

VIRGINIA HIGH SCHOOL COUNSELORS AND SCHOOL LAW

by

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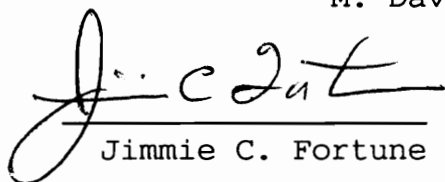
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Educational Administration

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(Abstract)

The purpose of this study was to assess the level of school law knowledge possessed by high school guidance counselors in the Commonwealth of Virginia in three specific areas: tort liability, counselors and their employment, and student rights. The study also sought to determine if the following independent variables significantly influenced school law knowledge: highest educational attainment level, where undergraduate degree was obtained (in or outside the Commonwealth), where counseling certification was obtained (in or outside the Commonwealth), years of experience in education, years experience as a counselor, membership(s) in professional organizations, if actively involved in the organization, type and recency of school law training, and demographic characteristics of the location where the counselor was employed.

A questionnaire was developed to collect demographic

information and to assess the level of school law knowledge possessed by Virginia counselors. Four hundred surveys were mailed randomly to counselors throughout the Commonwealth and 250 (62.5%) were returned.

The mean score on the total test was 42%. The mean scores for the three scales were as follows: tort liability (scale 1, 35%), counselors and their employment (scale 2, 48%), and student rights (scale 3, 37%).

Analysis of variance or independent t-tests were used as appropriate to determine if significant differences existed between knowledge of school law and the variables listed above. Significant differences were realized at the .05 confidence level for each of the following variables:

1. highest degree earned (scales 1 and 2),
2. where degree was obtained (scale 1),
3. membership in professional organizations (scale 2),
4. prior school law training (all three scales), and
5. demographic characteristics of counselor's employment (scales 2 and 3).

A significant difference was not indicated between knowledge of school law and any of the other demographic variables.

As reported earlier the mean score was 42% for the

entire test. The highest scale score was realized in scale 3 (48%) . The total score was similar to Dumminger (41%) who studied Virginia teachers and found teacher's school law knowledge to be less than adequate. In agreement with the Dumminger study, the school law knowledge possessed by Virginia high school guidance counselors was found to be less than adequate in the areas investigated.

## DEDICATION

To my family who have given me support and encouragement over the years. My wife Ritchie, and my children Aaron, Chris, and Katie have always been understanding of the time and effort needed to complete this dissertation and sacrificed much in the entire process.

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## Chapter I

### Introduction and Background

Due to increases in litigation that have occurred during the past decade, the need for all levels of school personnel to have a working knowledge of school law has never been more apparent. In most educational administration preparation programs, a semester course in school law is mandatory for degree completion and state certification. However, one position in the Commonwealth of Virginia that appears to have minimal training in school law is the high school guidance counselor. Hummel, Talbutt, and Alexander in referencing Callis (1979, p. 206) reported after examining catalogues from colleges and universities across the nation, that there were few courses offered in this area. In addition, it was found that the professional organizations representative of guidance and counseling offered little information in the form of articles from periodicals (1985, p. 21). McCrone, McCrone, and Payette (1987) stated "few graduate training programs in school counseling offer courses in legal issues of school law" (p. 206). After surveying eight of the thirteen colleges and

universities in the Commonwealth of Virginia (see Appendix A) to research school law preparation, it was discovered that little or no training in school law was available. Some institutions offered elective school law courses through the colleges of education, but few institutions surveyed offered a course in school law as part of their guidance and counseling curriculum.

The high school counselor deals with a plethora of issues and situations that could result in criminal or civil litigation. Davis and Ritchie (1993) stated "because school counselors are expected to deal with sensitive issues such as pregnancy, drug abuse, and suicide, it is likely that they will become more vulnerable to legal action" (p. 23). Fisher and Sorenson (1991) listed the most common activities guidance counselors experience that can lead to legal problems from malpractice suits:

- prescribing or administering drugs,
- giving birth control advice,
- making statements that might be defamatory,
- assisting in searches of student lockers, and
- violating the privacy of records (p. 42).

The areas listed above only partially fulfill the avenues whereby high school counselors could be legally

liable when performing their assigned duties. After reviewing the literature, there emerged common duties routinely conducted by counselors where state and federal statutes could be breached, thus increasing the susceptibility to civil liability litigation. The following areas are well documented as potential trouble domains for high school counselors: counseling suicidal students, issues of tort liability, ethical practices versus legal practices, confidentiality and privileged communication, counseling students with drug abuse problems, laws regulating the reporting of child abuse, issues in special education, testing and grouping of students, counselors' relationships with teachers and administrators, first amendment rights of counselors, legal principles of group counseling, students' rights relating to free speech and expression, and due process issues. These issues include areas where federal, state, and local statutes and regulations can be breached.

Not only do counselors need to be knowledgeable of state and federal guidelines, but knowing your district policy is necessary. Cormany and Brantley (1996) stated "Most important is to know your district's policies. Courts

permit district's wide latitude in establishing policy, but the staff members who ignore that policy leave themselves vulnerable to legal challenge and without the protection provided by the district's legal and financial resources".

Counselors need to know the scope of their responsibilities, as well as the limitations that guide counseling strategies. McCrone (1987) et al. made this observation about knowing the law as it pertained to job responsibilities of counselors:

A legally literate school counselor should be familiar with the language of the First Amendment on free speech; Fourth Amendment provisions on search and seizure; Eighth Amendment protection from cruel and unusual punishment; Nine Amendment privacy rights, as well as Fourteenth Amendment due process and equal protection provisions (p. 206).

Lack of knowledge about whether to interact with students in given situations or about their limits of professional involvement, ultimately hinders the counselor's level of decision making, thus diminishing job performance.

An alarming increase in litigation involving school employees has raised the awareness of school law issues in every hierarchial level of public instruction. Sheeley and Herlihy (1989) made this observation:

The civil liability crisis is one of the pre-eminent legal issues of the 1980's. Filing lawsuits seems to have become a natural position. The tort explosion, with unprecedented numbers of civil cases burdening the legal system and civil defendants, is symptomatic of an increasing trend to seek a judicial solution to every mishap. Judges and lawyers have expanded the legal concept of liability for emotional, physical, and financial injury far beyond its traditional limits (p. 90).

Not only is the knowledge of school law paramount for avoiding unnecessary litigation, but also constant updating of recent court cases that could influence decision making is necessary for counselors to maneuver themselves through issues that case law may alter. Snider (1985) made this observation about staying abreast of current case law: "The judicial system is not a static entity, rather it is in a state of constant flux. Specific applications of legal principles evolve as cases are heard and decisions are rendered" (p. 72).

