good has been accomplished through the judicial activism and legal mandates of the last 60 years, a situation has been created in which school officials must be educated regarding the myriad of legal duties that manifest in their daily tasks (Militello, Schimmel & Eberwein, 2009; Taylor, 2001). Teachers and administrators alike need to have a

working knowledge of legal topics including, but not limited to, employment law, civil rights of students and employees, tort liability, gender discrimination, truancy mandates, and sexual harassment (Green, 2013; Imber, 2008; Militello et. al., 2009; Schimmel & Militello, 2009; Taylor, 2001) .

A poor understanding of school law can negatively impact the operation of a school. Unwarranted fear of being sued may lead to a lack of appropriate action when disciplining students (Hendrie, 2003; Imber, 2008; Zehr, 1999). Fear of liability could lead to the potential limiting of school programs due to poorly perceived legal risk (Imber, 2008; Schimmel & Militello, 2007). Also, overzealous school staff may unknowingly violate a student's constitutional rights (Imber, 2008; Schimmel & Militello, 2007). Imber (2008) argues that the violation of a student's fundamental rights leads to multiple issues. One such dilemma is the school's potential exposure to costly and time-consuming litigation. Also, deprivation of a student's rights, whether consciously or not, prohibits the free exchange of ideas and undermines the schools "educational duty to prepare their students for the effective citizenry" (Imber, 2008, p. 96).

In addition to the potential negative impacts on students, an educator's poor knowledge of school law can lead to their own angst. As Schimmel and Militello (2007) state, "The goal of legal literacy is not to win in court. On the contrary, it is to avoid litigation whenever possible, since judicial resolution of an educational dispute is usually an expensive, distracting, polarizing, and time-consuming experience" (p. 274). It is not surprising that there is trepidation among administrators regarding legal issues. Eighty-five percent of principals in a 2009 survey stated that they would take different actions if they had a better knowledge of school law (Militello, et al., 2009).

Studies have found that the actual threat of litigation is overblown, since school districts win the vast majority of the suits brought against them (Zirkel, 2006). However, Zirkel (2006) did not consider that following legal mandates, documenting potentially litigious situations, and preparing for and being in a trial all take their toll on educators in terms of time, money, and energy (Leonard, 2007; Schimmel & Militello, 2007). Various authors and studies (Littelton, 2008; Militello et al., 2009; Schimmel & Militello, 2009) have hypothesized that having a strong basis of legal knowledge would assist educators in having less stress and anxiety in terms of potential legal actions. Many scholars believe that educators with better legal knowledge would have less fear of the unknown and be in a better position to avoid legal pitfalls. Such pitfalls create entanglements that take educators away from their instructional responsibilities of the school.

### **What do Educators Know About School Law?**

Several dissertations and research studies have measured of various school employees' knowledge of school law (Brabrand, 2003; Caldwell, 1986; Czarnecki, 2010; Eberwein, 2008; Ivey, 2008; Littleton, 2008; Schimmel & Militello, 2007). Much of the research has been focused on principals and teachers. Most have been doctoral dissertations that focus on a particular set of employees in a particular state. Only a few studies have encompassed national samples. The dearth of national studies makes it more difficult to draw larger conclusions regarding educators' knowledge of school law (Eberwein, 2008; Militello et al., 2009; Shimmel & Militello, 2007). In general, the overwhelming body of research has found that school employees do not have an extensive knowledge of school law (Eberwein, 2008).

## Teachers

Numerous studies have been conducted regarding teachers' knowledge of school law (e.g. Bounds, 2000; Littleton, 2008; Schimmel & Militello, 2007). The underlying themes of these studies are that teachers possess a "dismal understanding" of school law (Littleton, 2008, p. 72). This is concerning given the many legal mandates of which teachers should be knowledgeable. Littleton (2008) published a literature review in which he analyzed several studies which examined teachers' knowledge of school law. Littleton found that, in general, the literature indicates that teachers have a less-than-adequate understanding of school law. In fact, Littleton's (2008) review of literature involving teachers and their understanding of school law identified only one study in which the researchers determined that teachers had an adequate knowledge of school law (Przybyszewski & Tosetto in Littleton, 2008).

The poor understanding of legal issues is not entirely the fault of the teachers. Studies of pre-service teacher education programs have shown that teachers are entering the workforce unprepared for legal scenarios which may require them to take action. In studying all 50 state bureaus of education, Gullat and Tollett (1997) found that only two states, Nevada and Washington, required a school law class in order for teachers to receive certification. Twenty-five states require discussion of school law topics within existing required courses, and 23 states have no mandate on school law topics for their pre-service teacher education programs (Gullatt & Tolett, 1997). The findings are not surprising considering teachers' poor knowledge of school law.

School districts have done little to fill the void of legal knowledge present in new and veteran teachers alike (Imber, 2008; Littleton, 2008; Schimmel & Militello, 2007). Schimmel and Militello (2007) surveyed teachers across the United States to measure teachers' knowledge

of school law. The subjects were 1,317 teachers from 17 states teaching in K-12 classrooms. The survey found that 75% of teachers had never taken a course in school law (pre-service or in-service), over 50% of teachers were “uninformed or misinformed” about teacher and student rights, over 65% of teachers wished they had a better understanding of school law, and 57% of teachers surveyed indicated they would change their practice if they had a better understanding of school law. Teachers are often on the figurative “front-line” of potential legal incidents; therefore, it is noteworthy that most teachers express a desire to have better legal knowledge to help guide their actions.

Compounding the issue of poor legal knowledge is that 52% of teachers cite other teachers as their primary source of legal information (Schimmel & Militello, 2007). In other words, teachers that have a poor working knowledge of school law are seeking guidance from other teachers who are presumably just as ill-informed, allowing for the proliferation of legal ignorance. Interestingly, the next most cited source of teachers’ legal information is school administration (Schimmel & Militello, 2007).

### Principals

Principals’ knowledge of school law has also been examined by many researchers (Brabrand, 2003; Bounds, 2001; Caldwell, 1986; Eberwein, 2008; Power, 2007).

Overwhelmingly, the research indicates that principals generally do not possess high levels knowledge of school law. These findings are even more significant than those regarding teachers given the fact that most principals are not only making legal decisions, but also providing legal advice and training to their respective staffs (Militello, Schimmel & Eberwein, 2009).

Studies have shown principals are better informed about school law than teachers (Bounds, 2000; Eberwein, 2008). Bounds (2001) surveyed a variety of educators in Mississippi including student-teachers, teachers, principals, and superintendents. The data showed that principals possessed a greater knowledge of school law than teachers. Eberwein (2008) conducted national research to measure principals' knowledge of school law using a modification of the survey instrument of Schimmel and Millitello (2007) used in a national survey of teachers. The similarity in instruments allowed Eberwein to compare the results of principals to that of teachers. In comparing the data of the two studies, Eberwein found that principals scored significantly higher than teachers on the school law assessment.

While research shows that principals possess greater knowledge of school law than teachers, studies consistently find that principals still do not possess extensive knowledge of school law. Eberwein's (2008) dissertation also included an extensive literature review of 77 studies of principals' knowledge of school law. Eberwein found several common themes. First, most secondary principals have taken formal school law training. Second, most principals distribute legal information to school staff. Third, despite the first two themes, most secondary school principals do not have an extensive working knowledge of the law (Eberwein, 2008).

Millitello et al., (2009) conducted a national study of principals and their knowledge of school law and found similar results to the common findings of the body of dissertation work. Respondents to their 2009 nationwide survey included principals from every state except for Vermont. Principals had an overall score of 58.7% on a 34 question true/false assessment regarding school law scenarios. Interestingly, 85% of respondents stated they would change their actions if they had a better understanding of school law. By implication, the study

demonstrated that principals make many decisions that affect students based upon an inadequate understanding of school law.

Two dissertations, Caldwell (1986) and Brabrand (2003), studied Virginia principals' general knowledge of school law. Both studies surveyed Virginia principals regarding their knowledge of four main areas of school law: student issues, teacher/administrator issues, tort liability, and church/state relations. Caldwell (1986) and Brabrand (2003) found that principals averaged 78.25% and 73.3% correct answers, respectively. Both researchers characterized their results as adequate, although, Brabrand (2003) states, "[73.3%] represents a D+ in 6-point grading scale school systems" (p. 67). While both researchers argue their findings illustrate "adequate" knowledge, one could argue that being incorrect more than 20% of the time (as their study would indicate) could expose the principal, school, and/or school district to unnecessary legal exposure. Power (2007) also examined Virginia principals' knowledge of special education law. Her instrument involved seven areas of special education law. The overall mean score in Power's (2007) assessment was 65.61%, or roughly a "D" on most public school grading scales.

The findings of the three studies from Virginia are in concert with the overall results of Eberwein's (2008) study and his review of literature. While Virginia principals scored higher in the three abovementioned studies than Eberwein's (2008) national study, it must be noted that it is challenging to compare the various studies to one another since they used different survey instruments.

The majority of studies have found that principals have a better understanding of school law than teachers (Bounds, 2000; Eberwein, 2008). Unfortunately, principals are often called upon to provide legal advice and legal professional development to their staff even though they

have less-than-extensive knowledge of school law (Eberwein, 2008; Schimmel et al., 2009). It is then understandable why teachers have many common misconceptions about legal precedents surrounding education (Imber, 2008).

### **Other School Employees**

Other researchers have also studied other school employees and their knowledge of school law. Such studies have examined other employees such as student-teachers, counselors, school district administrators of special education, and superintendents. The research has shown that while there are variations between these various groups, other educators generally do not have an extensive knowledge of school law.

The Commonwealth of Virginia has had several additional studies measuring other school personnel's knowledge of school law. Rawls (1997) and Czarnecki (2010) studied school counselors, while Ivey (2008) studied special education administrators. Rawls (1997) surveyed Virginia counselors regarding three areas of school law especially relevant to school counselors: tort liability, counselors and their employment, and student rights. Counselors scored a mean of 42% on the assessment. Czarnecki (2010) replicated the study but adjusted the survey to include questions involving special education. Counselors scored a much higher 74% on Czarnecki's (2010) assessment, results which are closer to Brabrand (2003). It is noteworthy that counselors in both assessments scored lowest on the sub-set of liability items (Czarnecki, 2010; Rawls, 1997).

Ivey (2008) studied educators who are responsible for a school district's special education program. As one may expect, the subjects in her study performed at a much higher rate than Power's (2007) study of Virginia principals when assessing knowledge of special



education law. Specifically, Ivey's (2008) respondents had a mean score of 80.3% on an assessment of their knowledge of special education law.

Bounds (2000) studied knowledge of school law of many different educators in Mississippi. He found that student-teachers scored significantly lower than teachers. He also found that superintendents possessed significantly greater knowledge of school law than principals, teachers, and student teachers (Bounds, 2000). Eberwein's (2008) review of literature found less conclusive results regarding superintendents' knowledge of school law.

### **Variables Impacting Educators' Knowledge of School Law**

Many studies have analyzed various demographic factors in an effort to determine which variables affect educators' knowledge of school law. The intent of the research on these variables has been to identify what aspects of an educator's experience and training have significant relationships to one's knowledge of school law. The findings differ on how demographic variables relate to school law knowledge. The following discussion describes the findings of various studies. It is notable that the findings often do not allow for sweeping generalizations about variables and their impact on knowledge of school law.

#### **Experience**

The literature is inconclusive regarding the relationship between one's experience and knowledge of school law. The relationship between experience and school law knowledge has been analyzed by many studies. Ivey (2008), Power (2007), Schimmel and Militello (2007), Brabrand (2003), Rawls (1997) and Caldwell (1986) all found no significant relationship between experience and knowledge of school law. However, Czarnecki's (2010) study of school counselors found that years of experience had a significant positive correlation to a counselor's overall knowledge of school law.

Studies of Virginia educators (Brabrand, 2003; Caldwell, 1986; Ivey, 2008; Power, 2010; Rawls, 1997) have consistently found no significant relationship between years of experience and one's knowledge of school law. However, Czarnecki's (2010) study of Virginia school counselors did find a significant relationship. This finding regarding experience is notable in that the results are different than Rawls (1997) especially considering Czarnecki's study was essentially a replication of Rawls' study of school counselors.

Two extensive reviews of literature, Littleton (2008) and Eberwein (2008), both determined that the literature had conflicting results regarding the relationship between experience and school law knowledge. Eberwein's (2008) own study found that principals with greater than 10 years of experience had significantly better results on the assessment of school law knowledge than principals with three or fewer years of experience. Bounds (2000) also found experience to have a significant relationship with one's knowledge of school law; specifically, one's knowledge of school law increased as one gained more experience.

### **School Size**

Few studies have examined the relationship between size of school and educators' knowledge of school law. Gordon (1996) examined the relationship between West Virginia principals and size of the school's community (as opposed to size of school). The study found that principals in school communities larger than 25,000 scored 80% on his instrument, or 7% higher than the mean score. Eberwein (2008) found that principals' of large school districts scored significantly higher than principals of small school districts. The studies cited a trend for educators of larger schools to perform better than educators at small schools. However, the variable has not been extensively researched.

## **School Setting**

The relationship between school setting (i.e., urban/rural/suburban, large vs. small district, etc.) and legal knowledge is also inconclusive. Several studies have shown no significant relationship between school setting and legal knowledge (Brabrand, 2003; Caldwell, 1986; Eberwein, 2008; Ivey, 2008; Power, 2008; and Schimmel & Militello, 2007). There have been studies that have found significant relationship between school setting and knowledge of school law (Brabrand, 2003; Eberwein, 2008; Rawls, 1997). However, many of these findings were limited and not typically generalizable regarding school setting.

It is difficult to make generalizations about school setting and its impact on employee knowledge of school law. Rawls (1997) found that there were significant differences between settings, but only pertaining to one's knowledge of specific types of law. Specifically, he found a significant difference in relation to school law knowledge involving counselors and their employment. In his study, counselors in small rural counties with low community wealth performed lower than counselors in more wealthy school divisions.

Brabrand (2003) found that there was a significant difference in knowledge of student issues between principals in suburban school districts and principals in school districts that had mixed land use (i.e., combination urban-suburban-rural). His findings showed that suburban principals performed significantly better on the assessment than principals from urban-suburban-rural districts on this one specific subset of his assessment.

Urban principals performed significantly worse than suburban and rural principals on a national school law assessment administered by Eberwein (2008). This result is juxtaposed to the finding in his literature review that urban educators performed higher than educators from other areas. Eberwein (2008) noted that urban principals were more likely to have pre-service

school law training; however, they were less likely than their suburban and rural counterparts to have ongoing training during their tenure as school administrators. Eberwein (2008) believed the lack of in-service training was the causal factor in the lower performance of urban principals rather than the setting of the school. This relates to his findings on school law training which will be discussed next.

### **School Law Training**

Once again, there are differences across the literature in terms of the impact of school law training on an educator's knowledge of school law. Generally, school law training has been found to have a positive correlation to an educator's knowledge of school law (Brabrand, 2003; Eberwein, 2008; Rawls, 1997; Schimmel & Militello, 2007;). Eberwein (2008) found that knowledge was the greatest when one had pre-service training coupled with legal training during one's administrative career. Rawls (1997) made similar findings regarding counselors and legal training. Rawls found that any type of school law training (e.g., college credit, one day seminar etc.) led to significantly more knowledge for counselors than those with no training. Schimmel and Militello (2007) that found teachers had the highest knowledge of school law when they had training during their career, followed by teachers who had school law training during the teacher certification process.

Others studies have found that there is no significant difference between different *types* of training (Brabrand, 2003; Caldwell, 1986; Power, 2007; Rawls, 1997). For example, college courses, workshops, and professional development sessions, as well as the length of those sessions (e.g., 15 weeks, one day etc.) did not produce significantly different results.

Conversely, Czarnecki (2010) found that counselors in his study who had previous college coursework or school law training scored significantly lower than those that had never

taken a school law course. Czarnecki's results are unique compared to the other studies reviewed, as most show a positive relationship between training and knowledge.

Recentness of school law training typically did not produce significant differences in one's knowledge of school law (Caldwell, 1986; Czarnecki, 2010; Rawls, 1997). Brabrand (2003) found differences in knowledge of tort liability such that those receiving their school law training over 10 years earlier had performed significantly worse than those that had taken their training within the last 5-10 years. However, this difference was only significant for one subset of the school law assessment that was administered (Brabrand, 2003).

### **Education**

The majority of studies reviewed have found no significant relationship between highest degree earned and legal knowledge (Caldwell, 1986; Ivey, 2008; Littleton, 2008; Power, 2007). Rawls (1997) found that counselors that had earned advanced degrees scored significantly higher than those who did not have advanced degrees in only one of the three sub-sets of school law he assessed.

Studies of Virginia (non-counselor) educators' knowledge of school law (Brabrand, 2003; Caldwell, 1986; Ivey, 2008; Power, 2010) all involve subjects that necessarily possessed a master's degree and Virginia Department of Education licensure endorsement in administration and supervision (Virginia Board of Education, 2011). This may explain why no significant differences between level of education and knowledge of school law were found in these studies. Given the sample, all (or at least the vast majority) of the subjects being surveyed have taken a school law class when earning their pre-service administrative certification. Therefore, having an education level of master's degree plus 30 credits may be irrelevant as a variable. For

example, possessing two masters' degrees in education and math (or some other content area not involving law) may not necessarily assist with one's knowledge of school law.