The preparation program for guidance and counseling in Virginia college and university programs places a concentrated emphasis on ethical guidelines and practices. Counselors are guided by the Ethical Standards of the American Counselors Association (ACA) and the Ethical

Standards for School Counselors of the American School Counselors Association (ASCA) (Remley, 1985, p. 18).

Hopkins and Anderson (1990) stated, "just as courts have outlined the ethical guidelines and standards of care developed by the legal, accounting, and medical professions, a court could find that a counselor has breached his or her professional duty to a client on the basis of the counseling professions own internal ethical standards" (p. 8). But the guidelines set forth appear to be general and idealistic, seldom answering specific questions for the practitioner (Remley, 1985, p. 181).

The general guidelines of ethical practices guiding the counselor and conflicting issues of law further muddy the waters of the counselor's responsibilities. McCarthy and Sorenson (1993) commenting on this situation stated that, "although nearly everything counselors do has an ethical dimension, and much of what is done has legal implications as well, law and professional ethics are not necessarily congruent. Activities can be legal that may not be ethical ... and others may be ethical that are not necessarily legal" (p. 159). Huey, Salo, & Fox (1995) stated "It is only

through an active ongoing effort to remain current in ethical and legal trends that school counselors can find the best way to assist their client" (p. 397).

Public school counselors are regarded as teachers in the eyes of the court system, as opposed to licensed state mental health professionals. Although school counselors deal with student problems that approximate those of their private professional counterparts, they are not afforded the legal protection accorded professional counselors under state statutes.

The need for high school counselors to be knowledgeable in issues of school law is paramount. The sensitive issues in which counselors are involved, the opportunity to perform duties at the optimum level, the risk of legal sanctions and civil liability, the confusion between ethics and the law, and the dilemma that exists between the duties of the counselor as opposed to their professional mental health counterparts, reinforce the importance of an in-depth understanding of school law by counselors.

### Significance of the Study

Although counselors and others who work with students cannot hope to be intimately familiar with all laws and regulations applicable to their work, they do have an ethical responsibility to be aware of laws relating to students and, if working in schools to attempt to ensure that the rights of students are respected. In addition to this obligation, counselors must understand guiding legal principles controlling their work and the processes whereby our legal institutions address and resolve conflicts, and when to seek advice of lawyers. (Fisher and Sorenson, 1996, p. xix).

Obviously, counselors encounter a myriad of issues that have the capability of initiating legal action, either through statutory law or civil action. Herlihy and Sheely emphasized this point by stating: "In our increasing litigious society, the legal notion of civil liability for personnel injury has been expanding and now exceeds the traditional risk limits of a generation ago. The emerging attitude that someone is injured, therefore someone must pay, suggests that loss need not be with the victim" (1988, p. 203). Table I indicates the increases in litigation over time.

The most significant increase in litigation has been seen in cases of civil liability. "Civil liability, stated simply, means that one can be sued for acting wrongful

toward another, or for failing to act when there was a recognized duty to do so" (Hopkins and Anderson, 1990, p. 23). "Civil law generally includes everything that is not criminal in nature concerning the civil rights of individuals or other bodies. Violations of civil law are enforced by private persons bringing suit against the violators in a court of law" (1990, p. 6). Establishing guilt in a civil liability proceeding requires less burden of proof than in a criminal proceeding. If counselors are accused of breaching a state or federal statute, the evidence presented must be beyond a reasonable doubt. In civil liability cases only a 'preponderance' of the evidence needs to be established to find guilt (Snider, 1985, p. 67).

The results of this study will provide valuable research data that will determine if high school guidance counselors in the Commonwealth of Virginia are knowledgeable about issues related to school law. The sub-questions being investigated will suggest what demographic variables, if any, influenced school law knowledge. The results will help to determine if high school counselors need educating or re-educating in school law in order to improve work

performance, to avoid unnecessary litigation, and to instill confidence about decision making issues that have far reaching repercussions. The results will offer valuable information to college and university counselor preparation programs to determine if curriculums need to be restructured to provide additional training in school law. District superintendents may need to assess the results to determine the necessity for in-service programs for counselors to prevent embarrassing litigation and financial loss.

#### Statement of the Problem

The intent of this study was to gather data via survey research to assess the degree of legal knowledge high school guidance counselors in the Commonwealth of Virginia possessed regarding three specific areas of school law: tort liability, counselors and their employment, and legal issues associated with student rights. This study also addressed the question of how counselors acquired legal knowledge, and what demographic variables influenced the acquisition of school law.

### Purpose of the Study

The purpose of this study was to assess the degree of legal knowledge that high school counselors in the Commonwealth of Virginia possessed in school law in the three areas mentioned above and how this knowledge was acquired.

The study was also designed to determine if there was a relationship between knowledge of school law and the following demographic variables:

- type of school law training received, if any
- recency of school law training
- years of experience in education
- years of counseling experience
- membership in professional organizations
- active involvement in professional organization(s)
- state where degree was obtained
- highest degree obtained
- wealth of the school district, poverty level of student population, population density, and whether rural or suburban.

Table 1

Estimated Number of State and Federal Court Education Cases  
(1978 through September, 1984).

Periods	Total Cases	State Court Cases	Federal Cases
1789 - 1896*	3,096	3,046	50
1887 - 1906	2,304	2,289	15
1907 - 1916	3,060	3,038	22
1916 - 1926	4,464	4,420	44
1926 - 1936	6,324	6,257	67
1936 - 1946	5,544	5,456	88
1946 - 1956	7,203	7,091	112
1956 - 1966	4,420	3,691	729
1966 - 1976	8,112	4,626	3,486
1976 - 1984**	7,640	5,556	2,084
<b>Total</b>	<b>52,167</b>	<b>45,470</b>	<b>6,697***</b>
1985 - 1994**** Approx. 14,340 (Fed.& State Cases Combined)			

Sources: American Digest System (1658-1984), Century edition, First Decennial through Ninth Decennial editions, and the General Digest, 6 series, Federal Cases, 30 volumes. (1789-1880), United States Supreme Court Cases, vol. 68 and Pocket Part (1939-1971), West's Federal Practice Digest 2d, vol. 68 and Pocket Part (1978-1983), Clark Spurlock, Education and the Supreme Court (1955), Official Reports of the United States Supreme Court (1978-1984).

\* Note this is a 107 year period.

\*\* Note that this is an eight year period, based on the Ninth Decennial (1976-1981) and the General Digest, 6th series (1982-1964).

\*\*\* Includes cases decided by the federal district and appeals court of the Supreme Court of the United States.

\*\*\*\* Estimated number of education cases (including appeals) from West's Education Law Digest.

### Research Questions

The study was designed to assess the status of legal knowledge high school guidance counselors within the Commonwealth of Virginia possessed in three specific areas of school law: tort liability, high school counselors and their employment, and legal issues regarding student rights. The following sub-questions were also answered from the information gathered:

1. What percentage of Virginia high school guidance counselors have been exposed to training in school law (in-service, course), and does this exposure significantly affect acquired knowledge of school law?
2. Do years of experience in counseling and total number of years in education significantly affect knowledge of school law?
3. Do high school guidance counselors in the Commonwealth of Virginia who are members of a professional guidance and counseling, or educational organization possess a significantly greater knowledge of school law than

non-members? Do active members of these organizations possess a higher knowledge of school law than counselors who are not active members?

4. Does the educational attainment level of high school guidance counselors in the Commonwealth of Virginia and the state where certification was obtained affect school law knowledge?
5. Does recency of school law training affect school law knowledge?
6. Does the wealth of a school district, poverty level of student population, population density, and whether rural or suburban in district where counselor is employed, significantly affect the counselor's level of school law knowledge?

#### Collection of Data

An instrument was developed to assess high school guidance counselor's knowledge of school law based on three specific categories, 1) tort liability, 2) high school counselors and their employment, and 3) legal issues related to student rights. The instrument was developed in three

stages. First, a review of the literature was conducted to identify specific areas of school law in which high school counselors should be knowledgeable. Stage two consisted of identifying the three main categories listed above and then establishing sub-categories related directly to the main categories. Each sub-category was based on specific issues in which high school counselors could hypothetically be directly or indirectly involved in their daily job performance. The established list of categories was then reviewed by twelve high school guidance counselors, a professor at Virginia Polytechnic Institute and State University, and the director of guidance for Roanoke City Schools. Each respondent was asked to review the list of categories and sub-categories, and add or delete any areas they felt were representative or not representative of the counselor's responsibilities. Respondents were instructed to transfer any sub-categories they deemed better represented to another main category. (See Appendix B for letter sent to counselors.) A final list was developed that would be used to construct the test items for the testing instrument. (See Appendix C for a listing of all categories

recommended by counselors.)

Stage three consisted of developing the final survey instrument. From the list of topics mentioned previously, a series of questions were developed consisting of two questions from twenty-four of the topics identified in the literature review plus one additional question, totaling forty-nine. A few topics not used were issues affecting ethical practices rather than legal issues. The questions were field tested by ten middle school and sixteen elementary school counselors. (See chapter three for specific details.) The mean score for each test item was correlated with the scale score in each of the three scales. The item score that correlated the highest with the scale score was used as the final test item. The final test instrument developed consisted of thirty questions: seventeen true/false and thirteen multiple choice. The number of questions in each category were consistent with the number of topics chosen in each sub-category plus six additional questions that correlated highly with their particular scale score. Part three of the survey consisted of six questions in part one (tort liability), fourteen

questions in part two (counselor and their employment), and ten questions in part three (legal issues regarding student rights). The questions generated reflected findings in case law, state statutory law, and federal law and regulations.

In addition to the legal questions that were mailed to participants, the following demographic information was requested:

- state where endorsement was obtained
- educational attainment level
- years of experience in education
- years of counseling experience
- type of school law preparation
- recency of school law preparation
- membership in state or national counseling and/or education organizations, and
- active involvement in their respective organizations.

The information was randomly collected from five defined demographic areas of the Commonwealth. The demographics of each area will be discussed in chapter three.

Sample

The sample consisted of a random sampling of all high school guidance counselors in the Commonwealth of Virginia. There were 929 secondary guidance counselors in the state according to the 1993-94 FTE count recorded from the Financial Annual School Report from the State Department of Education. A sample of 209 was needed in order to satisfy the following specifications: level of confidence at .90, error tolerance of .05, and population variance of .5. The sample was calculated by using the parameters listed above. Four hundred surveys were mailed throughout the state and a nonresponse study was conducted to determine if the sampling was characteristic of the demographic areas being investigated.

All high schools in the state were divided into five clusters characterized by specific demographic variables. The five clusters were characterized in the following manner:

Cluster 1 Rural counties/small towns, sparse population, high percentage of students in poverty, lowest community wealth;

- Cluster 2 Densely populated core cities, high percentage of students in poverty, close to statewide average in community wealth;
- Cluster 3 Non-core cities and suburbanizing counties/small cities, population density near state average, low percentage of students in poverty, high community wealth;
- Cluster 4 Rural counties/small cities, sparsely populated communities, low percentage of students in poverty, high community wealth;
- Cluster 5 Large urban/suburban localities, state average population density, low percentage of students in poverty, and high community wealth.

All Virginia high schools were included in the study since there are fewer than 400 high schools in the Commonwealth. At least one survey was mailed to every high school in the Commonwealth and a predetermined number received two. The subjects were contacted by mailing the instrument directly to the principal of the school. (See

Appendix D for letter sent to principals.) The principal was instructed to randomly distribute a survey to one or two members of the guidance department if a random distribution was necessary. The survey distribution was designed to obtain a representative sample from all five clusters within the state. (See chapter three for further details.)

#### Treatment of the Data

Descriptive statistics were used to determine mean scores for the entire test, as well as each of the three scales being investigated. Standard deviations and variances were calculated to determine the distribution of scores for each sub-category or scale score and the final score. All test items were analyzed (item analysis) to determine how each item correlated with the scale score and the total score.

The one-way analysis of variance or independent t-test was used to determine if the differences in school law knowledge in each of the three categories were influenced by the dependent variables listed above.

### Delimitations of the Study

The study was limited to high schools in the Commonwealth of Virginia and only high school counselors were selected for the sample. Although there are other areas of school law, only three specific areas were used to test school law knowledge: tort liability, the counselor and their employment, and legal issues regarding student rights. Every effort was made to select representative and realistic issues from the three categories selected.

The instrument was designed to test school law knowledge of high school guidance counselors in the Commonwealth of Virginia, not guidance counselors' perception of school law, nor their degree of compliance.

### Limitations of the Study

1. There was no control over whether or not the respondents received assistance while taking the test.
2. The questions were evaluated based upon Virginia school law where appropriate.
3. The topics selected to be tested were those which the author deemed to be most relevant to counselors.

### Organization of the Study

This investigation will be presented in five chapters:

Chapter 1 introduces the problem, discusses the background and significance, and briefly summarizes the methodology

Chapter 2 outlines the relevant primary and related research and literature associated with the topic

Chapter 3 outlines the research design used in the study and the methodology utilized in the collection of data, as well as the statistical analysis used to explain results

Chapter 4 presents the findings of the research

Chapter 5 presents the conclusions and the recommendations for further research.