Eberwein (2008) found that there was a significant difference in educational attainment and the knowledge principals had of school law. Specifically, the higher the degree, the greater the knowledge of school law. However, he did not attribute this to a causal relationship, but rather the data showed those holding doctoral degrees were more likely to have participated in pre-service and in-service law training. For example, subjects (principals) likely took a school law course to earn their administrative certification (pre-service learning). Then, if they earned a doctorate (presumably in education) after they had become school administrators, they have in-service training in school law. As mentioned above, this was the best predictor in higher achievement on his school law assessment (Eberwein, 2008). Additionally, Schimmel and Militello (2007) found a significant difference in teachers' school law knowledge as their level of educational attainment increased.

### **Professional Associations**

Educators' membership in professional associations has generally been found to have a significant positive relationship to their knowledge of school law. Schimmel and Militello (2007) found that teachers who belong to two organizations have a better legal understanding than teachers who belong to one organization. Additionally, teachers who belong to one organization have a better legal understanding than their colleagues that belong to no professional organizations. Bounds' (2000) study also found that membership in professional associations had a significant positive relationship to knowledge of school law. Furthermore, Bounds (2000) found that membership in two or more associations yielded the highest mean score on his assessment.

Czarnecki's (2010) study of Virginia counselors found that there was no significant difference in school law prowess between counselors that belonged to a professional organization and those that did not. In contrast, Rawls' (1997) study of Virginia counselors found there was a significant relationship between membership in professional organizations and one's knowledge of school law. Members of professional organization had a significantly better understanding of employment law (Rawls, 1997). In addition, members of more than one professional organization scored significantly higher on all types of school law than non-members. Rawls (1997) also found that active membership in professional associations did not have a significant relationship to a counselor's knowledge of school law compared to simple membership in a professional association.

Similar results were found by Ivey (2008). Her study found that membership in a professional organization had a positive and significant relationship to knowledge of special education law for special education administrators. The data in her study attributed this relationship to the professional development, bulletins, and "other" updates that professional associations provide their members. In fact, Ivey (2008) stated that professional organizations and professional seminars play such an important role that she recommended divisions provide opportunities and resources for its employees to participate in these endeavors. Examining the literature, one can see that professional organizations generally have a positive impact on its members regarding one's knowledge of school law.

### **Other Demographic Variables**

Most studies in this field perform statistical analyses to measure if there are any differences in one's knowledge of school law and demographic variables such as gender, age and race. In general, the literature finds there are no significant relationship in school law knowledge

and the above-mentioned factors. Some studies have found male educators perform significantly better than females on a school law assessment (Eberwein, 2008; Schimmel & Milletello, 2007). Littleton's (2008) review of literature identified two studies in which age was found to be a significant factor in one's knowledge of school law. Specifically, Littleton (2008) cited a study which found educators over 60 years of age had a superior knowledge of school law and another study which found educators over 50 years of age had significantly better school law knowledge than those younger than 50 years of age. While such findings are available in a few isolated studies, the vast majority of research on educators' knowledge of school law has *not* found significant differences relationships between demographic variables.

### **Athletic Directors and School Law**

Interscholastic athletic programs have grown significantly over the years. The management of these programs has become more complex, requiring greater skill and training to lead them effectively (Stier & Schneider, 2001). As a result, ADs play an active role in the operations of schools, athletics programs, and athletic events. ADs are faced with legal situations that are both similar to other educators, but also unique to the management of athletic programs (Beach, 2003; Green, 2013; Sullivan, Lantz & Zirkel, 2000; Taylor, 2001; Zirkel & Clark, 2008). Accordingly, ADs must possess legal knowledge and make sound legal decisions to ensure the effective management of the overall interscholastic athletic program (Green, 2013; Schneider & Steir, 2001; Steir & Schneider, 2003).

As with other educational employees, ADs should strive for legal literacy (Green, 2013; Schimmel & Militello, 2007; Taylor, 2001). Doing so will help provide a safe and educationally sound athletic program. It will also help save the AD a lot of time, frustration, and stress



(Schimmel & Militello, 2007). To date, there has been no research compiled on ADs and their knowledge of school law.

The following sections examines the background and preparation of ADs, as well as the professional organization of which ADs are members. In the absence of research regarding ADs, the following compares ADs' experiences with those of other educational employees that have already been discussed.

### **Preparation Paths for ADs**

There has been no national research related to the background of ADs prior to assuming the position of athletic administrator. However, in a survey of Virginia ADs, it was reported that 87% of the respondents indicated that a teaching license was required to fulfill their role in the school system (Case, 2010). The Virginia Department of Education does not have specific licensing requirements for ADs (Virginia Board of Education, 2013). Any prerequisites for ADs in terms of licensure or minimum degree earned come from individual school districts (Case, 2010). In the same survey, 72% of ADs indicated that a bachelor's degree was the minimum degree required for their position, while 23% reported a master's degree as the minimum degree required (Case, 2010).

Stier and Schnieder (2003) conducted a national study to identify the key competencies ADs valued for successful fulfillment of their duties. Teaching was considered *essential* or *very important* by 67.2% of respondents. The second most relevant activity was experience as a head coach (53.8% deemed being a Head Coach as *essential* or *very important*) (Stier & Schneider, 2003). Based upon the value placed on teaching and coaching, as well as the Virginia example of a majority of school divisions requiring teaching licensure, it is fair to assume that the majority of ADs come from the teaching and coaching ranks.

Case's (2010) study indicated that the preparation path for most Virginia ADs is similar to that of a teacher. In terms of educational preparation, Case (2010) study of Virginia high school ADs showed that 46% of Virginia ADs held an undergraduate degree in physical education, 36% held a similar undergraduate degree related to their teacher certification (e.g. math, social studies, etc.).

Since most ADs are rising from the ranks of teachers, it can be inferred that the pre-service training that most ADs receive as undergraduates is geared primarily to becoming teachers. As stated before, many teacher-education programs neglect areas of school law that would be relevant to an AD (Gullatt & Tollet, 1997). The Commonwealth of Virginia only requires that educational law concepts are taught as part of foundations of education courses (Virginia Board of Education, 2011)

In Case's (2010) study, he also examined the academic concentration of ADs holding master's degrees. He found that of those ADs possessing a master's degree, 62% held a degree in educational administration, with the next largest group holding a degree in an area of "specialized teaching content" (e.g., social studies, math, etc.) (Case, 2010, p. 5). In Virginia, certification for educational administration and supervision requires coursework in school law (Virginia Board of Education, 2013). Therefore, it would be reasonable to infer that ADs holding a master's degree in educational administration would have taken at least a graduate course on school law.

Regardless of the level of school law preparation, ADs must be prepared to make sound decisions once on the job. Stier and Schneider (2001) conducted a national study in which principals used a likert scale to rate 12 educational experiences they believed ADs should possess. Of the 12 educational experiences principals were asked to rate, the single highest rated

experience was “legal aspect of sport.” Sixty-one percent of principals indicated that “legal aspects of sport” was *essential* or *very important* for their athletic administrator to know (Stier & Schneider, 2001). This result would indicate that legal issues are not only part of the job; they are an important performance-related expectation for supervisors of ADs.

Therefore, ADs find themselves in a unique professional situation. The literature shows that ADs are performing a job that requires them to make legal decisions (Beach, 2003; Green, 2013; Stier & Schneider, 200, 2001). In addition, legal knowledge is such an important part of an AD’s job performance that principals rate an AD’s knowledge of “legal aspects of sport” to be the most important characteristic when evaluating ADs (Stier & Schneider, 2001). Despite this importance, most ADs are coming from the teaching and coaching ranks with presumably no more legal preparation than teachers (Case, 2010). This is noteworthy because research shows teachers are underprepared in the area of school law, and have a dismal understanding of school law (Gullat & Tollett, 1997; Littleton, 2008).

Some ADs do have administrative certification. This would necessarily suggest that they have completed school law course work. It would also suggest that such ADs’ knowledge of school law could be compared to other licensed administrators, such as principals (Case, 2010). However, having ADs possess administrative certification may not be a panacea for combating legal ignorance. Studies indicate that most administrators still have a less than extensive understanding of school law (Brabrand, 2003; Case, 2010; Eberwein, 2008; Power, 2007).

Given these facts, it is reasonable to question how well ADs are prepared to cope with the myriad of legal scenarios they must face (Green, 2013; Stier & Schneider, 2000, 2001). It is difficult to generalize ADs knowledge of school law in absence of a study. It is also difficult to compare ADs to other school employee’s knowledge of school law due to a lack of a consistent

certification program or pathway into athletic administration analogous to the certification process for teaching, administration, or school counseling (Virginia Department of Education, 2013; Whitehead & Blackburn, 2013).

### **Role of the National Interscholastic Athletic Administrators Association**

One method of preparation unique to ADs exists where they can receive legal training specifically tailored to the execution of their duties – their professional organization.

The National Interscholastic Athletic Administrators Association (NIAAA) was founded in 1977 for the purpose of increasing the professionalism of ADs and providing “professional development of athletic administrators” (Whitehead & Blackburn, 2013; p. 7). The role of interscholastic athletic administrators is unique in that education-based athletics in the high school setting requires more than just traditional sports management competencies (Case, 2010; Stier & Schneider, 2000, 2003). As such, there are “very few universities [that] include curriculum leading to a degree related to interscholastic athletic administration” (Whitehead & Blackburn, 2013, p. 11).

The NIAAA has filled the void in preparation programs and inconsistent/nonexistent certification requirements for high school ADs rising from the teaching ranks. The NIAAA implemented a two-pronged approach to providing targeted professional development for ADs. The first prong was the creation of the Leadership Training Institute (LTI) to offer specific units of instruction on topics in athletic administration. The second prong was the creation of a certification program for ADs (Whitehead & Blackburn, 2013).

The NIAAA (and specifically the LTI and the certification program) has made school law a focus for its members. This is evidenced by the three school law LTI courses that are required for certification. Each course is a three-hour seminar on various school law topics. In addition

to the school law prerequisites for certification, all members seeking certification must acknowledge the NIAAA code of ethics. The code of ethics includes many tenets of school law including civil rights and due process (National Interscholastic Athletic Administrators Association, n.d.). As of March 2014, 5,331 ADs have attained the level of *Certified Athletic Administrator* (CAA) since the program was created in 1988. That total means an average of 205 ADs are becoming CAAs per year. Based on the data over the last five years, an average of 264.4 ADs per year became CAAs (Personal communication with Michael Blackburn, 2013).

The NIAAA offers additional avenues for its members to learn guiding legal principles. School law sessions are frequently offered at both state and national conferences, a running column is included in the quarterly publication of the NIAAA, *Interscholastic Athletic Administrator*. It is safe to say that the NIAAA provides multiple opportunities for its members to learn about school law and stay current with evolving legal issues.

### **Relevant Legal Issues for ADs**

As has already been discussed, it is very important for ADs to be informed of legal precedents related to their field. The NIAAA has identified five areas of legal knowledge that are important for ADs to know in the execution of their duties. These topics are a) liability and legal mandates, b) gender equity/Title IX, c) constitutional/civil rights, d) prevention of hazing and bullying, and e) prevention of sexual harassment. Some of these legal topics are areas all educators should know and some are unique to ADs and their job description.

#### **Liability**

School districts and their employees can be held accountable for damages to others. Tort is the legal term to describe civil action brought against one party due to a failure to fulfill a duty to another party (Alexander & Alexander, 2009). Legal precedents involving torts and sports

law represent a widely-held societal belief in the duty of coaches and athletic administrators in safeguarding young athletes from unnecessary safety risks (Green, 2013).

Failure to fulfill one or more duties by not exercising a reasonable amount of care can result in the school being found negligent by a court and forced to pay damages provided that the failure to fulfill the duty was the proximate cause of the injury (Alexander & Alexander, 2009). Principals and ADs must be knowledgeable about effective risk management and their duty to train their coaches to fulfill their duties to student-athletes (Green, 2013).

Three factors are necessary when establishing negligence. First, does the school/coach owe a duty to the student-athlete? Yes, as mentioned above, the courts have consistently ruled that coaches and other school personnel (e.g., athletic director, athletic trainer etc.) have many duties which they must carry out to protect their student athletes (Green, 2013). Second, has the school failed to exercise reasonable care in exercising this duty? That decision is based upon facts and is often left to the courts/a jury to decide. Third, is a failure to exercise reasonable care the proximate cause for the injury? Again, the answer to that question will depend upon the facts of a specific case (Alexander & Alexander, 2009).

Sovereign immunity is often one of the first defense strategies for school districts (Alexander & Alexander, 2009; Green, 2013). The concept is that the government cannot be sued without its consent. This concept derives from the English common law precedent of “the king can do no wrong” (Alexander & Alexander, 2009). Zirkel and Clark (2008) assert that the sovereign immunity defense is frequent in “district-favorable” outcomes (p. 361). Green (2013) argues that the immunity defenses can “no longer be considered a blanket shield” in sports liability cases (p. 247).

Alexander and Alexander (2009) also point out that the immunity defense is becoming less acceptable for the courts when the district or its employees fail to fulfill a duty or to exercise reasonable care. In addition, courts have consistently ruled that school employees have a heightened duty to protect young people thus often rejecting sovereign immunity when one's negligence results in damages to a young person (Green, 2013).

A second common defense for school districts in sports-injury lawsuits is assumption of risk (Green, 2013). Either the injury was caused by a risk inherent and widely known with sport participation, or that the injured party was advised of the risk and proceeded anyway. It is considered good practice to have parents acknowledge that they received a warning through signing exculpatory releases (Alexander & Alexander, 2009; Green, 2013). Courts typically do not view exculpatory releases as "automatic disclaimers of liability"; however, they are often held by the courts as proof of warning (Green, 2013, p. 252). A detailed, specific warning allows the participants and their parents to assume the risk. Accordingly, school administrators should not rely on exculpatory releases alone. However, they should clearly warn student-athletes and their parents of the risks of participation, and have parents sign acknowledgements of the warning as a form of written proof.

The NIAAA has identified 14 duties of athletic administrators as determined through case law (Green, 2013). These duties illustrate that ADs need to do more than just inspect the playing surface before a game. Instead, they have a myriad of responsibilities and expectation to exercise reasonable care to protect the coaches, athletes, spectators, and other persons that are involved with the athletic program and facilities. As a result, it is important that ADs are aware of liability case law and take the reasonable steps to safeguard others and protect themselves for

litigation. The best defense is to take all necessary steps to prevent unnecessary injuries to others.

### **Gender Equity**

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving financial assistance.” (Title IX, 1972). This language from Public Law 92-318 of the Educational Amendments of 1972, better known as Title IX, has forever changed female sports at the interscholastic level. Title IX required equal opportunities for female athletes on school campuses. As a direct result of Title IX legislation, female participation in interscholastic athletics rose from 294,000 student-athletes in 1972, to over 3,000,000 in 2012 (Green, 2013).

The United States Department of Education’s Office of Civil Rights (OCR) is responsible for monitoring and investigating Title IX complaints (Department of Education, 2015). In addition, they are responsible for leveling penalties if the school has violated Title IX. ADs doing their best to treat both genders equally is obviously a good practice. However, it is very important that ADs are knowledgeable of the legal requirements of Title IX. Failure to do so may find even a well-intentioned AD involved in an OCR investigation.

There are three components to the OCR investigation to ensure schools are compliant with Title IX. The first component involves participation in sports offerings. ADs should work to have the participation from female and male athletes in proportion to their percentage of enrollment. For the average public school, that would mean that approximate 50% of the athletes would be female. If a school is unable to meet this requirement, they may demonstrate compliance by demonstrating a history or continuing practice of improving female participation or that the school is effectively accommodating female interest (Green, 2013; Women’s Sports



Foundation, 2009). In other words, is female participation increasing, and/or is the school offering all the programs that the female students desire (United States Department of Education, 2010)?

It is important for ADs to know that the OCR examines the actual number of female student-athletes. They do not simply look at number of teams (male and female) that are offered. Just offering teams that females do not want to participate on does help a school meet the first component of a Title IX investigation (Women's Sports Foundation, 2009). ADs that have trouble meeting substantial proportionality should work to offer programs in which female students want to participate.

The level of competitive opportunities is also examined as part of this component. For example, a school would not be compliant if it offered substantial proportionality between male and female student-athletes; but all of the female teams were intramural or junior varsity while the male teams compete on the varsity level. In this scenario, the school would not be compliant with the first component of Title IX because there are not equal competitive opportunities for males and females.

The second component of Title IX involves financial aid provided to student-athletes (i.e. athletic scholarships). This is not an applicable component for public schools in the Commonwealth of Virginia. This is because financial aid and athletic scholarships are not allowable per the Virginia High School League (VHSL); in addition, public schools are free by their very nature. This component of Title IX compliance is most relevant for private schools and collegiate athletics when the schools receive federal funding.

The last component of Title IX is termed by the OCR as "Other athletic benefits and opportunities." This is the most frequent reason for Title IX complaints which stem from

“perceptions of inequity by female student-athletes, parents, or coaches” (Green, 2013, p. 262). Other athletic benefits include access to prime athletic facilities, scheduling of contests, replacement of uniforms, etc. (Green, 2013; Women’s Sports Foundation, 2009). Many of these types of inequities can be avoided by ADs following the basic principles of fairness. However, ADs must be mindful that athletic benefits that are provided by teams from groups such as boosters and parent organizations still come into play during a Title IX investigation (Women’s Sports Foundation, 2009).

The failure to provide equal opportunities (or even the perception of doing so) for female student-athletes can lead to severe consequences for ADs. Title IX complaints and investigations can be incredibly time consuming and divisive in a community. In addition, if a school is found to be non-compliant with Title IX, it can have injunctions against using various facilities (i.e. baseball fields) and/or be forced to quickly make significant financial upgrades in facilities. ADs are well advised to be familiar with statutory requirements of Title IX to provide equal benefits to both genders, and to prevent them from spending significant time embroiled in an OCR investigation.