## Chapter II

### Review of the Literature

The literature review was organized into the following seven categories:

1. Law,
2. School Law,
3. Education and the Constitution,
4. Federal and State Court Systems,
5. High School Counselors and the Law,
6. Counselor Preparation Programs and the Law, and
7. Related Studies since 1980

#### Law

Laws came into existence as civilization became aware of the need for them. When thought of as guides to acceptable behavior, laws provided an alternative to brutality and violence as ways to settle disputes from the earliest time periods (O'Reilly and Green, 1983, p. 3). Common law is the law that emerges from the case decisions- case law" (Reutter, 1985, p. 1).

The Constitution of the United States is the basic law of the land. All statutes passed by Congress, state constitutions, state legislation, ordinances of local government units, and rules and regulations of boards of education are subject to the provisions of the Constitution (Reutter, 1985, p. 2). This document sets up a system of government comprised of three branches, all of which have delineated and limited powers. One portion of the Constitution, the Bill of Rights, describes individual freedoms and rights that all Americans possess (Carey, 1987, p. 19). When decisions are rendered in court cases in our system of Common Law, the judgements are based on the contents of the Constitution, and largely on the Bill of Rights.

Numerous definitions of the law have been written.

According to Black's Law Dictionary, law is:

That which is laid down, ordained, or established. A rule or method that according to which phenomena of action co-exist or follow each other. Law, in its generic sense, is a body of rules of action or conduct prescribed by controlling authority and having binding legal force. United States Fidelity and Guaranty Co. Guenter, (281 US 35, 50 S. CT. 165, 74L Ed. 683). That which must be obeyed and followed by citizens subject to sanctions or legal consequences is a law. Law is a

solemn expression of the will of the supreme power of the State. California Civil Code S 22.1 (Black, 1990, p. 884).

Carey's definition of law comes from a different perspective. He describes law as a means of controlling behavior. According to Carey:

Laws are rules of conduct which regulate and control human behavior and which are made and enforced by a government. Laws are passed for specific reasons to achieve objectives which a community, state, county, or reservation has decided are desirable for the well being of the society (1987, p. 16).

The body of law (federal and state) manifests itself in three types: 1) statutory law (written law which includes formal acts of a legally constituted body), 2) common or case law (previously mentioned), and 3) administrative law (formal regulations and decisions of various governmental agencies) (Hudgins and Vacca, 1995, p. 2). These three types of law are further divided into more specific classifications of law: public laws, those which affect relationships between individuals and government or society; private laws, those which deal with relations between individuals; criminal laws, which govern the relationships between individuals when such relationships are harmful to

society and therefore are punished; and civil laws, which govern relationships between individuals (Carey, 1987, p. 25). The last category of law, civil law, is what comprises the majority of law cases against school employees.

### School Law

The terms school law and education law are interchangeable in their meanings. The terms school law or education law are obtained by combining the definitions to attain a definitive meaning.

Black's Law Dictionary defines education in a broad dimension, as the term is applied to law:

Education comprehends not merely the instruction received at school or college, but the whole course of training; moral, religious, vocational, intellectual, and physical. Education may be particularly directed to either the mental, moral, or physical powers and faculties, but in its broadest and best sense relates to them all. Acquisition of all knowledge tending to train and develop the individual (Black, 1979, p. 461).

The entire concept of school law or education law is defined by Alexander and Alexander. Their broad definition is defined in the following selection:

The law of the school includes all those areas of jurisprudence that bear on the operation of public

elementary and secondary schools in the United States. School law as a field of study is a generic term covering a wide range of legal subject matter including the basic fields of contracts, property, torts, constitutional law, and other areas of law that directly affect the educational and administrative processes of the educational system (1984, p. 11).

School law and education law can be used interchangeably, although for the purpose of the research presented in this investigation, the term school law is used exclusively. These broad concepts of school law cannot be considered in isolation. Many areas of school law were conceived as a result of court cases that were not directly related to education (Reutter, 1982, p.10).

Laws in society are not static in nature. The laws of the land are constantly changing as the demands of society changes. Stelzer and Banthan (1980) stated that "The law is immutable, it changes all of the time. It is changing in the courts, in the U.S. Congress, and in the state legislature" ( p. 9). A constant shifting of legislation in federal, state, and local statutes along with decisions that mold case law make this a subject of constant change that requires frequent updating.

The part of school law that remains fairly constant is

its relationship to the Constitution and the structure of the courts in which it is interpreted (Dumminger, 1989, p. 26). These two concepts are discussed in the next two sections of this chapter.

### Education and the Constitution

"The Constitution of the United States is the basic law of the land. All statutes passed by Congress, state constitutions, state legislation, ordinances of local government units, and rules and regulations of boards of education are subject to the provisions of the Constitution of the United States" (Reutter, 1985, p. 2). But nowhere in the Constitution does it refer expressly to education. Because of this, education becomes a state function under the provisions for the Tenth Amendment which states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people" (Reutter, 1985, p. 2).

Alexander and Alexander (1985) stated :

The powers of the federal government are circumscribed

by delegation within the Constitution, which provides that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the people. Education is not mentioned in the Constitution and is, therefore, presumably reserved to the states or to the people (p. 57).

Although education is not mentioned in the Constitution and becomes a function of the states or the people, the federal government has become involved in education. The following lists parts of the Constitution that are interpreted to involve themselves directly in matters of education.

1. Article 1 Section 8 - the General Welfare Clause. This article makes it possible to tax for the general welfare of the citizens of the United States. The federal government can appropriate funds for education, but it cannot require educational changes (Alexander and Alexander, 1984, p. 58-59).

2. Article 1 Section 10 - The Commerce Clause. Alexander and Alexander (1984) made this statement: "Education can be affected by congressional action pursuant to this clause in many different ways, but most notably safety, transportation, and labor regulations have touched

education" (p. 50).

3. First Amendment - The First Amendment was designed to insure certain basic personal freedoms or civil rights. Freedom of religion, freedom of speech, freedom of assembly, and freedom of the press are all areas that impact education (Reutter, 1983, p. 3).

4. Fourth Amendment - Search and Seizure. This amendment protects the privacy of individuals and regulates searches (Alexander and Alexander, 1985, p. 785).

5. Fifth Amendment - This amendment provides protection for persons accused of crimes by providing due process to the accused. Also, this amendment provides protection to those individuals who own property that is taken for public use. The amendment provides for just compensation (Reutter, 1983, p. 4).

6. Fourteenth Amendment - This amendment defines citizenship and specifies certain privileges which citizens of the United States and others have. The section of the amendment which is most involved with education states that: "nor shall any State deprive any person of life liberty or property, without due process of law; nor deny to any person

within its jurisdiction the equal protection of the laws" (Reutter, 1983, p. 4). Both the equal protection clause and the due process clause have had wide interpretations in cases involving the administration of the public school system (Reutter, 1983, p. 7).

State constitutions form the basic law of the individual states. As stated by Reutter (1983), "State constitutions may require legislation to perform certain acts (such as establishing public education systems) and may forbid certain acts (such as using the state's credit to support private ventures)" (p. 6 and 7). The state constitution may not go against the provisions set forth in the Federal Constitution. When a conflict does exist between federal and state regulations, the federal regulation has precedent which is stated in the Supremacy Clause of the Constitution (Alexander and Alexander, 1985, p. 73-75).

The Constitution is the law of the land, and all other laws, regulations or statutes that exist are inferior. All laws that are enacted form a hierarchy of law that takes precedent when any regulation comes into conflict.

Regulations proposed at any level must not conflict with regulations at a higher level. Reutter (1981) makes this observation about the hierarchy of law that applies to the public schools: "No act of a body lower in the system can be inconsistent with higher authority properly exercised. The Federal Constitution heads the list, followed by federal statutes, state constitution, state statutes, regulations of the state-level educational agencies, and regulations of the local-level school authorities" (p. 2).

The constitutions and laws within each individual state are unique to that particular location. Some provisions however, are uniform throughout the United States. Stelzer and Banthan (1980) made this observation: "Nevertheless, there are obvious consistencies in the education system and education laws of the states. The Constitution and federal courts impose additional uniformities" (p. 9).

### Federal and State Court Systems

#### Federal Systems

The federal judicial system of the United States is a three tiered system: a relatively large number of trial

courts, a smaller number of intermediate appellate courts, and one final court of appeals (Fischer and Sorenson, 1991, p. 6). Each of these courts have specific duties and responsibilities. The trial courts, or The United States District Courts, hear the trials at the lowest federal level. The appellate courts, or the U.S. Court of Appeals reverses cases originally tried in the trial courts. The highest court in the land, The United States Supreme Court, is the final court of appeals and is given jurisdiction to hear controversies between states and cases involving foreign ambassadors and ministers (Hazard, 1978, p. 9).

The federal court system is limited to the types of cases it can hear by the provisions set forth in the Constitution. Article III, which defines the judicial power of the federal courts, says that this power extends only to cases concerning the Constitution and Laws of the United States (Fischer and Sorenson, 1991, p. 6).

The United States is divided into eleven judicial districts with each circuit having a court of appeals. The Court of Appeals is decided by three judge panels and the rulings are binding on the federal district courts within

its circuit (Hazard, 1978, p. 9). The U.S. District Courts are represented in all fifty states as well as five in various U.S. territories and have local jurisdiction as well as federal jurisdiction. In all there exists ninety-four trial courts throughout the states and territories (Curcio, 1981, p. 11).

Issues in education are highly affected by the decisions rendered by our federal court system. Hazard (1978) stated that "During the last two decades, cases involving segregation, flag-salute, church-state relations, and other civil-rights issues have been decided by the Supreme Court" (p. 8). Education is also influenced by the decisions of the courts when the Supreme Court refuses to hear a case. According to Reutter (1982),

The Supreme Court also influences education when it rejects a request that it review the decision of a lower court. Such a so-called "denial of (a writ of) certiorari leaves the opinion of the state appellate court or the court of appeals as the controlling word on the issue raised and binding on all lower courts within the jurisdiction of the lower court that ruled and persuasive to courts in other jurisdictions (p. 2).

A decision by the Supreme Court not to hear a case is saying that the decisions of the lower courts did not violate any

provisions of the Constitution or federal regulations.

The Supreme Court refuses to review lower court cases or upholds the decisions rendered by the lower courts 95% to 96% of the time. There exists only a few instances when the court cannot refuse to hear a case. One example of this is when a state court upholds a state statute which is believed to be inconsistent with the rights and privileges set forth in the federal constitution (Reutter, 1982, p. 3).

#### State Systems

Most state court systems consists of three levels very similar to the federal court system: trial courts, where cases begin; appellate courts, where most appeals from trial courts are heard; and the state supreme court of last resort, where the final decision in cases not dealing with a substantial federal question are made (Hazard, 1978, p. 7). Some states, however, do not adopt all three tiers of the system in which cases on appeal go directly to the court of last resort. According to Curcio (1981):

The highest court of each state, also referred to as the court of last resort because its ruling is final unless a federal question is involved, is called the State Supreme Court in most of the fifty states. . . in many states, there is an intermediate level of

courts between the trial and highest appellate courts (p. 14).

The lowest level of courts of the Commonwealth of Virginia is the general district courts and the juvenile and domestic relations courts. The next highest courts are the circuit courts. These courts are the highest trial courts and they are also authorized to hear civil appeals arising from the district courts (Curcio, 1981, p. 15). There exists in the Virginia Commonwealth 120 circuit courts, and all full time judges that preside in these courts are elected by a majority vote of the legislature and serve for an eight year term (Council of State Governments, 1987).

The intermediate appellate court is the Court of Appeals. There are ten appellate judges who are elected by the state legislature and serve for eight year terms (1987).

The Virginia Supreme Court is the court of last resort. Seven judges elected by the state legislature preside on this court and serve for twelve year terms (1987).

#### Counselors and the Law

Counselors are becoming an integral part of the

education system in both the lower and upper grades. The counselor is expected to perform many duties with a wide range of responsibilities. A knowledge of the law could mean the difference between job and financial security.

Fisher and Sorenson (1991) related reasons why counselors should have a background in school law knowledge:

As professionals they want to know how laws apply to them so they can function with more confidence in their relations with school administrators, teachers, students, and parents...Counselors are often sought out for by administrators, teachers, students, and parents. Such advice often relates to highly controversial matters that can be resolved or understood only if one considers the relevant educational, social-psychological, and legal issues involved (p. 182).

Counselors are involved in many aspects of the educational process that are guided by legal statutes, case law, or ethical guidelines. Many of these areas and circumstances were outlined in chapter 1 of this research document.