### **Constitutional/Civil Rights**

The Supreme Court clearly stated that students have constitutional protections in *Tinker v. Des Moines* (1969). Supreme Court case law allows for an abridgment of student rights in specific instances. Civil rights cases as they pertain to extra-curricular activities, generally involve freedom of speech and freedom of religion (Green, 2013) It is the responsibility of the AD to be able to navigate the legal precedents of student civil rights; not just for students during the instructional day, but for students participating in extra-curricular programs (Green, 2013). Students have a right to freedom of speech and expression; however, coaches have a

responsibility to maintain order on their teams. How can coaches and ADs reconcile these two potentially conflicting interests? The courts view one's freedom of speech and expression as a fundamental right, and any abridgement of that right must be legally justified.

**Free speech.** There have been four U. S. Supreme Court rulings that outline the legal precedents for student speech. *Tinker* (1969) established that student speech is protected unless it creates, or can be reasonably forecasted to create, a material and substantial disruption to the school. The courts have given school administrators deference in maintaining safety and order in a school. Typically, protected speech needs to occur on campus or create a disruption in the school.

In *Bethel v. Fraser* (1986), the court ruled that lewd and vulgar on-campus speech is not protected speech. Such speech is not restricted off campus, but the courts ruled that it is not appropriate for a school event. In other words, students may not be punished for lewd and vulgar speech off campus. However, similar speech made on campus can be punished by the school. Therefore, coaches and ADs may administer discipline for team members engaging in such speech without worry of damaging the student-athlete's first amendment rights.

Speech that occurs as part of the curriculum is also allowed to be restricted by school officials. *Hazelwood School Dist. v. Kuhlmeier* (1988) involved the censorship of a student newspaper. In matters of curriculum, the school may limit the speech of students. Some may or may not view athletics as part of the curriculum. However, it is clear that a school's athletic program does represent the school; therefore, one may reasonably assume that the speech of an athlete in uniform is representative of the school's speech. That gives the school a right to have some control over the speech of its student-athletes while they are representing the school. For example, the school does have the right to punish student-athletes for using profane or

unsportsmanlike speech during a practice or contest. Schools also have the right to limit speech when it promotes the use of illegal drugs or violation of school rules as decided in *Morse v. Frederick* (2007). Lastly, the courts have long held that communicating a true threat is not protected speech (Alexander & Alexander, 2009; Green, 2013).

Schools may discipline students for off campus speech if it presents a true “threat, constitutes bullying behavior, or results in a material disruption of the educational environment at the school” (Green, 2013; p. 263). In *Doninger v. Niehoff* (2011), the court sided with the school for disciplining a student for off-campus “virtual” speech due to the disruption caused in the school. Also, in *Kowalski v. Berkeley County Schools* (2011), the Fourth Circuit Court of Appeals upheld the discipline of a cheerleader that used a Myspace page to cyberbully a fellow cheerleader.

A key component of these off-campus rulings is that the actions of the students off-campus lead to either a disruption, present a true threat, or constitute bullying behavior (Green, 2013). Two similar cases are *J.S. v. Blue Mountain School District* (2010), and *Layshock v. Hermitage School District* (2011). Both cases were heard by the Third Circuit Court of Appeals, and in both cases the schools disciplined students for off-campus “cyber” speech with lewd and vulgar references to their respective principals. The courts found in favor of the students because the speech did not present a threat, was not bullying of another student, and did not disrupt the school day.

ADs are well advised that they should be knowledgeable of these precedents and have figurative “thick skin.” When Zachariah Paul had his parking permit revoked in the spring of 1999, he went home and created a David Letterman style top-ten list discussing his high school’s AD on his personal computer. The list included references to the AD’s weight and the size of his

genitals. The school suspended Zachariah Paul for the conduct, even though the speech was off campus and had not been brought to campus by Mr. Paul. In fact, a few other students printed the list and brought it to school, but it failed to create a material and substantial disruption to the school. The courts found the suspension to be a violation of the student's free speech rights.

***Freedom of religion.*** There are two clauses to the First Amendment of the United States Constitution that relate to religion. "Congress shall make no law reflecting an establishment of religion, or prohibiting the free exercise thereof." Public school ADs often find themselves balancing two potentially competing forces, ensuring that the public schools do not violate the First Amendment with respect to religion. There have been many rulings involving the involvement of state and schools in regards to religion. *Lemon v. Kurtzman* (1971) limits the state from having unnecessary entanglements with religion and is referred to in many church-state cases. Today, a common issue for school law is the idea of school officials maintaining neutrality in religion (Alexander & Alexander, 2009).

Case law relevant to ADs revolves around the legal precedent that schools and their agents may not promote or inhibit the exercise of religion. *Santa Fe v. Doe* (2000) directly addressed prayer at public school sporting events. In this case, the court ruled that the reading of a prayer over the public address system during a high school football game as unconstitutional. The ruling in this case is similar to other incidents of prayer at school events (*Gearon v. Loudoun County*, 1993; *Lee v. Weisman*, 1992). The prevailing legal precedent is that student led prayer over the public address system or during any other sanctioned school event is a violation of the establishment clause. The precedent also applies to team prayers when the appearance is school sponsorship of religion. Courts would likely view students praying independently or in small

groups before a game as the free exercise of religion; they would also likely view a coach leading the team in prayer as a violation of the establishment clause.

*Kountze ISD v. Matthews* (2014) is a current example of the difficulty of balancing the free exercise and establishment clauses. In *Kountze* (2014), cheerleaders wrote biblical messages on banners that the football team would run through prior to the game. The school district forbade this practice citing the messages violated the Establishment Clause. In response, the families of the cheerleaders sued the school district for a violation of their first amendment rights to free speech and free exercise of religion. The cheerleaders won at the trial court level. Currently the case has been appealed to the Texas Supreme Court.

### **Prevention of Hazing, Bullying, and Sexual Harassment**

Hazing and bullying are widespread problems in interscholastic athletic programs across the country. In response, most states have anti-hazing statutes, and most school districts have created anti-hazing and bullying policies (Green, 2013). As discussed above, coaches have a duty to supervise their teams. Courts have found that schools must not only supervise their student athletes, but they are also responsible for having, and following, an anti-hazing/bullying policy. *Mathis v. Wayne County Board of Education* (2011) is illustrative of judicial rulings on hazing cases. The court found in favor of the plaintiffs and in doing so cited the defendant's lack of hazing policy, as well as the deliberate indifference by school officials to remedy the situation. All 50 states have statutes against hazing (Green, 2013). Therefore, not only can hazing lead to litigation for a school system, but it can lead to criminal charges for the perpetrators.

Sexual harassment is also an area about which ADs should be knowledgeable. Sexual harassment can involve “unwanted sexual advances, request for sexual favors, and other verbal or physical harassment of a sexual nature (Equal Employment Opportunity Commission, 2015).”

Sexual harassment can also involve comments not of a sexual nature, but generally disparaging against women. For comments or actions to be considered sexual harassment, they must be severe, pervasive, or ongoing (Alexander & Alexander, 2009; Green, 2013).

Five US Supreme Court rulings have created standards of practice that make sexual harassment an issue of particular relevance to school administrators. *Gebser v. Lago Vista* (1998) created the precedent that staff-to-student sexual harassment is actionable by the courts. *Davis v. Monroe County* (1999) ruled that peer-to-peer sexual harassment is also actionable. Lastly, in *Oncale v. Sundowner Offshore Services* (1998), the Supreme Court ruled that same-sex sexual harassment was actionable under Title VII of the Civil Rights Act of 1964. In addition, two cases, *Burlington Industries v. Ellerth* (1998) and *Faragher v. Boca Raton* (1998), found the employers liable for the actions of subordinates when it comes to sexual harassment. Damages can be awarded even if the sexual harassment does not lead to adverse job consequences. The courts ruled that employers have a responsibility to take action to address sexual harassment; failure to do so can lead the victim to seek damages.

These cases make clear that ADs are responsible to prevent and address sexual harassment as it relates to employees and students. Just like on hazing, schools should have clear policies on sexual harassment that include education, training, and procedures for reporting (Alexander & Alexander, 2009; Green, 2013). ADs must take claims of sexual harassment seriously and take action as appropriate. Showing a deliberate indifference towards claims of sexual harassment can lead to the courts finding the school district liable (Green, 2013).

### **Summary**

Over the last 60 years, the courts and the state and federal legislature have increased their influence in the arena of education (Alexander & Alexander, 2009; Leonard, 2007; Tyack &

Benavot, 1985). As a result, compliance with both legislative mandates and legal precedents are realities in which schools and their employees must operate (Green, 2013; Imber, 2008; Militello et al., 2009; Taylor, 2001). Numerous studies have measured various school employees' knowledge of school law (Czarnecki, 2010; Eberwein, 2008; Ivey, 2008; Power, 2007; Rawls, 1997; Caldwell, 1986). While the studies all vary slightly, the general findings are that school employees have a less-than-proficient working knowledge of school law. Most of the variations between studies are only gradations of poor knowledge.

Each of the studies attempted to determine variables that impact educators' knowledge of school law. Two findings are generally found in the literature. First, school law training is positively correlated to school law knowledge. Second, there is a significant relationship between membership in a professional organization and school law knowledge.

While many studies exist regarding school employees, the literature reveals no studies regarding ADs and their knowledge of school law. Like teachers and principals, ADs need to be knowledgeable of school law (Green, 2013; Stier & Schnieder, 2000, 2001). However, ADs lack consistent preparation requirements across school districts (Case, 2010). Therefore, it is difficult to determine what common experiences ADs have prior to assuming their position. Selected research on this topic indicates that ADs largely served as teachers prior to assuming the role as leader of the athletic program. Additionally, some current ADs have administrative certification (Case, 2010).

If one were to generalize the legal knowledge of ADs based upon the studies of teachers, principals, and other educators, they would likely come to one conclusion: ADs lack a proficient understanding of school law. However, ADs have an active professional association that has taken an aggressive role in providing legal education to its members (Whitehead & Blackburn,



2013). Research indicates professional organizations have a positive impact on other educators' knowledge of school law, and it is possible the NIAAA has a similar effect (Bounds, 2000; Ivey, 2008; Rawls, 1997).

## **CHAPTER III METHODS**

The purpose of this study is to assess Commonwealth of Virginia public school AD's knowledge of school law. Specifically, the areas of school law that pertain to the daily job requirements and expectations of an AD are studied. Based upon the review of literature, five areas of school law relevant to ADs were used to developed for an assessment. They are civil rights issues, liability, sexual harassment, hazing, and gender equity (Green, 2013). For the purposes of this study, sexual harassment and hazing will be combined into one category.

In addition to discovering the overall knowledge of school law that Virginia public high school ADs possess, the study examined various demographic variables to identify any significant relationships between them and ADs' knowledge of school law. The study examined ADs' knowledge of school law and age, experience as an AD, size of school, type of school setting, highest degree earned, holding of an administrative endorsement, type of school law preparation, methods for staying current in the field of school law, membership in professional organizations, and certification through the National Interscholastic Athletic Administrators Association (NIAAA).

The study will employ quantitative methodology. A survey was utilized and statistical analyses were run to find demographic factors that have significant relationships to knowledge of school law.

### **Research Questions**

This study is designed to answer the following research questions:

1. To what extent are interscholastic ADs in the Commonwealth of Virginia knowledgeable about the law related to issues that commonly arise in activities overseen by ADs?
2. What is the relationship between AD's knowledge of school law and the following:

- a. Age
- b. Years of experience
- c. Size of school
- d. Setting of school
- e. Level of education
- f. Administrative and supervision endorsement
- g. Type of legal training
- h. Methods for obtaining current school law information/updates
- i. Membership in professional organization(s)
- j. Certification level through the National Interscholastic Athletic Administrators Association (NIAAA)

The dependent variables in this study are the mean scores of the Virginia public school ADs on the assessment in the following areas: civil rights, liability, having/sexual harassment, gender equity.

### **Population Description and Procedures**

The purpose of the study is to assess the extent of school law knowledge of Virginia public high school ADs. The relevant population was attained from the Virginia High School League (VHSL) directory, which is available at [www.vhsl.org](http://www.vhsl.org). All public schools which participate in interscholastic athletics are members of the VHSL ([www.vhsl.org](http://www.vhsl.org)). According to the VHSL directory, there are 315 public schools in Virginia which participate in interscholastic athletics.

Given the relatively small total number of the population ( $n=315$ ), it was intended to survey the entire population. After reviewing the VHSL directory, and school websites, the

email addresses of nine Virginia ADs were not able to be identified. This was due to there either being a vacancy or no listing in either the VHSL directory or the individual school's website. In addition, the researcher is a member of the population, and was also omitted. Therefore, 305 Virginia ADs were sent the survey via email. The sample consisted of the total number of respondents. In total, there were 140 responses to the survey's email, for a response rate of 45.9%.

### **Instrumentation**

A secure online assessment was developed to assess Virginia public high school ADs on their knowledge of pertinent school law issues. Three steps were taken to develop this assessment. First, a thorough review of the literature on ADs and school law was conducted. Second, the survey was reviewed by a school law professor. Third, the survey instrument was piloted and critiqued by a cohort of Educational Leadership and Policy Study doctoral candidates for readability. The questions are included in Appendix C

The assessment tool was divided into two parts. Part 1 consisted of demographic and background information. This was used to answer the research questions regarding significant relationships between ADs and their knowledge of school law. Part 2 consisted of 40 questions related to school law. These questions were arranged into four subsections, each consisting of 10 questions. The four sections were: 1) civil rights, 2) liability, 3) hazing/sexual harassment, and 4) gender equity. Hazing and sexual harassment were combined into one category because many hazing incidents involve sexual harassment and/or are prosecuted as sexual harassment cases. This is because the law is very clearly established in sexual harassment litigation. A limitation of combining the two topics into the same category is that scores will be analyzed together, and may not accurately reflect what ADs know about the respective topics individually.

The structure of the assessment was developed in part by examining past studies on various Virginia school employees and their knowledge of school law. Specifically, Czarnecki's (2010), Ivey's (2008), Power's (2007), Brabrand's (2003), and Caldwell's (1986) studies of Virginia educators' knowledge of school law were all utilized in the design of both the methods of the research and the content of this study. Where relevant and practicable, survey questions were re-used. However, since this study focused on ADs and their knowledge of school law related to their routine job expectations, some topics (e.g., gender equity) covered in this study were not found in the previously mentioned studies.

The assessment utilized a variation of true/false questions. Close-ended questions, such as true/false, are well suited to this type of study because the results tend to be easier to score since the responses are uniform. Therefore, the data provided by close-ended questions tend to be more efficient and reliable for the researcher (Fink, 2013).

Survey respondents were given three choices for each law question: *true*, *false* and *don't know* in order to reduce false positive answers from guessing. The use of true/false questions in this study is similar to the assessments mentioned above. The study and procedures were approved by the Virginia Tech Institutional Review Board since the study involved human subjects.

### **Data Collection**

An email was sent to 305 of the 315 public school ADs in Virginia, as identified in the VHSL directory. The email contained a description of the study, and a secure Qualtrics link to the 40 question school law assessment. The survey was open from February 14, 2016 until April 6, 2016. Follow-up emails were distributed on March 10, 2016 and April 5, 2016. Additionally, I was able to make a brief in-person appeal during the VHSL March 10, 2016 membership

meeting. The March membership meeting is mandatory for all VHSL members (i.e. ADs and/or principals) to attend.

As an incentive to complete the survey. For every complete response to the survey, \$1.00 was donated to the Jimmy V Foundation for Cancer Research. The Jimmy V Foundation was specifically chosen from all of the other cancer research foundations because of the name recognition of Jim Valvano amongst sports fans. The money was donated by the researcher. In all, there were 140 respondents for a response rate of 45.9%.

### **Data Analysis**

Data analysis was conducted using Microsoft Excel and the JMP Pro 12 software package. The analysis was used to determine significant relationships exist between ADs' knowledge of school law and the demographic independent variables identified in the research question. Descriptive statistics, analysis of variance (ANOVA), and independent t-tests were used as applicable. Each variable was compared to the scores of each of the four school-law subsections as well as to the total score.

### **Validity and Reliability**

A valid survey instrument is one that produces accurate information; essentially, it gathers the data that it was intended to gather (Fink, 2013). A reliable survey instrument is one that will produce consistent results. In this study, the instrument intends to measure the extent to which Virginia ADs are knowledgeable of school law related to their daily practice. To make the instrument as valid and reliable as possible, the questions were created from examining similar studies, literature on interscholastic ADs, and case law. Designing a survey that is accurate and grounded in theory helps improve the validity and reliability of the instrument (Fink, 2013).

The survey was reviewed by a school law expert to ensure legal accuracy, and by a panel of educational experts to ensure readability. The purpose of the review by both panels was to ensure validity. The panel examined the survey instrument for accuracy of content, appropriateness of the design for the population to be surveyed, and that the instrument comprehensively covers the topic (Radhakrishna, 2007).

After the study was approved by Virginia Tech's Institutional Review Board (IRB), a pilot study was administered to a cohort of doctoral students. This sample was used for the pilot rather than members of the population to be tested (Radhakrishna, 2007). Cronbach's alpha was computed to measure the reliability of the survey.

A limitation of the study may impact its validity and reliability. Because the survey was administered via the internet, there is no way to know who actually responded to the survey. Results could be skewed if the respondents were not Virginia ADs. Also, almost the entire population was surveyed; however, some variables were combined due to specific response rates being too low (e.g., only 5 respondents indicated they have attained a CMAA certification; therefore those responses were combined with CAA responses).