Tort cases are becoming more commonplace with regard to counselors. Alexander, Corns, and McCann defined tort as "any civil wrong independent of contract" (1969, p. 324). The tort that often affects high school counselors is the

tort of defamation. King (1992), in commenting on the increase of defamation cases, stated that, ". . . it appears that with regard to the tort of defamation, the courts are somewhat more receptive to hearing students' complaints. Although the case law reveals that students do not often prevail in such suits, the mere fact that courts are willing to listen to students' claims of defamation makes it important that those who work most closely with students, that is faculty and advisors, have some understanding of the basic elements of the tort of defamation as well as the case law where students have brought such charges" (p. 34-35). Defamation, as defined by King (1992), is "the tort of invading one's interest in one's reputation and good name" (p. 35). Slander and libel are the two forms of defamation; both are communicated to others and are injurious to one's reputation or good name. The main difference between the two is that slander is an oral expression and libel usually takes a written form (Fisher and Sorenson, 1991, p. 53). Defamation suits against counselors can occur through the written letters of recommendation for students, notes recorded in counseling sessions and shared with other

parties, comments in poor taste made about students, along with many other situations in a written or oral format that counselors incur with their job responsibilities.

Eades (1986) makes this statement concerning counselors and the tort of defamation:

It seems that while most of society has a right to speak, the counselor has a duty to speak in certain situations. Although there is this right and even a duty to speak, society also recognizes a right to privacy. This is a right to be left alone or not to be talked about. Thus, a school counselor or psychologists can be liable in an action for invasion of privacy or defamation (1986, p. 1).

The high school counselor can also be implicated in matters of civil liability in numerous ways that were discussed in chapter 1. They must have a basic understanding of the law as it relates to their duties and responsibilities as employees of the Commonwealth of Virginia.

#### Counselor Preparation Programs and the Law

Very little has been written about the high school counselor and preparation in issues of school law. Most practitioners recognize the importance of being informed

about issues of law in private practice as well as in the public school sector. Thompkins and Mehring (1993) made this observation about counselors being informed about legal issues that impact job performance: "The best defense is prior knowledge... Know the law as it applies to your local situation" (p. 340, 341). Sheely and Herlithy (1989) made this observation about malpractice litigation: ". . . continue your professional memberships, keep current with developments in the field, read the literature and upgrade your skills" (p.96). One of the recommendations that Remy (1985) makes is to "consult with other professionals before acting when difficult legal or ethical situations arise" (p. 187). Hummel, Talbut and Alexander (1985) listed the following guidelines to prevent legal problems:

1. Counselors should become familiar with federal and state laws concerning their profession.
2. Counselors should be familiar with state school department and local school regulations related to their work.
3. Counselors should become familiar with court decisions related to counseling.
4. Counselors should be familiar with and follow the ethical standards and guidelines offered by their professional organizations (p. 21, 22).

Little emphasis has been placed on school law

preparation in college and university degree programs. Callis (1979) declared that "there is a considerable body of knowledge of law that directly impinges on the practice of counseling. It is equally abundantly clear that counselors and counselor education programs are not conversant with this body of law. A perusal of professional journals (APGA and APA journals) reveals almost no articles dealing with this body of law. An examination of college catalogs reveals very few courses available to counselors on the topic" (p. 21). Van Hoose (1980) further elaborates on this issue: "... many people now working as full-time counselors have little understanding of the ethical implications of their work. These are serious omissions that must be dealt with if counseling is to receive the public acceptance and legal recognition necessary for true professional status" (p. 21).

In 1995, Rawls surveyed eight of the thirteen colleges and universities within the Commonwealth of Virginia who offer degree certification in guidance and counseling to assess the extent of courses that cover areas of school law (see Appendix A for a listing of the institutions who offer

certification in guidance and counseling, and a copy of the survey that was distributed). Of the eight institutions that responded, no one offered a required course in the guidance and counseling curriculum that was entirely devoted to issues of school law.

Three of the eight institutions reported that ethics and school law are taught as part of other courses within the curriculum in varying degrees. Respondents were asked to estimate the percentage of time devoted to issues of school law in these courses. The amount of time ranged from 2% to 15% of the course offering. Four institutions reported that school law was offered in their administration and supervision curriculum, and students enrolled in guidance and counseling had the opportunity to take these classes as electives. Since this survey, Virginia Polytechnic Institute and State University has offered a course in school law in the guidance and counseling curriculum.

#### Related Literature Since 1980

Based on an ERIC search from 1980 to the present, very

little has been written about high school guidance counselors and the law. An ERIC search yielded no studies that assessed high school counselor's knowledge of school law in the Commonwealth of Virginia.

Davis and Mickelson (1994) investigated ethical and legal aspects of counselors in Wisconsin. A sample of 300 elementary, middle and secondary counselors was drawn from a population of 1,700 subjects. The return rate for the study was 55% (165 completed surveys), and the participants closely resembled the profile of Wisconsin guidance counselors according to gender, age, experience, education level, and grade level. The instrument given was the Ethical and Legal Issues Questionnaire consisting of 35 items. Of the 35 items on the survey, 31 consisted of ethical or legal dilemmas that counselors might confront in performing their duties as a counselor in the Wisconsin public school system. All but two of the dilemmas were based on actual events presented to school counselors. Ethical codes and Wisconsin state statutes were also examined as possible dilemmas. The final four items on the survey asked participants to indicate their perceived

knowledge and understanding of ethical codes and state statutes and their current efforts to stay current with ethical and legal developments. Participants were asked to respond to the dilemmas by indicating Strongly Agree (SA), Mildly Agree (MA), Mildly Disagree (MD), or Strongly Disagree (SD) with the counselor's actions.

The results indicated that 65% of the participants' responses were in agreement with the preferred ethical responses or the correct legal responses. The participants demonstrated an understanding of the following ethical dilemmas: use of test scores, consultation with professional colleagues, consultation with teachers and parents, incidents involving clear and imminent danger. The legal aspects of counseling that posed no problems for the participants involved mandatory reporting of suspected sexual abuse, physical abuse, or both. For the remaining seven dilemmas that counselors had difficulty with (less than 50% agreement), five were legal issues and two were ethical issues involving matters of privacy; confidentiality and the parents' right to be informed, and testing.

The results of this study indicated that counselors in

Wisconsin are considerably more aware of ethical dilemmas as compared to state and federal statutes. This conclusion is based on the finding that five of the dilemmas found to be difficult for counselors focused on legal aspects of counseling, whereas only two involved ethical issues in counseling (p. 5-13).

Dimalta (1983) conducted a study to determine to what extent are directors of guidance knowledgeable of their legal rights, duties, and liabilities as they related to their management functioning. A 24 item questionnaire was administered to participants. Each item contained hypothetical situations with each situation having five possible responses, one being legally correct. Items were drawn from the areas of privileged communication, supervision, student records, civil liability, criminal liability, and the identification and placement of exceptional children.

An overall response rate of 62.5 was realized. The following results were obtained: the mean score was 9.74 with a standard deviation of 2.865 and a range of 2 to 17. As level of school law training increased, the directors

knowledge of school law increased (.05 level of significance). However, as the directors of guidance experience increased, the level of school law knowledge decreased at the .05 level of significance.

Wagner (1981) examined counselors' attitudes and practices toward confidentiality with topics such as written records, releases of information, and allegiance to the parent's right to know in spite of what the students' requested. The study involved 347 elementary, 423 middle, and 426 secondary school counselors randomly selected from Pennsylvania and New York. Some of the disturbing results in this study indicated that "some counselors tended to disclose information to the parents or guardians based on the counselor's general perceptions of what they believed parents and other adults ought to know rather than on the student's wishes. Also, counselors tended to make decisions concerning the release of information based on how they perceived the release of information would impact the students, rather than using sound ethical practices" (p. 42).

Blackman (1982) surveyed 102 colleges and universities

throughout the United States to assess the amount of school law that was taught at the graduate level. Seventy-six percent of the institutions responded, and of these 73% reported that one or more school law course was taught either in house or in cooperation with a law school. A course in school law was offered only in the school of education in 54% of the institutions.

The bulk of the research in assessing knowledge of school law for educators has been with teachers and administrators. Dumminger (1989) assessed the degree of school law knowledge of 382 (78.3 return rate) high school, middle school, and elementary school teachers within the Commonwealth of Virginia. The questions developed in this study were divided into three areas: tort liability, the teacher and his/her employment, and legal responsibilities regarding students. The teachers' training was analyzed as it related to the type and recency of school law training, membership(s) in professional teacher organizations, the type and number of degrees obtained (education/not education), the location where the undergraduate degree was obtained, and the number of years of teaching experience.

A thirty question test was developed consisting of fifteen true/false and fifteen multiple choice questions. The questions were designed to elicit responses that reflected legal areas, either criminal or civil, that teachers within the Commonwealth of Virginia might encounter.

The findings of the study indicated that teachers had a mean score of 41.08% for the thirty question survey. The scores on the sub-test were as follows: tort liability (24.7%), teachers rights (43.7%), and legal responsibilities regarding students (54.8%). A significant relationship ( $p < .05$ ) was indicated between teachers with training in school law and those without training. No significant difference between scores was found between inactive members or active members of a professional teachers organization. The number of degrees earned, the recency of training, the number of years of experience, or the state where a teacher earned his/her undergraduate degree did not significantly affect the knowledge of school law possessed by Virginia teachers. A significant difference at the .05 level was indicated between grade level taught and school law

knowledge. Vocational education teachers and special education teachers scored significantly higher than high school teachers. Elementary school teachers also scored significantly higher than high school teachers.

Menacker and Paracella (1983) surveyed Chicago public school teachers and administrators to assess their knowledge of education related to Supreme Court cases. The average score of the 299 participants on the ten question survey was 64.4%. There were no significant differences between teachers and administrators, or between elementary and secondary teachers.

Ogletree and Garrett (1981) surveyed 125 Chicago elementary and secondary teachers to assess their school law knowledge. The instrument consisted of a forty-four item questionnaire that included tort liability, tenure, student rights, church-state relations, and teacher-board relations based on Illinois school law. The findings indicated that teachers who had previous school law training in the form of a course in school law had a better understanding of the law in regard to the areas investigated than those who had no school law training.

Werling (1985) studied secondary teachers in the state of Indiana. A thirty question true/false test was the instrument used to assess school law knowledge in the areas of teacher tenure, pupil control, and tort liability. Three hundred and thirty surveys were mailed and a return rate of 71.8% was realized.

The findings of Werling's study were as follows.

1. A score of 80% or better was achieved by 10.6% of the respondents. The 80% level was defined by Werling to be a fair or good level of school law knowledge.

2. Teaching experience had no effect upon school law knowledge.

3. Educational training within the state of Indiana did not significantly affect the level of knowledge of Indiana school law.

4. There was no significant difference between those who had school law training and those who did not.

Caldwell (1986) surveyed Virginia elementary and secondary principals to assess their level of Virginia school law. The population for this study consisted of all K-12 principals throughout the Commonwealth of Virginia. A

stratified sample was distributed to each of the seven regions of Virginia. Three hundred and sixty-four surveys were mailed and 298 were returned.

Caldwell's instrument consisted of a 40 question true/false test of school law knowledge. The average score on the testing instrument was 78.1% and the scores ranged from 47.5% to 95%. The scores on the test were analyzed in relationship to specific demographic variables. The results of the findings are as follows:

1. There was no significant difference in the mean scores between knowledge of school law and the type of school law preparation.

2. There were no significant differences between administrators who recently received school law training and those who received training ten or more years ago.

3. There were no significant differences on the test with comparison to educational level of the principal.

4. There were not significant differences in mean scores throughout the seven identified regions of the state.

5. Finally, there was no significant difference between knowledge of school law and the amount of

administrative experience.

### Summary

School law is an ever changing entity that is not static in nature, but is constantly changing according to case law and decisions rendered. State statutes are different from state to state and are constantly being revised and sometimes changed.

Numerous references have been made as to the importance of school law knowledge of counselors in the public school sector. A working knowledge of school law will help high school guidance counselors avoid litigious situations, and help them protect their Constitutional rights. A knowledge of school law will also give counselors needed confidence to deal with the numerous complicated situations that occur in our high schools.

A review of the literature has produced little research dealing with the assessment of school law knowledge of guidance counselors in public schools in Virginia or throughout the nation. The study conducted in Wisconsin revealed that counselors in that state were moderately

knowledgeable about ethical dilemmas, but were not knowledgeable about legal problems that could arise from their employment. As stated in chapter 1, legal and ethical guidelines often conflict with one another.

As mentioned earlier in this chapter, little school law preparation is being conducted in Virginia to prepare counselors to be knowledgeable about federal and state statutes or local regulations that could affect job and financial security. The bulk of guidance and counseling preparation programs in Virginia, as they relate to civil liability, are almost entirely devoted to ethical practices. Not being knowledgeable of school law, as it relates to federal and state statutes and local policy and regulations, has far reaching consequences that can ultimately affect the school district, school employees, and the counselor.

## Chapter III

### Introduction to Methodology

This study was designed to assess the knowledge of school law possessed by Virginia high school guidance counselors in three specific areas: tort liability, counselors and their employment, and legal responsibilities regarding student rights. The high school counselors' knowledge of school law was studied as it related to the following variables: type and recency of school law training, membership(s) in professional organizations, and highest educational level attained. The demographic makeup of the cities/counties employed, years of experience as counselors and total years experience in education, and where undergraduate degrees and counseling certification were obtained were also investigated to determine if they influenced the level of school law knowledge counselors possessed. An assessment of school law preparation for guidance and counseling certification was also investigated. The assessment was conducted by examining catalogs from the 13 colleges and universities within the Commonwealth of Virginia (who issue certification in guidance and

counseling) to determine the extent of content offered in the area, and by also surveying eight of these thirteen institutions (Appendix A).