### **Summary**

An ADs typical job responsibility requires that they regularly deal with potentially litigious situations. However, no study has been conducted to date that measures Virginia ADs' knowledge of school law. Given this void in the literature, this study was designed to measure Virginia ADs' knowledge of school law. This study also compared demographic variables to determine what, if any, demographic factors were significantly related to ADs' knowledge of school law. Results were analyzed by total score, and by each of the four subsections of the school law assessment: civil rights, liability, hazing/sexual harassment, and gender equity. The

results of this study will help fill a gap in the literature regarding educational employees' knowledge of school law. Furthermore, the findings can be used to improve the legal preparation of Virginia's ADs.



## **CHAPTER IV PRESENTATION OF FINDINGS**

The purpose of this study was to determine the degree to which Virginia ADs were knowledgeable of school law related to issues that commonly arise in their normal job responsibilities. The study also involved determining if significant relationships or differences exist between demographic variables and ADs' knowledge of school law. The demographic variables examined in this study were age, experience, size of school, setting of school district, level of education, possession of Virginia administrative endorsement, type of legal training, methods for obtaining current legal information, membership in professional organizations, and certification through the NIAAA.

### **Research Questions**

The study was designed to answer the following research questions:

1. To what extent are interscholastic ADs in the Commonwealth of Virginia knowledgeable about the law related to issues that commonly arise in the activities overseen by ADs?
2. What is the relationship between AD's knowledge of school law and
  - a. Age
  - b. Years of experience
  - c. Size of school district
  - d. Setting of school district
  - e. Level of education
  - f. Administrative and supervision endorsement
  - g. Type of legal training
  - h. Methods for obtaining current school law information/updates
  - i. Membership in professional organization(s)

- j. Certification level through the National Interscholastic Athletic Administrators Association (NIAAA)

An online assessment was created to answer the above research questions. The assessment consisted of two parts. Part I contained demographic information and questions that related to the variables in second research question (e.g., membership in professional organizations, sources of current legal information, etc.). Part II contained 40 school law related true/false questions. The questions were divided into four subsections of 10 questions. The subsections were related to students' rights, liability, hazing/sexual harassment, and gender equity. The survey instrument used in this study differed from previous studies on Virginia educators' knowledge of school law in that it allowed for "true", "false", and "don't know" rather than only providing true/false options. The reason for doing this was to try to eliminate false positive answers caused by guessing.

The assessment was reviewed by a school law expert for legal accuracy. It then was piloted on a cohort of Educational Leadership and Policy Studies doctoral students at Virginia Tech. The students focused on reviewing the survey instrument for accuracy and readability.

The survey instrument was uploaded to the Qualtrics software and emailed to 305 public Virginia public school ADs. The email also contained a description of the study and consent statement. The VHSL consists of 315 members who represent the 315 public schools in the Commonwealth of Virginia that have interscholastic sports. The email address of each AD was identified using the VHSL directory which is publically available on the VHSL website (VHSL, n.d.). The email was sent to 305 schools because several schools either had no information printed in the directory or listed on their website or the school currently had a vacancy. Additionally, the researcher was part of the population and therefore was omitted.

The first email was sent out on February 14, 2016. Subsequent reminders were sent out on March 10 and April 5, 2016. Only two emails were sent per Virginia Tech's IRB protocol. As an incentive, ADs were informed that for every AD that completed the survey, a \$1 donation would be made to the Jimmy V foundation. Overall, 140 ADs took the survey, for an overall response rate of 45.9%. After the survey was closed, answers were sent to the ADs that made such a request.

### Characteristics of the Respondents

The respondents had the following characteristics. Their median age of respondents was 48.1 years old, and their median years of experience for respondents was 9.8 years. Table 4.1 contains descriptive statistics for respondents' age and experience.

Table 4.1

*Descriptive Statistics for Variables: Age and Experience*

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Age	
Mean	48.1
Median	47.0
Mode	47.0
Years of Experience	
Mean	9.8
Median	10.0
Mode	10.0

The largest VHSL classification, 6A, had the largest percentage of respondents ( $n=28$ ; 20%). 1A had the smallest representation at  $n=15$  (10.7%). The remaining classifications, 2A–5A all had anywhere from 16.4-18.6% of the representation. A plurality of respondents serve as ADs in rural jurisdictions ( $n=49$ ; 35.0%) followed closely by suburban ( $n=42$ ; 30.0%). The majority ( $n=73$ ; 52.1%) of ADs have their master's degree. Lastly, the majority of ADs have a

Virginia licensure in Administration and Supervision ( $n=76$ ; 54.3%). Table 4.2 illustrates the frequency and percentages respondents' demographic and school information.

Table 4.2

*Frequencies and Percentages -- Personal and School Information*

Virginia High School League Classification (school size)	N	%
1A	15.0	10.7%
2A	23.0	16.4%
3A	23.0	16.4%
4A	25.0	17.9%
5A	26.0	18.6%
6A	28.0	20.0%

  

Setting of School*	N	%
Urban	17	12.1%
Suburban	42	30.0%
Rural	49	35.0%
Mixed (Urban/Suburban/Rural)	30	21.4%
No Response	2	1.4%

  

Highest Level of Education	N	%
Bachelor's	42	30.0%
Master's	73	52.1%
Master's + 30	25	17.9%
Doctorate	0	0.0%
Other	0	0.0%

  

Virginia Dept. of Education Licensure: Administration and Supervision	N	%
Yes	76	54.3%
No	64	45.7%

\*Percentages do not add to 100% due to rounding

ADs were asked to identify how they received school law information both pre-service (school law preparation) and in-service (staying current). Percentages on these questions total more than 100% due to respondents being asked to select all choices per question that apply.

Almost three-quarters of ADs received pre-service school law preparation through a college/university course for credit ( $n=101$ , 72.1%). Additionally, 72.9% of ADs receive updated/current school law information through Professional Associations ( $n=102$ ), and 61.4% receive their updates through reading various publications ( $n=86$ ). The majority of Virginia ADs that responded belong to the state and national professional ADs' association. Membership among respondents are 85% ( $n=119$ ) for the VIAAA and 67.1% ( $n=94$ ) for the NIAAA. Lastly, NIAAA certification levels among ADs were varied. Slightly more than two-thirds of ADs have a level of certification ( $n=95$ ; 67.9%), with 33.1% being certified at either the RAA or CAA level. A sizable minority ( $n=41$ ; 30.1%) have no certification. Table 4.3 shows respondents' methods of school law preparation, membership in professional organizations and level of certification.

Table 4.3  
*Frequencies and Percentages – Demographic Information*

Type of School Law Preparation**	N	%
College/University Course for Credit	101	72.1%
School System Workshop	43	30.7%
Non-School System Workshop	47	33.6%
None	16	11.4%

  

Updated/Current School Law Info.**	N	%
School System Training	43	30.7%
Publications	86	61.4%
Professional Associations/Conferences	102	72.9%
None	11	7.9%

  

Professional Associations**	N	%
Virginia Interscholastic Athletic Administrators Association	119	85.0%
National Interscholastic Athletic Administrators Association	94	67.1%
Virginia Association of Secondary School Principals	11	7.9%
National Association of Secondary School Principals	3	2.1%

  

NIAAA Level of Certification*	N	%
Registered Athletic Administrator	45	33.1%
Certified Athletic Administrator	45	33.1%
Certified Master Athletic Administrator	5	3.7%
None	41	30.1%
No-Response	4	2.9%

\*Percentages do not total 100% due to rounding

\*\*Percentages total more than 100% because respondents can choose multiple selections

## Data Analysis

### Research Question 1

To what extent are interscholastic ADs in the Commonwealth of Virginia knowledgeable about the law related to issues that commonly arise in the activities overseen by ADs?

The 40 question survey instrument was divided into four subsections of 10 questions each. The 10 sections consisted of students' rights, liability, hazing/sexual harassment, and

gender equity. The survey instrument asked respondents to choose between “true”, “false”, and “don’t know”. Only correct answers were used for the purposes of this analysis. The purpose of the “don’t know” option was to reduce the likelihood of correct answers due only to guessing.

Respondents’ mean score was highest on the liability subsection (8.6/10), and lowest on the gender equity subsection (6.8/10). The overall mean score was 29.7 correct out of 40 questions (74.3%). The highest score on the assessment was a 37 out of 40, and the lowest score on the assessment was a 20 out of 40. Several respondents did not finish or complete large portions of the assessment. Those responses were removed from the analysis. Table 4.4 shows descriptive statistics for the overall score, and subsection scores on the survey.

Table 4.4

*Descriptive Statistics and Totals for Each Subscale in the Assessment*

Subscale	Mean	Median	Mode	Possible Score	SD	N
Student Rights	7.3	7	8	10	1.8	140
Liability	8.6	9	9	10	1.3	133
Hazing/Sexual Harassment	7.0	7	7	10	1.0	133
Gender Equity	6.8	7	7	10	1.5	129
Total Score	29.7	30	29	40	3.8	129

Respondents scored above 80% on three questions on the students’ rights section (question 4, 7, and 10). ADs scored highest (87.9%) on the question 4, related to the approval of student clubs. ADs scored the lowest on question 8 (56.4%) which was related to a coach’s ability to limit the speech rights of students while they participate in a team activity. Additionally, question 8 in this subsection also had the highest number of “don’t know” answers 15.0% ( $n=21$ ).

Liability had the highest mean scores on the assessment. Accordingly, respondents scored above 90% on five items (questions 1, 2, 3, 8, and 10). All of the before mentioned questions were related to an AD's job related legal duties; such as, the duty to warn, duty to provide reasonable care, and the duty to provide a safe environment. Question 10 had a 100% correct response rate. The lowest performance was on question 4 which was related to sovereign immunity. Only 47.4% of respondents answer this question correctly, and 33.1% ( $n=44$ ) stated chose "don't know", which was the highest of the liability section.

Five questions (questions 1, 3, 6, 8, and 10) on the hazing/sexual harassment section had correct response rates above 90%. Question 8, related to the definition of hazing, had the highest correct response rate at 97.7%. Question 1, related to the definition of sexual harassment, had a similarly high correct response rate of 97.0%. There were three questions (questions 2, 4, and 5) that had a less than 50% correct response rate. Questions 4 and 5 had correct response rates of 33.8%. The questions were related to what actions constitute sexual harassment. Question 2 had the lowest response rate on the assessment. It had a correct response rate of only 6.8%. Notably, only 7 (5.3%) total respondents selected "don't know". Therefore, 117 (88.0%) respondents incorrectly chose "false" on question 2.

The gender equity section of the survey had the lowest overall mean score (6.8/10). However, three questions (questions 4, 7, and 9) featured an over 90% correct response rate. Question 7 had an overall score of 94.6% and was related to allowing female students to participate in wrestling. There were three questions (questions 1, 2 and 6) that had a lower than 50% correct response rate. All three questions were related to monitoring and implementation of Title IX provisions in a school's athletic program. Questions 1 and 2 had correct response rates of 23.3% and 31.0% respectively. They were related to the "substantial proportionality"



provision of Title IX and spending between male and female sports teams. Of note, respondents selected “don’t know” on questions 1 and 2 43.4% and 37.2% of the time, respectively. Tables 4.5-4.8 show the summary of responses per test item. Each table represents one subsection of the school law assessment.

Table 4.5

*Responses to Items Contained in the Students' Rights Section*

Question	Item	Correct	Incorrect	Don't Know	% Correct
		N	N	N	%
1	Coaches may lead team prayers before games as long as student participation is voluntary. (FALSE)	102	37	1	72.9%
2	Student athletes have unlimited constitutional rights as individuals to exercise free speech in public schools. (FALSE)	110	22	8	78.6%
3	In Virginia, random drug-testing of student-athletes is considered constitutional. (TRUE)	80	45	15	57.1%
4	Students may organize a gay and lesbian club if the schools allow other non-curricular clubs to meet. (TRUE)	123	3	14	87.9%
5	An Athletic Director's approval or disapproval of signage or other announcements made by student groups at school must be viewpoint neutral. (TRUE)	106	17	17	75.7%
6	School administration may punish a student for criticizing the principal on social media from their home computer, even if the criticism does not create a substantial disruption. (FALSE)	100	22	18	71.4%
7	School administration may prevent student-athletes from participating in athletics due to off-campus behavior. (TRUE)	122	12	4	87.1%
8	Coaches may limit the speech rights of their team members while they are participating in a team activity. (TRUE)	79	39	21	56.4%
9	School administrators may prohibit students with disabilities from participating on school teams if their participation will lead to safety risks and/or fundamental changes to the rules. (TRUE)	81	39	19	57.9%
10	Coaches can discipline team members who refuse to stand and face the flag during the pre-game national anthem. (FALSE)	115	13	11	82.1%

Table 4.6

*Responses to Items Contained in the Liability Section*

Question	Item	Correct	Incorrect	Don't Know	%
		N	N	N	%
1	A student participating in athletic events assumes the risks and hazards that are obvious/ inherent to the game. (TRUE)	124	8	1	93.2%
2	Courts have ruled that ADs and coaches have a duty to warn parents and student-athletes of the specific risks associated with sports participation. (TRUE)	123	8	2	94.7%
3	A student's injury, which could have been foreseen and prevented by the reasonable care of a coach, may constitute negligence. (TRUE)	126	3	4	94.7%
4	"Sovereign Immunity" should be considered a blanket defense to liability cases for public school ADs in Virginia. (FALSE)	63	26	44	47.4%
5	Schools can be held liable for damages that occur at school events occurring off-campus. (TRUE)	118	8	7	88.7%
6	Athletic Directors cannot be held liable for the negligent act of coaches under their supervision. (FALSE)	116	11	6	87.2%
7	Age should be the primary factor when coaches match student athletes in practice and competition. (FALSE)	107	24	2	80.5%
8	A school will likely be found liable if it is found to have not taught proper technique, and the lack of instruction led to an injury. (TRUE)	120	5	8	90.2%
9	SCENARIO: Because the coach had advised the team at the beginning of the season that they should not "horseplay", the coach and school would likely not be held liable by the courts. (FALSE)	112	14	7	84.2%
10	The school administration has a legal duty to provide a safe environment for spectators, and should take action to prevent reasonably foreseeable hazards. Failure to do so may find the school liable of negligence. (TRUE)	133	0	0	100.0%

Table 4.7

*Responses to Items Contained in the Hazing/Sexual Harassment Section*

Question	Item	Correct	Incorrect	Don't Know	% Correct
		N	N	N	%
1	Sexual harassment laws are only relevant in situations involving students of the opposite sex. (FALSE)	129	4	0	97.0%
2	In Virginia, hazing is only a criminal act if there is bodily injury. (TRUE)	9	117	7	6.8%
3	Courts typically do not consider it hazing if those being "initiated" willingly participate. (FALSE)	125	3	4	94.0%
4	In order to be considered "sexual harassment" by the EEOC definition, conduct must meet all three of the following categories: 1) unwelcome 2) contains words and/or actions of a sexual nature and, 3) cause harm to an individual. (TRUE)	45	71	16	33.8%
5	One lewd joke is often enough for the courts to consider that a "hostile work environment" has been created. (FALSE)	45	70	18	33.8%
6	School officials may be held personally liable for not stopping a student's sexual harassment of another student if the school official is deliberately indifferent to the victim's claims of being harassed. (TRUE)	125	2	6	94.0%
7	Student on student sexual harassment that occurs on campus may be disciplined by school administration, but it is not a violation of the law. (FALSE)	108	16	9	81.2%
8	It is only legally considered "hazing" when the rite of initiation is carried out with freshman students. (FALSE)	130	3	0	97.7%
9	Coaches are not responsible for hazing that occurs off-campus. (FALSE)	92	18	22	69.2%
10	In Virginia, only coaches that are also teachers are considered "mandatory reporters" of child abuse. (FALSE)	123	5	5	92.5%

Table 4.8

*Responses to Items Contained in the Gender Equity Section*

Question	Item	Correct	Incorrect	Don't Know	% Correct
		N	N	N	%
1	Title IX's "substantial proportionality" clause states that the gap in spending between male and female sports must be no more than 5% in per-pupil dollars. (FALSE)	30	43	56	23.3%
2	Schools are compliant with Title IX if the total number of roster positions offered is within a 5% gap of each other, regardless of how many students actually participate. (FALSE)	40	41	48	31.0%
3	An AD's hiring practices for coaches of female sports teams will likely be examined if the school is under a Title IX investigation. (TRUE)	93	9	26	72.1%
4	Schools must allow girls the opportunity to play on predominantly male teams if there is no female equivalent. (TRUE)	121	6	2	93.8%
5	In Virginia, boys may play on girls' teams if there is no male equivalent (ex. Field Hockey). (FALSE)	113	13	3	87.6%
6	It is permissible to prohibit a female from joining a contact sport, such as football, over concerns for her safety, provided the coach made the decision based upon her physical stature and the coach would make the same decision for a similarly statured male athlete (i.e. she was not cut due to being a female). (TRUE)	62	62	5	48.1%
7	Schools may prohibit females from participating in wrestling due to the likelihood of inappropriate touching between males and females. (FALSE)	122	0	7	94.6%
8	Substantial differences between "athletic benefits" of both genders which may include locker rooms sizes, field set-up requirements, and access to prime athletic facilities are areas that could likely result in a Title IX complaint. (TRUE)	121	2	6	93.8%
9	If the Department of Education's Office of Civil Rights investigates your school for alleged Title IX abuses, their investigation is limited to the initial complaint. (FALSE)	108	9	12	83.7%
10	Having a pep band only perform at Football and Boys basketball games would likely be considered a Title IX violation, even if the pep band's schedule is selected by the students. (TRUE)	70	37	22	54.3%

### Research Question 2a

What is the relationship between ADs knowledge of school law and their age?

A Pearson correlation was conducted with the survey data comparing respondents' age, and their results on the four subsections and total score. There was no significant relationship between age and any of the four subcategories, or the total score.

### Research Question 2b

What is the relationship between ADs knowledge of school law and their years of experience?

A Pearson correlation was conducted with the survey data comparing respondents' years of experience, and their results on the four subsections and total score. There was no significant relationship between experience and any of the four subcategories, or the total score. Table 4.9 shows the correlation and p-value for variables of age and experience.

Table 4.9

*Results of a Pearson Correlations for ADs knowledge of School Law and Age*

		Sub-Sections				
		Student Rights	Liability	Hazing/ Sex Har.	Gender Equity	Total Score
Age	<i>r</i>	-0.27	-0.12	-0.20	-0.27	-0.35
	p-value	0.71	0.60	0.91	0.37	0.58
Experience	<i>r</i>	-0.31	-0.07	-0.32	-0.29	-0.39
	p-value	0.96	0.10	0.28	0.09	0.19

### Research Question 2c

What is the relationship between ADs knowledge of school law and the size of the school in which they work?

This research question investigated the impact of size of school district on school law knowledge of Virginia public school ADs. The VHSL classifications (i.e., Group 1A-6A) were used to determine school size because the VHSL classifies all of the schools by size. Schools with 475 students or less are placed in Group 1A the remaining schools are divided into 5 approximately equal groups and placed into Group 2A through 6A.

**School size and gender equity.** ADs from 13 Group 1A schools, 22 Group 2A schools, 22 Group 3A schools, 22 4A schools, 25 5A schools, and 25 6A schools had responses recorded for the gender equity subsection. The overall analysis of variance showed that the groups exhibited significant differences in ADs' scores on the gender equity subsection by school size ( $F(5, 123) = 3.24, p = 0.0088$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 12% of the overall variability in gender equity score. Individual group comparisons using the Tukey-Kramer test showed significant differences between Groups 6A and 2A. The results showed that Group 6A scored 7.2 and Group 2A scored 5.9, which was statistically significant ( $p = 0.0383$ ), with an effect size  $d = 1.29$ , indicating that Group 6A scored 1.29 standard deviations higher than Group 2A. In addition, the 95% confidence interval for the difference was  $0.04 \leq \mu \leq 2.54$ . The results demonstrated that Group 6A scored significantly higher than Group 2A on school law knowledge on the gender equity subsection. The p-value of Group 4A compared to Group 2A, and Group 3A compared to Group 2A, while not significant were almost significant for the gender equity subsection at  $p = 0.0547$  and  $p = 0.0917$  respectively.

**School size and total score.** There were also significant differences in ADs' total score on the school law assessment by school size. ( $F(5, 123) = 3.14, p = 0.0105$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for

0.11 percent of the overall variability in total score. Individual group comparisons using the Tukey-Kramer test showed significant differences between three groups. The results showed that Group 3A scored 31.32 and Group 1A scored 27.46, which was statistically significant ( $p = 0.0354$ ), with an effect size  $d = 1.02$ , indicating that Group 3A scored 1.02 standard deviations higher than Group 1A. In addition, the 95% confidence interval for the difference was  $0.16 \leq \mu \leq 7.55$ . The results demonstrated that Group 3A scored significantly higher than Group 1A on the total assessment.

Group 3A ADs also scored significantly higher than Group 2A ADs on the total score of the school law assessment. Group 3A scored 31.32 and Group 2A scored 28.09, which was statistically significant ( $p = 0.0451$ ), with an effect size  $d = 0.85$ , indicating that Group 3A scored 0.85 standard deviations higher than Group 2A. In addition, the 95% confidence interval for the difference was  $0.04 \leq \mu \leq 6.41$ . The results demonstrated that Group 3A scored significantly higher than Group 2A on the total score.

**T-test comparing “large schools” and “small schools”.** It was observed in the ANOVA analysis that the significant results involved larger classification school ADs’ scoring significantly higher than smaller school ADs. Therefore, further analysis was conducted. Group 1A and 2A were combined into a small school group, and Groups 3A, 4A, 5A and 6A were combined into a large school group. Independent sample t-tests were conducted between these groups for each subsection as well as for total score. These tests showed significant differences between the small school and large school groups on three of the four subsections and on the total score.

***Student rights.*** The first independent t-test investigated the impact of school size on results of the student rights subsection. The 38 Small school ADs and 102 large school ADs



completed the section on student rights. The results showed that large school ADs scored 7.5 and small school ADs scored 6.8 for a difference of means of 0.7. (The two standard deviations were 1.6 and 2.0, respectively.) A t-test comparing the two was statistically significant ( $t(138) = 2.1, p = 0.0368$ ). The measure of effect size based on the large school standard deviation of 1.6,  $d = 0.43$ , indicates that large school ADs scored 0.43 standard deviations higher than small school ADs. The 95% confidence interval for the difference was  $0.04 \leq \mu \leq 1.35$ . The results demonstrated that large school ADs scored significantly higher than small school ADs on the student rights subsection.

**Liability.** A second t-test investigated the impact of school size on knowledge of liability. The 36 Small school ADs and 97 large school ADs completed the subsection related to liability. The results showed that large school ADs scored 8.8 and small school ADs scored 8.1, for a difference of means of 0.6. (The two standard deviations were 1.1 and 1.4, respectively.) A t-test comparing the two was statistically significant ( $t(131) = 2.6, p = 0.0113$ ). The measure of effect size, based on the large school standard deviation of 1.1,  $d = 0.55$ , indicates that large school ADs scored 0.55 standard deviations higher than small school ADs. The 95% confidence interval for the difference was  $0.1 \leq \mu \leq 1.1$ . The results demonstrated that large school ADs scored significantly higher than small school ADs on the liability subsection.

**Gender Equity.** A third t-test investigated the relationship of school size on school law knowledge of gender. The 35 small school ADs and 94 large school ADs the gender equity section of the school law assessment. The results showed that large school ADs scored 7.1 and small school ADs scored 6.0, for a difference of means of 1.2. (The two standard deviations were 1.4 and 1.5, respectively.) A t-test comparing the two was statistically significant ( $t(127) = 4.1, p < 0.0001$ ). The measure of effect size based on the large school standard deviation of 1.4,  $d =$

0.85, indicates that large school ADs scored 0.85 standard deviations higher than small school ADs. The 95% confidence interval for the difference was  $0.6 \leq \mu \leq 1.7$ . The results demonstrated that large school ADs scored significantly higher than small school ADs on the gender equity subsection.

**Total score.** The final independent t-test examined school size on total score of a school law assessment taken by Virginia public school ADs. The 35 small school ADs and 94 large school ADs completed all sections of the school law assessment. The results showed that large school ADs scored 30.4 and small school ADs scored 27.9, for a difference of means of 2.5. (The two standard deviations were 3.6 and 3.7, respectively.) A t-test comparing the two was statistically significant ( $t(127) = 3.5, p = .0006$ ). The measure of effect size based on the large school standard deviation of 3.6,  $d = 0.7$ , indicating that large school ADs scored 0.7 standard deviations higher than small school ADs. The 95% confidence interval for the difference was  $1.1 \leq \mu \leq 4.0$ . The results demonstrated that large school ADs scored significantly higher than small school ADs on total score.

I found several significant relationships between size of school and scores of school law knowledge. The independent t-tests reveal that “large school” ADs scored significantly higher than “small school” ADs on three of four subsections and on the total score. These data suggest Virginia ADs in large schools are more knowledgeable of school law than their small school counterparts.

**Summary of research question 2c.** It does not seem reasonable that serving as an AD at a small school causes ADs to have lower scores on a school law assessment. One possible explanation is that smaller school ADs’ are less likely to possess certification as an athletic administrator (CAA) by the NIAAA. Table 4.10 shows the distribution of level of NIAAA

certification by school size. This is significant because results detailed later in this study show a significant relationship between those possessing a CAA/CMAA certification and those that do not have those certifications.

A second possible explanation may be that smaller school ADs have more non-AD responsibilities in their job description, such as teaching, or coaching. This study did not ask ADs for their full job description, but Gray and Park's (1994) study of Iowa ADs found a significant relationship between risk management behaviors and size of school. Gray also found smaller school ADs had extra duties (other than administering the athletic program) at a higher rate than larger school ADs. Further study into this phenomenon would be warranted.

Table 4.10

*Distribution of NIAAA Certification by School Size*

VHSL Class	RAA		CAA/ CMAA		No Cert.	No Cert.
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
1A	4	26.7%	2	13.3%	<b>9</b>	<b>60.0%</b>
2A	<b>9</b>	<b>42.9%</b>	4	19.1%	8	38.1%
3A	7	31.8%	7	31.8%	<b>8</b>	<b>36.4%</b>
4A	8	33.3%	<b>11</b>	<b>45.8%</b>	5	20.8%
5A	7	31.8%	<b>9</b>	<b>40.9%</b>	6	27.3%
6A	10	35.7%	<b>13</b>	<b>46.4%</b>	5	17.8%

**Bold indicates highest percentage of certification per classification**

### Research Question 2d

What is the relationship between ADs knowledge of school law and the setting of their school?

This research question asked about the impact of school setting on school law knowledge of the 16 urban school ADs, 39 suburban school ADs, 48 rural school ADs and 28 mixed setting ADs. The overall analysis of variance showed that there were significant differences between ADs of schools different settings in the subsection of hazing/sexual harassment. ( $F(3, 127) = 3.2, p = 0.025$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 7.1% of the overall variability in ADs' school law knowledge of hazing/sexual harassment. Individual group comparisons using the Tukey-Kramer test showed significant differences between two groups. The results showed that ADs working at schools in mixed settings scored 7.5 and rural school ADs scored 6.8, which was statistically significant ( $p = 0.02$ ), with an effect size  $d = 0.69$ , indicating that mixed setting ADs scored 0.69 standard deviations higher than rural school ADs. In addition, the 95% confidence interval for the difference was  $.1 \leq \mu \leq 1.3$ . The results demonstrated that mixed setting ADs scored significantly higher than rural school ADs on the hazing/sexual harassment subsection of the school law assessment.

The analysis of variance did not show sweeping trends between school setting and AD's school law knowledge when analysis was conducted on both the subsets of the assessment, or the total score. Significant results were limited to only the difference between only mixed setting schools and rural schools, and only on one subsection of the assessment (hazing/sexual harassment). Therefore, the significant results were isolated. These results do not allow me to generalize about a relationship between an AD's school law knowledge, and school setting.

**Research Question 2e**

What is the relationship between ADs' knowledge of school law and their level of education?

This research question asked about the impact of one's level of education on school law knowledge of Virginia Public School ADs. Respondents were asked to indicate their highest level of education. There were significant results limited to the hazing/sexual harassment subsection. The 40 ADs with a bachelor's degree, 69 ADs with a master's degree, and 24 ADs with a Master's plus 30 credits completed a school law assessment subsection on hazing/sexual harassment.

**Hazing/sexual harassment subsection.** The overall analysis of variance showed that the groups exhibited significant differences in school law knowledge on the hazing/sexual harassment subsection ( $F(2, 130) = 5.0, p = 0.0084$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 0.071 percent of the overall variability in ADs' knowledge of school law on the hazing/sexual harassment sub section. Individual group comparisons using the Tukey-Kramer test showed significant differences between three groups. The results showed that ADs with a master's plus 30 credits scored 7.25 and ADs with only a bachelor's degree scored 6.6, which was statistically significant ( $p = 0.0285$ ), with an effect size  $d = .65$ , indicating that ADs with a master's plus 30 credits scored 0.65 standard deviations higher than ADs with only a bachelor's degree. The 95% confidence interval for the difference was  $0.06 \leq \mu \leq 1.24$ . The results demonstrated that ADs with a master's plus 30 credits scored significantly higher than ADs with only a bachelor's degree on the hazing/sexual harassment subsection of the school law assessment.

ADs with a master's degree also scored significantly higher than ADs with only a bachelor's degree on the hazing/sexual harassment subsection of the school law assessment. The results showed that ADs with a master's degree scored 7.1 and ADs with only a bachelor's degree scored 6.6, which was statistically significant ( $p = 0.0151$ ), with an effect size  $d = 0.54$ , indicating that ADs with only a master's degree scored 0.54 standard deviations higher than ADs with only a bachelor's degree. The 95% confidence interval for the difference was  $0.09 \leq \mu \leq 1.0$ . The results demonstrated that ADs with a master's degree scored significantly higher than ADs with only a bachelor's degree on the hazing/sexual harassment subsection of the school law assessment.

**Summary of research question 2e.** ADs with a master's degree, and also ADs with a master's degree plus 30 credits scored significantly higher than ADs with a bachelor's degree on the hazing/sexual harassment subsection of the school law assessment. While significant, these results are limited to one subsection of the assessment. It is difficult to draw a logical explanation as to why there was a relationship with only one subsection of law, since the study cannot discern the subject the respondent's master's degree which may account for the respondents' higher score on the relevant subsection.

### **Research Question 2f**

What is the relationship between ADs knowledge of school law and their licensure in administration and supervision?

This research question investigates the impact of an AD's possession of VDOE licensure endorsement in Administration and Supervision the knowledge of school law of Virginia public school ADs. The 76 Virginia ADs with the administration endorsement and 64 Virginia ADs without an endorsement in administration were given the school law assessment.

**Student rights.** An independent t-test indicated that there were significant differences between the two groups on the students' rights subsection.

The results showed that ADs with an administrative endorsement scored 7.7 and ADs without an endorsement scored 6.7, for a difference of means of .93. (The two standard deviations were 1.6 and 1.8, respectively) A t-test comparing the two was statistically significant ( $t(138) = 3.22, p = 0.0016$ ). The measure of effect size, based on the ADs with an administrative endorsement standard deviation of 1.6,  $d = 0.58$ , indicating that ADs with an administrative endorsement scored 0.58 standard deviations higher than ADs without an administrative endorsement. The 95% confidence interval for the difference was  $0.4 \leq \mu \leq 1.5$ . The results demonstrated that ADs with an administrative endorsement scored significantly higher than ADs without an administrative endorsement on the students' rights subsection of the school law assessment.

In order to earn a VDOE endorsement in administration and supervision, one must have necessarily taken a graduate course for credit on school law. The independent t-test indicated that ADs with an administration and supervision endorsement only scored significantly higher than ADs without the endorsement on the students' rights subsection. This is a logical result, when one considers that most educational leadership programs are designed to prepare students to be principals. Therefore, one could presume that the majority of the coursework would be geared to general school law (e.g., student rights), and not athletic specific areas of the law (e.g. Title IX, hazing, etc.). Therefore, one could reasonable assume that ADs whom are licensed to be school administrators would score higher than ADs who have not taken the same requisite coursework.

### Research Question 2g

What is the relationship between ADs knowledge of school law and their type of legal training?

Independent t-test were conducted to analyze each of the four choices compared to respondents that did not select the choice. ADs could select all of the choices that applied to them. Their choices were 1) college/university course for credit, 2) school system workshop, 3) non-school system workshop, and 4) none.

**College/university course for credit.** 93 ADs indicated on the assessment that they had taken a college/university course for credit. 36 ADs indicated that they did not take a college/university class for credit. The results indicated that there were significant differences between these groups on the gender equity subsection. ADs who had taken graduate work scored 6.7 and ADs who did not take graduate work scored 7.3, for a difference of means of 0.6. (The two standard deviations were 1.3 and 1.1, respectively.) A t-test comparing the two was statistically significant ( $t(127) 1.99, p = 0.0487$ ). The measure of effect size, based on the “graduate work” ADs standard deviation of 1.3,  $d = 0.46$ , indicating that ADs without graduate work scored 0.46 standard deviations higher than ADs that had taken school law graduate work. The 95% confidence interval for the difference was  $0.003 \leq \mu \leq 1.18$ . The results demonstrated that ADs without graduate work scored significantly higher than ADs that had taken school law related graduate work on the gender equity subsection. This variable is only significant in one subsection of the assessment and is counter-intuitive. It is difficult to draw larger conclusions from this one significant variable.

**School system workshops.** This variable also had significant results for one subsection. In this instance, ADs that have taken a school system workshop scored significantly higher than



those that did not on the hazing/sexual subsection. The results showed that ADs that had taken a school system workshop scored 7.2 and ADs that have not taken a similar workshop scored 6.9, for a difference of means of 0.35. (The two standard deviations were 0.7 and 1.1, respectively.) An independent t-test comparing the two was statistically significant ( $t(132[114.8]) = 2.2, p = 0.0275$ ). The measure of effect size, based on the workshop ADs standard deviation of 0.7,  $d = 0.5$ , indicating that school system workshop ADs scored 0.5 standard deviations higher than ADs that did not attend a school system workshop ADs. In addition, the 95% confidence interval for the difference was  $0.04 \leq \mu \leq 0.67$ .

**Non-school system workshops.** There were several significant results when comparing those that have received non-school system training and those that have not. T-tests on this variable indicate that ADs that have taken non-school system workshops scored significantly higher than those that have not taken non-school system workshops on two subsections (student rights and gender equity) and on the total score.

The 47 ADs that have taken a non-system workshop and 93 ADs that have not taken the non-school system workshop were measured on the student rights subscale of the assessment. The results showed that ADs that have taken said workshops scored 7.8 and ADs that have not taken said workshop scored 7.0, for a difference of means of 0.7. (The two standard deviations were 1.4 and 1.8, respectively.) A t-test comparing the two was statistically significant ( $t(138) = 2.4, p = 0.0177$ ). The measure of effect size, based on the ADs that have taken a non-school system workshop standard deviation of 1.4,  $d = 0.5$ , indicating that ADs that have taken a non-school system workshop scored 0.5 standard deviations higher than ADs that have not. The 95% confidence interval for the difference was  $0.13 \leq \mu \leq 1.4$ , thus the ADs that have taken a non-

school system workshop scored significantly higher than ADs that have not taken a similar workshop.

ADs that have taken a non-school system workshop also scored significantly higher than their counterparts who did not take such a workshop on the gender equity subsection. Workshop ADs scored 7.3 and ADs that did not take a workshop scored 6.6 for a difference of means of 0.8. The standard deviations were both 1.5). A t-test comparing the two groups was statistically significant ( $t(127) = 2.8, p = 0.0055$ ). The effect size was  $d = 0.47$ , indicating that ADs that have taken non-school system workshops scored 0.47 standard deviations higher than ADs that have not. The 95% confidence interval for the difference was  $0.24 \leq \mu \leq 1.34$ , thus the ADs that have taken a non-school system workshop scored significantly higher than ADs that have not taken a similar workshop.

Lastly, the ADs that have taken non-school system workshops scored significantly higher on the total score than those that have not taken such workshops. The results showed that ADs that have taken the workshop scored 31.0 and ADs that have not taken the workshop scored 29.0, for a difference of means of 2.0 (The two standard deviations were 3.3 and 3.9, respectively.) A t-test comparing the two was statistically significant ( $t(127) = 2.9, p = 0.0042$ ). The measure of effect size, based on the ADs that have taken a non-school system workshop standard deviation of 3.3,  $d = 0.61$ , indicating that ADs that have taken a non-school system workshop scored 0.61 standard deviations higher than ADs that have not. The 95% confidence interval for the difference was  $0.65 \leq \mu \leq 3.38$ , thus the ADs that have taken a non-school system workshop scored significantly higher than ADs that have not taken a similar workshop.

**Summary of research question 2g.** The results demonstrated that school system workshop ADs scored significantly higher than ADs that did not attend the school system

workshop on the hazing/sexual harassment subsection. It is intuitive that those that attend a school system workshop regarding school law would score higher than those that did not. However, it is of note that the significant results are isolated to one subsection of the assessment. One possible explanation is that many school systems (and employers in general) provide training on identifying, reporting, and preventing sexual harassment. Therefore, while the content of the school system workshops is unknown, it is reasonable to infer that such reasons may be why ADs that reported attending school system workshops in pre-service training scored higher than those that did not.

ADs that have taken non-school system workshops scored significantly higher on two subsections and on the total score. This result is certainly more generalizable than the school system workshops. Respondents were not asked to indicate what type of non-school system workshop they attended. ADs that indicated they took a non-school system workshop were cross-referenced with their NIAAA level of certification. This cross-reference revealed that 54.3% (N=25) of ADs that took a non-system workshop have either their CAA or CMAAA certification. As will be reported in more detail later in this chapter, ADs with the CAA or CMAAA certification scored significantly higher than ADs without either certification. Therefore, it is possible that this variable was also influenced by the level of certification, which necessarily involves non-school system workshops on AD related school law.

### **Research Question 2h**

What is the relationship between ADs knowledge of school law and their methods for obtaining current school law information?

The survey asked ADs to indicate how they receive their current/updated school law information. This is important because law and legal precedents can change; therefore, ADs

must stay current in their legal responsibilities. Respondents could select as many choices as were relevant. Their choices were 1) school system training, 2) publications, 3) professional associations/conferences, and 4) none. The responses were grouped into two categories. The first category was ADs that used two or more of the above methods to stay current in school law relevant to their job description. The second category was for ADs that utilized one or zero methods to stay current in their field. An independent t-test was conducted to compare the two groups of ADs on the school law assessment. There were significant results on the total score of the assessment.

The 72 ADs that utilized 2 or more methods and 57 ADs that utilized 1 or fewer methods completed the school law assessment. The results showed that ADs utilizing two or more methods scored 30.3 and ADs using one or fewer methods scored 28.9, for a difference of means of 1.4. (The two standard deviations were 3.5 and 4.1, respectively.) A t-test comparing the two was statistically significant ( $t(127) = 2.09, p = 0.0386$ ). The measure of effect size based on the ADs using two or methods standard deviation of 3.5,  $d = 0.4$ , indicates that ADs that use two or more methods to stay current on school law scored 0.4 standard deviations higher than ADs that use one or fewer methods to stay current in school law. The 95% confidence interval for the difference was  $0.07 \leq \mu \leq 2.7$ .

The results demonstrated that ADs using two or more methods to stay current on legal issues scored significantly higher than ADs that used one or fewer methods on the total score of the school law assessment. One possible reason for this is an AD that actively uses more than one method to stay current is more than a passive participant in a conference, workshop, or in reading publications. If one is actively using two or more resources to stay current, they may have more of an active interest in both gathering and retaining that information.

## Research Question 2i

What is the relationship between ADs knowledge of school law and their membership professional organizations?

The study asked ADs to identify the professional organizations of which they members. ADs could select form the state and national ADs association (VIAAA and NIAAA respectively), the state and national school administrators association (VASSP and NASSP respectively), or other. For the purposes of analysis, the responses were coded as 1) member of the VIAAA and NIAAA, 2) member of only the VIAAA, 3) member of no organization, and 4) Member of “other” organization.

**Professional organizations.** The 89 ADs that are members of the VIAAA and NIAAA, 26 ADs that are members of only the VIAAA, 14 ADs that are members of no professional organization, and 4 ADs that are members of only “other” organizations completed the liability section of the school law assessment.

**Liability.** The overall analysis of variance showed that the groups exhibited significant differences in the liability subsection ( $F(3, 129) = 7.4, p = 0.0002$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 0.14 percent of the overall variability in the liability subsection.

Individual group comparisons using the Tukey-Kramer test showed significant differences between 3 groups. The results showed that ADs that were the members of only the VIAAA scored 9.0 and ADs that are not members of any professional organization scored 7.4, which was statistically significant ( $p = 0.0005$ ), with an effect size  $d = 1.2$ , indicating that ADs that were members of only the VIAAA scored 1.2 standard deviations higher than ADs that are not members of any professional association. The 95% confidence interval for the difference was

$0.56 \leq \mu \leq 2.58$ . The results demonstrated that ADs that are members of only the VIAAA scored significantly higher than ADs that are not members of any professional organization on the liability subsection of the school law assessment.

ADs that belong to the VIAAA and NIAAA also score significantly higher than ADs that are not members of any professional organization on the liability subsection. The results showed that ADs that belong to both the VIAAA and NIAAA scored 8.7 and ADs that are not members of any professional organization scored 7.4, which was statistically significant ( $p = 0.0014$ ), with an effect size  $d = 1.02$ , indicating that ADs that belong to both the VIAAA and NIAAA scored 1.02 standard deviations higher than ADs that are not members of any professional organization. The 95% confidence interval for the difference was  $0.39 \leq \mu \leq 2.15$ . The results demonstrated that ADs that belong to both the VIAAA and NIAAA scored significantly higher than ADs that are not members of any professional organization on the liability subsection of the school law assessment.

***Professional organizations.*** The 86 ADs that are members of the VIAAA and NIAAA, 25 ADs that are members of only the VIAAA, 14 ADs that are members of no professional organization, and 4 ADs that are members of only other organizations completed the gender equity section of the school law assessment.

The overall analysis of variance showed that the groups exhibited significant differences in the gender equity subsection ( $F(3, 125) = 6.44, p = 0.0004$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 0.13 percent of the overall variability in the gender equity subscale. Individual group comparisons using the Tukey-Kramer test showed significant differences between two groups. The results showed that ADs that are members of both the VIAAA and NIAAA scored 7.16 and ADs that are not members of

any professional organization scored 5.57, which was statistically significant ( $p = 0.0012$ ), with an effect size  $d = 1.03$ , indicating that ADs that are members of both the VIAAA and NIAAA scored 1.03 standard deviations higher than ADs that are not members of any professional organization. In addition, the 95% confidence interval for the difference was  $0.50 \leq \mu \leq 2.68$ . The results demonstrated that ADs that are members of both the VIAAA and NIAAA scored significantly higher than ADs that are not members of any professional organization on the gender equity subsection.

**Total score.** The 86 ADs that are members of the VIAAA and NIAAA, 25 ADs that are members of only the VIAAA, 14 ADs that are members of no professional organization, and 4 ADs that are members of only other organizations completed the full school law assessment.

The overall analysis of variance showed that the groups exhibited significant differences in total score on the school law assessment ( $F(3, 125) = 4.7, p = 0.0037$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 10.2% of the overall variability in total score on the school law assessment. Individual group comparisons using the Tukey-Kramer test showed significant differences between three groups. The results showed that ADs that are members of both the VIAAA and NIAAA scored 30.3 and ADs that are not members of any professional organization scored 26.4, which was statistically significant ( $p = 0.0015$ ), with an effect size  $d = 1.03$ , indicating that ADs that are members of both the VIAAA and NIAAA scored 1.03 standard deviations higher than ADs that are not members of any professional organization. The 95% confidence interval for the difference was  $1.20 \leq \mu \leq 6.67$ . The results demonstrated that ADs that are members of both the VIAAA and NIAAA scored significantly higher than ADs that are not members of any professional organization on the total score of the school law assessment.

In addition, ADs that are members of only the VIAAA scored significantly higher than ADs that are not members of any professional organization on the total score of the school law assessment. The results showed that ADs that are members of only the VIAAA scored 29.7 and ADs that are not members of any professional organization scored 26.4, which was statistically significant ( $p = 0.0367$ ), with an effect size  $d = 0.87$ , indicating that ADs that are members of only the VIAAA scored 0.87 standard deviations higher than ADs that are not members of any professional organization. The 95% confidence interval for the difference was  $0.16 \leq \mu \leq 6.49$ . The results demonstrated that ADs that are members of only the VIAAA scored significantly higher than ADs that are not members of any professional organization on the total score of the school law assessment.

**Summary of research question 2i.** In general, ADs that were members of the VIAAA (either only the VIAAA, or also as members of the NIAAA) score significantly higher on the school law assessment. This was true for two subsections (liability and gender equity) and the total score. Membership in professional ADs associations is a significant predictor of an AD's school law knowledge. Membership in other organizations do not have a significant relationship in this study on school law specifically related to an AD's job description. One possible reason for this relationship is the professional development opportunities provided by the professional organization.

### **Research Question 2j**

What is the relationship between ADs knowledge of school law and their certification through the NIAAA?

This research question investigates the impact of one's NIAAA certification level on Virginia public school ADs' knowledge of school law. ADs could select one of four choices to



best describe their level of certification through the NIAAA. Choices were 1) Registered Athletic Administrator (RAA), 2) Certified Athletic Administrator (CAA), 3) Certified Master Administrator (CMAA), or 4) none. Only 5 respondents possessed a CMAA, and those with the CMAA necessarily have passed the same requirements as the CAA exam. Therefore, the CMAA and CAA groups were combined.

**Student rights.** The 45 ADs with RAA certification, 50 ADs with CAA/CMAA certification, and 41 ADs with no certification completed the student rights section of the school law assessment. The overall analysis of variance showed that the groups exhibited significant differences in ADs' scores on the students' rights subsection ( $F(2, 133) = 6.85, p = 0.0015$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 0.093 percent of the overall variability in ADs' knowledge of school law pertaining to students' rights.

Individual group comparisons using the Tukey-Kramer test showed significant differences between three groups. The results showed that ADs with the CAA/CMAA certification scored 7.9 and ADs with no certification scored 6.7, which was statistically significant ( $p = 0.0016$ ), with an effect size  $d = 0.67$ , indicating that ADs with the CAA/CMAA certification scored 0.67 standard deviations higher than ADs with no certification. The 95% confidence interval for the difference was  $0.42 \leq \mu \leq 2.11$ . The results demonstrated that ADs with the CAA/CMAA certification scored significantly higher than ADs with no certification on the students' rights subsection.

There were also significant differences on the students' rights subsection between ADs with the CAA/CMAA certification and ADs with the RAA certification. The results showed that ADs with the CAA/CMAA certification scored 7.9 and ADs with the RAA certification scored

7.0, which was statistically significant ( $p = 0.0289$ ), with an effect size  $d = 0.5$ , indicating that ADs with the CAA/CMAA certification scored 0.5 standard deviations higher than ADs with the RAA certification. The 95% confidence interval for the difference was  $0.01 \leq \mu \leq 1.72$ . The results demonstrated that ADs with the CAA/CMAA certification scored significantly higher than ADs with the RAA certification on the students' rights subsection of the school law assessment.

**Gender equity.** The 44 ADs with the RAA certification, 47 ADs with the CAA/CMAA certification and 34 ADs with no certification completed the gender equity subsection of the school law assessment. The overall analysis of variance showed that the groups exhibited significant differences in the gender equity subsection ( $F(2, 122) = 4.6, p = 0.0118$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 0.07 percent of the overall variability in the gender equity subsection. Individual group comparisons using the Tukey-Kramer test showed significant differences between three groups. The results showed that ADs with the CAA/CMAA certification scored 7.4 and ADs with no certification scored 6.5, which was statistically significant ( $p = 0.0341$ ), with an effect size  $d = 0.56$ , indicating that ADs with the CAA/CMAA certification scored 0.56 standard deviations higher than ADs with no certification. In addition, the 95% confidence interval for the difference was  $0.05 \leq \mu \leq 1.67$ . The results demonstrated that ADs with CAA/CMAA certification scored significantly higher than ADs with no certification on the gender equity subsection of the school law assessment.

There were also significant differences on the gender equity subsection between ADs with the CAA/CMAA certification and ADs with the RAA certification. The results showed that ADs with the CAA/CMAA certification scored 7.4 and ADs with the RAA certification scored

6.5, which was statistically significant ( $p = 0.0253$ ), with an effect size  $d = 0.55$ , indicating that ADs with the CAA/CMAA certification scored 0.55 standard deviations higher than ADs with the RAA certification. The 95% confidence interval for the difference was  $0.8 \leq \mu \leq 1.59$ . The results demonstrated that ADs with the CAA/CMAA certification scored significantly higher than ADs with the RAA certification on the gender equity subsection of the school law assessment.

**Total score.** The 44 ADs with RAA certification, 547 ADs with CAA or CMAA certification, and 34 ADs with no certification completed the entire 40 question school law assessment to test their overall knowledge of school law. The overall analysis of variance showed that the groups exhibited significant differences in their overall score on the school law assessment ( $F(2, 122) = 8.9, p = 0.0002$ ). Using  $\eta^2$  as a correlation-based measure of effect showed that differences among the groups accounted for 0.127 percent of the overall variability in the students' rights subsection scores.

Individual group comparisons using the Tukey-Kramer test showed significant differences between three groups. The results showed that ADs with the CAA/CMAA certification scored 31.4 and ADs with no certification scored 28.5, which was statistically significant ( $p = 0.0013$ ), with an effect size  $d = 0.76$ , indicating that ADs with the CAA/CMAA certification scored 0.76 standard deviations higher than ADs with no certification. The 95% confidence interval for the difference was  $1.01 \leq \mu \leq 4.86$ . The results demonstrated that ADs with the CAA/CMAA certification scored significantly higher than ADs with no certification on the total score of school law assessment.

ADs with the CAA/CMAA certification also score significantly higher than ADs with the RAA certification in the overall score of the school law assessment. The results showed that

ADs with the CAA/CMAA certification scored 31.4 and ADs with the RAA certification scored 28.7, which was statistically significant ( $p = 0.0015$ ), with an effect size  $d = 0.71$ , indicating that ADs with the CAA/CMAA certification scored 0.71 standard deviations higher than ADs with the RAA certification. The 95% confidence interval for the difference was  $0.91 \leq \mu \leq 4.49$ . The results demonstrated that ADs with the CAA/CMAA certification scored significantly higher than ADs with the RAA Certification on the total score of the school law assessment..

**Summary of research question 2j.** There is an overall significant relationship between an AD's level of certification and their knowledge of school law. ADs with a CAA/CMAA scored significantly higher than ADs with the RAA, and ADs with no certification. These significant relationships exist among the students' rights subsection, gender equity subsection and total score. ADs with the CAA certification are required to take 3 "Leadership Training Courses" (LTC) on school law related to interscholastic athletics. Each LTC class is 4 hours in classroom time. In addition, in order for an AD to receive the CAA certification, they must pass a certification test which includes, among other topics, school law related topics. ADs with the CMAA certification have met all the requirements of the CAA certification. Therefore, these data would suggest that the CAA certification has a significant positive relationship with ADs knowledge of school law. ADs with their CAA certification have significantly more knowledge of school law than ADs with no certification, and ADs with the RAA certification.

### **Summary of Key Findings**

This study had multiple parts to the two research questions. There were several variables that had statistically significant results; however, there were trends that warrant being highlighted. The purpose of this section is to spotlight these trends so that they stand out amongst all of the data; to connect the data points, thus telling the full story of the study.

## **NIAAA Certification**

ADs' certification through their national organization was explored in research question 2j. It is my opinion that this the most telling of the significant results determined through this study. Analysis of variance determined that ADs that have achieved the certification of CAA scored significantly higher than ADs that have not achieved the CAA certification on two subsections of the school law assessment and total score. Not only does this mean they scored higher than ADs without any certification, but they also scored higher than ADs with the RAA certification.

The requirements for RAA are easier for one to attain, and thus the RAA can be considered a lower tier of certification than the CAA. The RAA certification does not have a significant relationship to one's school law knowledge. An AD with the CAA certification has taken three LTC classes (12 seat hours) on school law related to athletic administration. In addition, they have passed a certification test which in part involves questions on school law related to athletic administration (NIAAA, n.d.). What is significant about this finding; however, is that it can be reasonably inferred that the requirements of the CAA program achieve (at least in part) the results the NIAAA intended. With all of the variance in the preparation and background of ADs, it is clear that Virginia ADs with the CAA certification are more knowledgeable of school law than those that are not CAA credentialed.

## **School Size**

There was also a strong relationship between school size and an AD's knowledge of school law. Schools were grouped by VHSL classification into two groups. The groups were small schools (VHSL Group 1A and 2A schools), and large schools (VHSL Group 3A-

6Aschools). Independent sample t-tests indicated that large schools performed better than small schools on three of the four subsections and on the total score of the school law assessment.

It is not reasonable to believe that the size of the school is inherently causal to school law knowledge. Further examination is needed in order to understand what about being an AD in a smaller school would lead to lower scores on the school law assessment. In review of the data collected through this study, ADs at big schools were more likely to have their CAA certification. This could be one reason why ADs at smaller schools do not score as well as big school ADs on the school law assessment.

Former VIAAA president, Melody Modell, shared that many small school ADs have many responsibilities in addition to athletic director such as teacher, coach and/or assistant principal. In addition, small school ADs are less likely to have any office staff to assist them. These are benefits that many larger schools enjoy (Personal communication with Melody Modell). Small school ADs often have more job responsibilities, and said duties can make them therefore less likely to take advantage of the professional development opportunities through the VIAAA and thus the NIAAA certification program. In fact, the VIAAA has recognized this phenomena, and started outreach programs and scholarships to assist small school ADs in becoming certified. The data bears out Ms. Modell's observation; small school ADs have certification at a lower rate than big school ADs.

### **Non-School System Workshops**

ADs' that utilized non-school system workshops for pre-service school law preparation scored significantly higher than ADs that did not on two subsections and the total score. The study did not ask the respondents to identify the non-system workshop; however, some inferences can be drawn. It can reasonably be assumed that the non-school system workshop

results are related to the significant relationship that exists between the CAA certification and school law knowledge. As mentioned above, the CAA certification requires a minimum of 12 seat hours of school law instruction in a “non-school system workshop”. It is hard to prove the direct link between the two variables; however, there does seem to be similarities. The similarities include the significant statistical results of the two variables, as well as the CAA requirements including non-school system workshops. Further study should be conducted to determine the exact types of non-school system workshops that have a significant impact on ADs’ knowledge of school law.

### **Professional Organizations**

Members of both the VIAAA and NIAAA scored significantly higher than non-members on two subsections, and the total score, of the school law assessment. This finding validates the role that the VIAAA and NIAAA play in educating their membership. It is hard to say based solely on this study which aspect of the professional associations benefits their membership. However, these data can become more relevant when examined alongside the data related to how ADs stay current in school law.

ADs that reported using two or more sources of information to stay current on school law scored significantly higher on the total score than ADs that use one or zero sources to stay current on school law related topics. The VIAAA and NIAAA each publish quarterly articles on school law topics, and host annual conferences which regularly feature school law topics. Membership alone in a professional organization does not mean that a member will read the publications and attend the conferences. However, membership does provide more opportunities for its members to become educated about school law than would be available to a non-member.

Lastly, the CAA certification is a function of the professional development plan of both the NIAAA, and the VIAAA. The organizations are structured so that non-members can take their courses, and exams. In relation to the professional organizations, members do not have to have a certification, and those with a certification do not have to have to be a member. However, taken together both the membership in the organizations, and the CAA are significantly related to ADs knowledge of school law. Table 4.11 shows the statistics for the key findings.



Table 4.11  
Key Findings

Certification	Subsection	Mean Dif.	Effect Size	Lower CL	Upper CL	p-Value
CAA/CMAA - RAA	Student Rights	1.2	0.67	0.42	2.11	0.0016*
CAA/CMAA - None	Student Rights	0.9	0.5	0.01	1.72	0.0289*
CAA/CMAA - RAA	Gender Equity	0.9	0.55	0.8	1.59	0.0253*
CAA/CMAA - None	Gender Equity	0.9	0.56	0.05	1.67	0.0341*
CAA/CMAA - RAA	Total Score	2.7	0.71	0.91	4.49	0.0015*
CAA/CMAA - None	Total Score	2.9	0.76	1.01	5.86	0.0013*
School Size	Subsection	Mean Dif.	Effect Size	Lower CL	Upper CL	p-Value
Big - Small	Student Rights	0.7	0.43	0.04	1.35	0.0386*
Big - Small	Liability	0.6	0.55	0.1	1.1	0.0113*
Big - Small	Gender Equity	1.2	0.85	0.6	1.7	<0.0001*
Big - Small	Total Score	2.5	0.7	1.1	4	0.0006*
Type of Preparation	Subsection	Mean Dif.	Effect Size	Lower CL	Upper CL	p-Value
Non-School WS	Student Rights	0.7	0.5	0.13	1.4	0.0177*
Non-School WS	Gender Equity	0.8	0.47	0.24	1.34	0.0055*
Non-School WS	Total Score	2	0.61	0.65	3.38	0.0042*
Meth. Stay Current	Subsection	Mean Dif.	Effect Size	Lower CL	Upper CL	p-Value
2+ Methods	Total Score	1.4	0.4	0.07	2.7	0.0386*

\* indicates significant results at 0.05 confidence level

## **CHAPTER V DISCUSSION OF FINDINGS**

This chapter will summarize the results of the study and place the results in the context of the literature related to educators' knowledge of school law. This chapter will make recommendations for future studies, changes in school district policies, and changes to VDOE licensure. It is the hope that these recommendations build upon the body of research, help to professionally develop ADs, and limit ADs' and schools' exposure to risk by promoting legal literacy amongst ADs.

### **Summary of Study**

There have been numerous studies on various educators' knowledge of school law; however, none of these studies have measured ADs' school law knowledge. ADs are generally charged with the administration of a school's athletic program. The nature of such a job invites a level of risk to both the AD and the school division (Green, 2012). Curiously, ADs do not have a consistent preparation path across the Commonwealth of Virginia. Therefore, it is difficult to compare them to groups that have already been studied such as teachers, counselors, or principals. In some school districts in Virginia, ADs are required to be credentialed similar to assistant principals. In other Virginia jurisdictions, ADs only need to be licensed as a teacher. Therefore, there is a large variance in the preparation path for ADs across the Commonwealth of Virginia.

This study was designed to determine to what extent Virginia ADs were knowledgeable on the area of school law that impact the roles of ADs. In addition, the study set out to establish what variables have a significant relationship to an AD's school law knowledge. Determining said relationships can help building a baseline of legal knowledge amongst Virginia ADs. The following research questions were created:

1. To what extent are interscholastic ADs in the Commonwealth of Virginia knowledgeable about the law related to issues that commonly arise in the activities overseen by ADs?
2. What is the relationship between AD's knowledge of school law and
  - a. Age
  - b. Years of experience
  - c. Size of school district
  - d. Setting of school district
  - e. Level of education
  - f. Administrative and supervision endorsement
  - g. Type of legal training
  - h. Methods for obtaining current school law information/updates
  - i. Membership in professional organization(s)
  - j. Certification level through the National Interscholastic Athletic Administrators Association (NIAAA)

A school law assessment was created to answer these research questions. Part I of the assessment asked demographic questions. Part II of the assessment contained 40 true/false questions related to school law. The questions were tailored to areas of school law relevant to ADs' job responsibilities. The 40 questions were divided into four subsections of ten questions. The subsections related to the topics of student rights, liability, hazing/sexual harassment, and gender equity. Literature was used to create the assessment. Where practicable, questions were re-used from previous studies. However, since this study was designed to study ADs, not all of the questions in past studies were relevant for this assessment. The assessment contained "true"/

“false” questions, with the third option of “don’t know”. The “don’t know” responses were used to limit false positive answers for guessing.

The survey had a response rate of 45.9 (N = 140). JMP Statistical software was used to analyze the survey data. Pearson correlations, independent t-tests, and analysis of variance (ANOVA) were used as appropriate. Data analysis indicated that there were significant relationships between demographic variables and an AD’s school law knowledge.

### **Summary and Discussion of Findings**

#### **Research Question 1**

To what extent are interscholastic ADs in the Commonwealth of Virginia knowledgeable about the law related to issues that commonly arise in the activities overseen by ADs?

Virginia ADs had an overall mean score of 74.3% on the school law assessment. ADs scored the highest on the liability subsection 86%. The lowest mean score was on the gender equity subsection, in which ADs scored 68%. It is difficult to compare the results of ADs on this assessment to the results of other professions because this study used different instrumentation. For example, Power (2007), and Ivey (2008) studied special education law. Therefore, their assessment focused on areas such as least restrictive environment, due process etc. Rawls (1997), and Czarnecki (2010) focused on counselors’ knowledge of school law. As a result, their assessment measured their knowledge on counselor specific areas such as student confidentiality. Eberwein’s (2008) study focused on the principalship; therefore, his assessment contained a section on teacher rights.

The design of the instrument also makes comparison more challenging. Most of the studies on educators’ knowledge of school law are designed as “true”/“false” assessments. The addition of the “don’t know” selection choice in this study is different than the majority of the

other studies referenced. For example, Bounds (2000), and Eberwein (2008) used the “unsure” selection choice. Many studies of Virginia educators (e.g., Brabrand, 2003; Caldwell, 1986; Czarnecki, 2010; Ivey, 2008) used only the “true” or “false” selection choices. The use of “don’t know” or “unsure” lower the likelihood of false positive selections.

The mean scores of this study (74.3%) are similar to other studies of educators’ knowledge of school law. ADs scored highest on the liability subsection. This is notable because no previous study found by the researcher had liability as the highest subscale. In fact, three studies (Caldwell, 1986; Czarnecki, 2010; and Rawls, 1997) found their respondents to have the lowest score on liability. One possible explanation for this is that much of the ADs’ job description involves mitigation of risk (Beach, 2003; Green, 2012). Given these data, and the nature of the AD managing athletic programs, it is reasonable to assume that ADs are more knowledgeable in liability than other school employees.

### **Research Question 2a**

What is the relationship between AD’s knowledge of school law and age?

A Pearson correlation did not find any significant relationship between age and ADs’ school law knowledge. This is consistent with the vast majority of the literature. One becoming older is an inevitability of life. However, aging is not in and of itself causal to increasing one’s school law knowledge.

### **Research Question 2b**

What is the relationship between AD’s knowledge of school law and experience?

This study did not find a significant relationship to years of experience and school law knowledge in Virginia public school ADs. The literature is inconclusive on this variable. Bounds (2001), Czarnecki (2010), and Eberwein (2008) found a significant positive correlation,

while many other studies did not. It does seem logical that the longer someone has performed a job, the more knowledgeable about the various facets they would become. However, this study does not indicate that being the case for ADs. One can reasonably assume that in the case of ADs, just because someone has been performing a job for a period of time, does not mean that they are more knowledgeable regarding school law.

### **Research Question 2c**

What is the relationship between AD's knowledge of school law and school size?

The statistical analysis indicated that there is a significant relationship between the size of schools and ADs' knowledge of school law. Schools were combined into a small school and large school groups by VHSL classification. VHSL Group 1A and 2A were combined into the small school group. VHSL Group 3A-6A respondents were combined into the big school group. Independent sample t-tests showed that the big school group performed better on the school law assessment in three of four overall subsections, as well as the total score.

Few previous studies have found significant relationships between school size and educators' knowledge of school law. Eberwein (2008) did find that principals in larger schools performed significantly higher than principals in schools with smaller enrollments on a school law assessment. He theorized that a principal in larger schools, with more students, would have more opportunities to be exposed to legal issues. This theory would mean that exposure to potentially litigious situations would lead one to be more legally literate due to the nature of scales. In other words, experience is the best teacher.

One explanation may be that ADs' job description in small schools differ from that in big schools, in part because Virginia ADs do not have a consistent preparation path determined by the Virginia Department of Education (VDOE, 2011). Therefore, the certification process of

ADs in the Commonwealth of Virginia is determined by school district. The same is true of their normal duties. While principals have relatively the same preparation path and job description across Virginia, ADs have widely different daily job responsibilities outside of simply supervising the athletic programs. Research and anecdotal evidence suggests small school ADs are more likely to spend smaller percentages of their day on athletics than ADs in larger schools (Gray & Parks, 1991; personal communication with Melody Modell, 2016).

Anecdotal evidence also would suggest that the extra duties and budget constraints of small school ADs make it more challenging for them to participate in their professional association (Personal communication with Melody Modell, 2016). As will be discussed in more detail later in this chapter, membership in AD specific professional associations is a significant positive predictors of school law knowledge. In addition, ADs at smaller schools are less likely to be certified at the CAA level. ADs that have the CAA certification scored significantly higher on the school law assessment (which will be discussed in more detail later in this chapter). A suggestion for further research is to determine the precise causes for the significant gap in school law knowledge between ADs in small and large schools.

### **Research Question 2d**

What is the relationship between AD's knowledge of school law and school setting?

Analysis of variance was used to compare ADs from urban, suburban, rural and mixed setting school districts on the four subsections of the school law assessment, as well as the total score. The analysis of variance determined that mixed school ADs had a difference of means of 0.7 when compared to rural school ADs on the hazing/sexual harassment subscale. This result was statistically significant ( $p = 0.0250$ ). The results for setting were isolated to this one

comparison, and only on one subset; therefore, it is more likely that this is a statistical anomaly than a trend about setting that can be generalized to larger implications.

Brabrand's (2003) study of principals found similar results. Significant results were isolated to two groups on only one subsection of the assessment. Brabrand (2003) study showed there was a statistically significant difference between suburban school principals, and principals that identified their school districts as mixed suburban-urban-rural on one subsection of his school law assessment. Rawls (1997) study of counselors had similarly isolated results. The study concluded that rural schools performing significantly lower than the mean on the counselor/employment subsection, and suburban schools performed significantly higher on the student rights subsection.

Other studies of Virginia educators found that there was no significant relationship between school setting and school law knowledge (e.g., Caldwell, 1986; Ivey, 2008; Power, 2007). Conversely, Eberwein (2008) found that urban principals scored lower on the school law assessment than rural and suburban principals, but Eberwein concluded that this finding was not caused by the nature of the setting. Urban principals were also less likely to engage in ongoing school law training, which was a significant predictor of school law knowledge on his assessment.

Therefore, this finding is likely not to be one of the important results of the study. Significant relationships exist; however, they are limited in scope. A review of literature shows similar findings from various studies. School setting is either not significant, or generally significant within a small number of groups on isolated subsections of law. It is much more likely that these statistically significant findings are random occurrences attributable to chance.



**Research Question 2e**

What is the relationship between AD's knowledge of school law and level of education?

A one way analysis of variance determined that ADs with a master's, and ADs with a master's plus 30 credits scored significantly higher on the hazing/sexual harassment subsection. This is another example of isolated results on the assessment. Rawls (1997) also found an isolated result on level of education in counselors. He found a significant relationship on one subset of school law, counselors and employment. In particular, counselors with a bachelor's degree scored significantly lower than all other groups, and counselors with a doctorate scored higher than those with a master's degree on this one subscale. The literature on the impact of level of education is mixed. Many studies have involved principals or district level administrators. In Virginia, the respondent of such studies would necessarily have a master's degree at a minimum, thus making the comparison difficult. Eberwein (2008) found that principals with a doctorate scored significantly higher than those without. However, he attributed this more to their ongoing professional development rather than the nature of the degree. The finding of this research question is in line with the majority of the literature. There is not a large scale, generalizable trend between an ADs' highest degree earned and their school law knowledge.

**Research Question 2f**

What is the relationship between AD's knowledge of school law and one's VDOE endorsement in administration and supervision?

The literature demonstrates that school administrators are more knowledgeable about school law than teachers (Bounds, 2000; Eberwein 2008). Therefore, one could expect that ADs with an administrative endorsement would perform better than ADs without an administrative

endorsement on a school law assessment. An independent t-test found that ADs with the administrative endorsement scored significantly higher than those without the endorsement only on the student rights subsection.

On the surface this would seem to be another example of results isolated to one subsection of the exam. However, these results are logical upon deeper examination. One must take school law coursework to be licensed as an administrator in Virginia. Generally, school law that is covered in coursework for aspiring school administrators is largely related to student rights (Hess & Kelly, 2007). However, this survey instrument was designed to test ADs' knowledge of school law as related to their job requirements. Many of the topics covered in this assessment (gender equity, liability, etc.) are not covered in the depth that student rights are discussed in many administrative licensure programs. The fact that ADs who have an endorsement in administration and supervision only scored significantly higher on the student rights section does seem logical.

### **Research Question 2g**

What is the relationship between AD's knowledge of school law and type of legal training?

This research question investigated ADs' school law knowledge as related to their method of preparation. Respondents could select as many options as applied from the following choices. 1) college/university class for credit, 2) school-system workshop, 3) non-school system workshop, 4) none, and/or 5) other. Statistical analysis of this survey instrument indicated that ADs that took a college/university course for credit scored significantly lower than ADs who did not take a college/university course for legal preparation on the gender equity subsection. As surprising as that may seem, Czarnecki (2010) found similar results. His study found that

counselors' preparation that did involve a college/university class scored significantly lower on two subscales (counselor/employee, and special education respectively) of the assessment as well as on the total score.

There is no apparent logical explanation as to why both of these studies have found that educators that took a college/university class for credit would score significantly lower than those who have not. Other studies have found no significant relationship between these variables. What is clear is that pre-service legal training involving only a college/university course for credit is not effective for being the sole source of legal training for ADs.

This study also found that ADs who have taken a school system workshop are more knowledgeable about hazing/sexual harassment law than those who have not. This significance performance on this strand does seem logical in that many school systems specifically, and employers in general, train employees in sexual harassment awareness. However, that is only an educated guess because ADs did not indicate the content of their training system preparation training that may result in the stronger performance on the hazing/sexual harassment subsection.

The most notable result on this research question is the relationship between non-school system training and school law knowledge. ADs that indicated they received school law preparation through non-school system workshops scored significantly higher than those that do not on two subsections (student rights, and gender equity), and the total score. Respondents did not indicate who offered the school system workshop. It is reasonable to assume many of these non-system workshops are affiliated with the VIAAA and/or NIAAA. There is a statistically significant relationship with membership in the VIAAA and NIAAA (research question 2i), CAA certification (research question 2j), and both the VIAAA and NIAAA offer many legal workshops annually.

These data indicate that the legal knowledge needs of ADs are not being met by typical university coursework or by the very school districts that employ the ADs. However, non-system workshops have provided the most relevant and statistically significant training opportunities for ADs. The VIAAA and NIAAA has filled the void and provided impactful professional development related to legal issues.

### **Research Question 2h**

What is the relationship between AD's knowledge of school law and methods for obtaining current school law information/updates?

The law is not static, so it is imperative that working educators stay current with legal trends as they develop. The survey instrument asked ADs to identify how they stay current in school law knowledge. Respondents could select as many choices as applied from the following selections: 1) school system training, 2) publications, 3) professional associations/conferences, 4) none. The data was then grouped into ADs that stay current using two or more sources, and ADs that only use one or no sources to stay current. An independent t-test showed that ADs whom use two or more methods to stay current in school law scored significantly higher on the total score than those that did not.

Similar findings have been found in the literature. Eberwein's (2008) study found that principals that have both pre-service training combined with in-service training scored higher than principals that had pre-service training alone. That is not the same premise of this research question; however, this study indicates that ADs that have sought out more than one method to stay current score significantly higher than those that only use one method. These data may also suggest that ADs that use more than one method to stay current are more of an active participant than those that only use one method (or no methods). It would logically make sense that an AD

that is more vested in his own legal development would perform better on a school law assessment.

### **Research Question 2i**

What is the relationship between AD's knowledge of school law and membership in professional organizations?

The literature shows that membership in professional organizations generally have a positive significant relationship with educators' knowledge of school law. Ivey (2008) found that the respondents that participate in professional development seminars scored significantly higher than those that did not. In addition, respondents that read professional organizations' publications and bulletins scored significantly higher than those that did not. Bounds (2000) found that his respondents that belonged to two or more professional organizations scored significantly higher than those that belonged to one organization. Additionally, those that responded to one organization scored significantly higher than those that did not belong to any organization. Rawls (1997) found that counselors that were members in a professional organizations scored higher than those that did not on the employment subsection only.

This study had findings consistent with the literature. ADs that belonged to both the VIAAA and the NIAAA scored significantly higher on two of four subsections (liability, and gender equity), and total score. ADs that were members of the VIAAA only scored significantly higher than ADs that are not members of any organization on the liability subsection.

Membership in the VIAAA and NIAAA also provides opportunities to participate in legal workshops and seminars, read quarterly publications related to school law, and provides a pathway to certification as will be discussed in research question 2j. All of these opportunities provided by the VIAAA and NIAAA are significantly related to higher school law knowledge.

**Research Question 2j**

What is the relationship between AD's knowledge of school law and one's certification level through the NIAAA?

The NIAAA offers three levels of certification for ADs. These levels are Registered Athletic Administrator (RAA), Certified Athletic Administrator (CAA), and Certified Master Administrator (CMAA). Only 5 ADs identified as CMAA, so for the purposes of this assessment, the CMAA were combined with the ADs with CAA certification. ADs with the CMAA have met all of the same requirements as the CAA but have also completed a leadership project that is not necessarily related to school law.

The study found that the group with their CAA/CMAA certification scored significantly higher than ADs with the RAA certification, and ADs with no certification on two subsections (student rights, and gender equity), and the total score. ADs that have completed the CAA certification have taken 12 seat hours of school law workshops (i.e., LTC courses), and passed a certification exam which has a portion of questions related to school law. This variable is unique to ADs, and has not been measured previously in the literature.

These findings may be related to those of Eberwein's (2008) study that showed principals that combined preservice training with in-service training scored significantly higher than ADs that only received pre-service training. This study did not have respondents identify when they received their CAA and/or take their three LTC classes. Further research on the timing of an AD's CAA certification may see if ADs have a similar relationship to preservice/in-service training as Eberwein (2008) found with principals.

These data may seem intuitive given the CAA certification indicates that ADs have taken coursework specific to school law. However, the literature has demonstrated that other methods

of school law instruction such as college/university courses, and school system workshops, have limited to no impact on educators' knowledge of school law. Therefore, these findings are significant because they show a statistically significant relationship between ADs who are certified and their knowledge of school law. Therefore, the NIAAA has created a process in order to educate ADs of their legal duties that is valid.

### **Recommendations for Future Research**

1. The study should be replicated in other states to determine if the same trends exist outside of the Commonwealth of Virginia.
2. Further research should be conducted on the differences between ADs in small school and large school ADs, and how those differences impact ADs school law knowledge.
3. Further research should be conducted on ADs with the CAA certification, and see if the timing of their certification (pre-service or in-service) is related to their school law knowledge.
4. Further research should be conducted on what types of non-school system workshops have the most significant impact on ADs school law knowledge.
5. Further research should be conducted to determine what benefits of VIAAA and NIAAA membership have the most significant impact on their school law knowledge.

### **Recommendations for School Districts**

1. School districts should provide professional development specific to the legal responsibilities to their ADs.
2. School districts should require ADs to attain the CAA certification from the NIAAA.
3. School districts should require their ADs to become members of the VIAAA and NIAAA.

### **Recommendations for the Virginia Department of Education**

1. The Virginia Department of Education should provide certification requirements for ADs that requires either:
  - a. A graduate-level certification program modeled after the NIAAA or
  - b. Adopt the CAA requirements for licensure as a Virginia AD.

### **Conclusion**

The results of this study indicate that there is a wide variance in ADs' school law knowledge across the Commonwealth of Virginia. This study has identified several variables that impact ADs' knowledge of school law such as school size, level of certification from the NIAAA, and an ADs' membership in professional associations. It becomes apparent when examining these data is that the NIAAA/VIAAA and their programs (e.g., publications, conferences, and certification) have a significant positive impact on ADs and their knowledge of school law related to their daily job responsibilities. These data do illustrate that the ADs' professional associations (NIAAA and VIAAA) have generally filled the void in training ADs in legal topics that are relevant to their job descriptions. This study indicates that in terms of legal knowledge, the professional associations are largely serving the purpose that they set out to do. They provide a basis of continuity, professional development, and training due to the disparity in preparation and professional development throughout the United States.

Furthermore, this study highlights that both the VDOE, and local jurisdictions are generally not meeting the legal literacy needs of the ADs. The VDOE does not have a licensure requirement for ADs, making preparation inconsistent across the Commonwealth of Virginia. Therefore it is up to each jurisdiction to develop qualifications for the AD positions, as well as job descriptions for their ADs. Some jurisdictions have few pre-requisites for their AD



candidates. Some school districts have determined to license ADs like assistant principals. Some districts have their ADs only supervise athletics, while some districts have ADs that may teach several classes, or have other time consuming duties. While further study is needed, additional duties for ADs in smaller schools is one possible reason why they scored significantly lower than ADs in larger schools.

To put it bluntly, these data suggest that school districts are not adequately educating their ADs in terms of legal literacy. For example, in addition to the above, ADs that attended school system workshops only performed better on one subset of school law. It can be inferred from this study that many Virginia districts approach the legal training of their AD(s) literacy is like putting a square peg in a round hole. Training is either not offered, or not tailored to the job description.

School districts owe a debt of gratitude to the NIAAA and the various state associations for filling this void that many districts have neglected. It is my research based recommendation that in absence of action on the part of school districts and the VDOE, ADs become active members in their professional associations, become certified through the national association, and stay current on legal changes through conferences and publications.

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## APPENDIX A

### Consent Form

Dear Colleague,

I am a fellow High School Athletic Director (AD) at McLean High School, a VHSL member school in McLean, VA. I am currently working on my doctorate at Virginia Tech. My area of research is assessing ADs' knowledge of school law. Unlike most Virginia educators, the Virginia Department of Education does not have unified licensure requirements for ADs. As a result, there is no requirement in Virginia for ADs to take coursework on school law. The purpose of this survey will be to help determine to what extent ADs are knowledgeable of school law, and what background factors have a significant relationship to one's knowledge.

This survey has been sent via email to all public high school ADs in the Commonwealth of Virginia. You can complete this survey using the secure link: [LINK]

A donation of \$1 will be made to the *Jimmy V Foundation for Cancer Research* for every completed survey.

The survey consists of 10 demographic questions, and 40 True/False questions regarding school law specifically related to the essential job function of ADs. Completing the survey should take no more than 20 minutes. The questions have been approved by the Virginia Tech Institutional Review Board (IRB). Your answers will be identifiable on by IP address; however, all answers will be kept confidential. At no time will the researchers release the results of the study to anyone other than individuals working on the project without your written consent. It is possible that the IRB may view this study's collected data for auditing purposes. The IRB is responsible for the oversight of the protection of human subjects involved in research.

The risk for participating in this survey is minimal. Legal literacy helps educators and school districts avoid time consuming and costly litigation. The goal of this survey is to identify specific factors which impact one's knowledge of school law. Identifying these factors will ideally lead principals, school divisions, the VDOE, and/or the NIAAA to develop a framework for school law education for ADs. No promise or guarantee of benefits has been made to encourage you to participate.

Participation is completely voluntary, and you may stop taking the survey at any time. If you should have any questions about the protection of human research participants regarding this study, you may contact Dr. David Moore, Chair Virginia Tech Institutional Review Board for the Protection of Human Subjects, telephone: (540) 231-4991; email: [moored@vt.edu](mailto:moored@vt.edu). By clicking on the survey link, you consent to participate in the survey.

Thank you,

Jim Patrick  
Director of Student Activities, McLean HS  
Doctoral Student, Virginia Tech

## APPENDIX B

### School Law Survey for Virginia ADs

#### Part I: Demographic and School Information

1. What is your age?
  - a. 21-25
  - b. 26-30
  - c. 31-35
  - d. 36-40
  - e. 41-45
  - f. 45-50
  - g. 51-55
  - h. 56-60
  - i. 61+
  
2. How many years has your primary job been athletic/activities administration?
  - a. Please enter \_\_\_\_\_
  
3. What VHSL classification is your school?
  - a. 1A
  - b. 2A
  - c. 3A
  - d. 4A
  - e. 5A
  - f. 6A
  
4. Which of the following best describe you school's community?
  - a. Urban
  - b. Suburban
  - c. Rural
  - d. Mixed: Urban/Suburban/Rural
  
5. What is the highest degree you have earned?
  - a. Bachelor's
  - b. Master's
  - c. Master's + 30 or Educational Specialist
  - d. Doctorate
  - e. Other: Please explain: \_\_\_\_\_
  
6. Do you hold a Virginia license endorsement in Supervision and Administration?
  - a. Yes
  - b. No
  
7. What type of school law preparation did you receive (check all that apply)
  - a. College/University Course for credit
  - b. School system workshop
  - c. Non-school system workshop

- d.
  - e. None
  - f. Other (please specify in the space provided):\_\_\_\_\_
8. How do you receive **updated/current** school law information (check all that apply)
- a. School system training
  - b. Publications
  - c. Professional Association/Conferences
  - d. None
  - e. Other (please specify in the space provided):\_\_\_\_\_
9. Are you a member of the (Check all that apply)
- a. Virginia Association of Secondary School Principals (VASSP)
  - b. National Association of Secondary School Principals (NASSP)
  - c. Virginia Interscholastic Athletic Administrators Association (VIAAA)
  - d. National Interscholastic Athletic Administrators Association (NIAAA)
  - e. Other (please specify in the space provided):\_\_\_\_\_
10. Do you hold a certification from the National Interscholastic Athletic Administrators Association (NIAAA)?
- a. Registered Athletic Administrator (RAA)
  - b. Certified Athletic Administrator (CAA)
  - c. Certified Master Athletic Administrator (CMAA)
  - d. None

## Part II: School Law Questions

### Student Rights Issues

1. Coaches may lead team prayers before games as long as student participation is voluntary.
  - a. FALSE
2. Student athletes have unlimited constitutional rights as individuals to exercise free speech in public schools.
  - a. FALSE
3. In Virginia, random drug-testing of student-athletes is considered constitutional.
  - a. TRUE
4. Students may organize a gay and lesbian club if the schools allow other non-curricular clubs to meet.
  - a. TRUE
5. An Athletic Director's approval or disapproval of signage or other announcements made by student groups at school must be viewpoint neutral.
  - a. TRUE

6. School administration may punish a student for criticizing the principal on social media from their home computer, even if the criticism does not create a substantial disruption.
  - a. FALSE
7. School administration may prevent student-athletes from participating in athletics due to off-campus behavior.
  - a. TRUE
8. Coaches may limit the speech rights of their team members while they are participating in a team activity.
  - a. TRUE
9. School administrators may prohibit students with disabilities from participating on school teams if their participation will lead to safety risks and/or fundamental changes to the rules.
  - a. TRUE
10. Coaches can discipline team members who refuse to stand and face the flag during the pre-game national anthem.
  - a. FALSE

#### Liability Issues

11. A student participating in athletic events assumes the risks and hazards that are obvious/inherent to the game.
  - a. TRUE
12. Courts have ruled that ADs and coaches have a duty to warn parents and student-athletes of the specific risks associated with sports participation.
  - a. TRUE
13. A student's injury, which could have been foreseen and prevented by the reasonable care of a coach, may constitute negligence.
  - a. TRUE
14. "Sovereign Immunity" should be considered a blanket defense to liability cases for public school ADs in Virginia.
  - a. FALSE
15. Schools can be held liable for damages that occur at school events occurring off-campus.
  - a. TRUE
16. Athletic Directors cannot be held liable for the negligent act of coaches under their supervision.
  - a. FALSE

17. Age should be the primary factor when coaches match student athletes in practice and competition.
- FALSE
18. A school will likely be found liable if it is found to have not taught proper technique, and the lack of instruction led to an injury.
- TRUE
19. SCENARIO: The JV girls' volleyball team is setting up the gym for practice at the end of the season. No coach is in the gym to supervise them. While setting up, one of the girls decides to show off her jumping ability by jumping over a row of chairs. Unfortunately, her foot hits the top of the chair and she spins and falls on her head. The fall breaks her spine and causes permanent paralysis. Because the coach had advised the team at the beginning of the season that they should not "horseplay", the coach and school would likely not be held liable by the courts.
- FALSE
20. The school administration has a legal duty to provide a safe environment for spectators, and should take action to prevent reasonably foreseeable hazards. Failure to do so may find the school liable of negligence.
- TRUE

#### Hazing/Sexual Harassment

21. Sexual harassment laws are only relevant in situations involving students of the opposite sex.
- FALSE
22. In Virginia, hazing is only a criminal act if there is bodily injury
- TRUE
23. Courts typically do not consider it hazing if those being "initiated" willingly participate.
- FALSE
24. In order to be considered "sexual harassment" by the EEOC definition, conduct must meet all three of the following categories: 1) unwelcome 2) contains words and/or actions of a sexual nature and, 3) cause harm to an individual.
- TRUE
25. One lewd joke is often enough for the courts to consider that a "hostile work environment" has been created.
- FALSE
26. School officials may be held personally liable for not stopping a student's sexual harassment of another student if the school official is deliberately indifferent to the victim's claims of being harassed.

- a. TRUE
- 27. Student on student sexual harassment that occurs on campus may be disciplined by school administration, but it is not a violation of the law.
  - a. FALSE
- 28. It is only legally considered “hazing” when the rite of initiation is carried out with freshman students.
  - a. FALSE
- 29. Coaches are not responsible for hazing that occurs off-campus.
  - a. FALSE
- 30. In Virginia, only coaches that are also teachers are considered “mandatory reporters” of child abuse.
  - a. FALSE

### Gender Equity

- 31. Title IX’s “substantial proportionality” clause states that the gap in spending between male and female sports must be no more than 5% in per-pupil dollars.
  - a. FALSE
- 32. Schools are compliant with Title IX if the total number of roster positions offered is within a 5% gap of each other, regardless of how many students actually participate.
  - a. FALSE
- 33. An AD’s hiring practices for coaches of female sports teams will likely be examined if the school is under a Title IX investigation.
  - a. TRUE
- 34. Schools must allow girls the opportunity to play on predominantly male teams if there is no female equivalent.
  - a. TRUE
- 35. In Virginia, boys may play on girls’ teams if there is no male equivalent (ex. Field Hockey).
  - a. FALSE
- 36. According to Title IX, it is permissible to prohibit a female from joining a contact sport, such as football, over concerns for her safety, provided the coach made the decision based upon her physical stature and the coach would make the same decision for a similarly statured male athlete (i.e. she was not cut due to being a female).
  - a. TRUE

37. Schools may prohibit females from participating in wrestling due to the likelihood of inappropriate touching between males and females.
  - a. FALSE
  
38. Substantial differences between “athletic benefits” of both genders which may include locker rooms sizes, field set-up requirements, and access to prime athletic facilities are areas that could likely result in a Title IX complaint.
  - a. TRUE
  
39. If the Department of Education’s Office of Civil Rights investigates your school for alleged Title IX abuses, their investigation is limited to the initial complaint.
  - a. FALSE
  
40. Having a pep band only perform at Football and Boys basketball games would likely be considered a Title IX violation, even if the pep band’s schedule is selected by the students.
  - a. TRUE