### Pre-Survey Procedures

#### Review of the Literature

A review of the literature was conducted to determine the need for the study and to develop categories of school law topics dealing either directly or indirectly with the duties high school counselors perform as part of their job requirements. As a result, a list of topics was generated and arranged into three specific categories. The topics were representative of areas where school counselors could be involved in litigation, or suffer damage to job security by not being knowledgeable of case law and statutory law. The categories used for this study were similar to those used in two related studies on school law knowledge which dealt with "Virginia Principals and School Law" (Caldwell, 1986), and "Virginia Teachers and School Law" (Dumminger, 1989). The three categories developed were in the areas of tort liability, high school counselors and their employment,

and legal responsibilities regarding student rights.

After establishing the three main categories, sub-categories or topics were generated for each main category. The sub-categories were developed from the literature review, case law, and Virginia statutes dealing directly with high school counselors' responsibilities or items indicating knowledge in school law areas. The sub-categories represented a list of topics used to develop questions on issues of school law to serve as the testing instrument for the study.

The initial list of topics, placed in the three identified categories, were distributed to fourteen practitioners in the field: twelve high school guidance counselors from Chesapeake City Schools, the guidance director for Roanoke City Schools, and a professor from Virginia Polytechnic Institute and State University. Participants were asked to critique all topics listed, add topics representative of the study, delete topics not representative of the study, and to relocate topics among categories. A final list of topics was developed from which specific test items were generated (Appendix C).

The population to be surveyed was the high school guidance counselors in the Commonwealth of Virginia. A mail survey was used since it was the most cost efficient mechanism available that would elicit a representative response from the entire population. Dillman (1978) stated "... some populations are so geographically dispersed that face to face interviews are too costly" (p. 5). Fowler (1993) stated three reasons why the mail survey method was advantageous in eliciting responses in close-ended answers:

- relatively low cost,
- can be accomplished with minimal staff and facilities, and
- provides access to widely dispersed samples and samples that for other reasons are difficult to reach by telephone or in person (p. 66).

#### Test Construction

The test topics were constructed from the categories detailed earlier in this chapter (Appendix C). Forty-nine questions, two for each of the twenty-four topics outlined in Chapter 1, plus one additional question representing one topic, were generated from the list of topics that had been formulated from the three main categories. The test items were field-tested by twenty-six middle and elementary

guidance counselors from Chesapeake City Schools. Fowler (1993) stated that the purpose of the field test was to "find out how the data collection and the survey instrument work under realistic conditions" (p. 100). Participants were asked to answer the questions and critique the preliminary test based on the following criteria suggested by Fowler: (1) are the questions easy to read as worded? (2) do the respondents understand the questions in a consistent manner? and (3) are the respondents able to answer the questions accurately? (p. 101). Comments collected from the field test were used to fulfill the objectives Fowler recommended to improve both test validity and reliability.

Results collected from the field test were used to determine the questions used for the final instrument. The two questions asked for each topic were correlated with the mean score from the scale in which they were represented. The question that correlated the highest with the scale score in each category was used as a question in the final survey. Table 2 gives the results of the correlation between the scale score and the item score for each of the forty-nine test items. Twenty-four topics were represented.

Six additional questions were added that correlated highly with the scale score and were issues in which topics were broad enough to test more than one category. This resulted in a thirty question test instrument which was divided into specific categories giving three scale scores for each participant and a final score. The final test instrument consisted of 30 questions: 6 in scale one, 14 in scale two, and 10 in scale three.

After the results were calculated from the final testing instrument, Cronbach's Alpha was applied to determine the homogeneity of the test items. The mean scale score for each of the three scales was also correlated with the overall score to determine if there existed a high relationship between each of the scale scores with the overall score. (See Chapter 4 for results.)

### Instrumentation

The format for the research design was modeled after one used by Caldwell (1986) and Dumminger (1989) in assessing the school law knowledge of principals and teachers. The instrument used in the study consisted of

Table 2

Correlation Between the Scale Score and Item

Score for Each Test Item

It.#	Scale	Corr. W/scale	It.#	Scale	Corr. W/Scale
1. *	I	.3267	26. *	II	.3384
2. *	I	.6723	27. *	III	.5009
3. *	II	.1460	28.	I	.1083
4. *	II	.4161	29.	I	.3267
5. *	II	.6846	30.	II	.4459
6.	III	.5514	31. *	II	.5959
7. *	II	.2792	32. *	II	.5858
8. *	II	.3586	33. *	II	.4025
9.	II	-.0923	34.	III	.2322
10.*	II	.4387	35. *	III	.6191
11.*	II	.4621	36. *	III	.7530
12.	II	.1624	37. *	III	.4182
13.*	I	.5822	38. *	III	.5009
14.	I	.4836	39. *	II	.0913
15.*	III	.4437	40. *	I	.5166
16.	II	.6570	41. *	I	.1674
17.	III	.3630	42.	II	.2844
18.*	III	.6594	43.	II	(no variance)
19.	II	.3798	44.	III	.5551
20.*	I	.3267	45. *	II	.1124
21.	II	.3999	46. *	III	.4345
22.	III	-.1517	47. *	III	.5980
23.	II	.2366	48.	III	.3890
24.*	II	.5014	49.	III	.1506
25.*	III	.6191			

\* indicates test items used on test

three parts: (1) personal information (see Appendix E), (2) training in school law (see Appendix F), and (3) a series of true/false and multiple choice questions used to assess school law knowledge (see Appendix G).

In all three sections, the respondents were asked to circle the responses that best described their present situation and their best response to the individual test items.

The majority of the questions in the survey were close-ended questions. Fowler (1993) cited three reasons why close-ended questions were advantageous in data collection in comparison to open ended questions: "(1) the respondent can perform more reliably the task of answering the questions when response alternatives are given, (2) the researcher can perform more reliably the task of interpreting the meaning of answers when the alternatives are given to the respondent, and (3) when a completely open question is asked, many people give relatively rare answers that are not analytically used" (p. 82). The only exceptions to the use of close-ended questions pursuant to the survey instrument were one question in part one and one

question in part two of the survey. These responses were open-ended because there was no guarantee that all possible responses were listed.

The procedures for generating the final thirty question survey was discussed earlier in this chapter. The procedures used were employed to satisfy the objectives stated by Fowler (1993), and the limits imposed by the study's guidelines.

#### Sample Selection and Procedures

The population for this survey was all high school guidance counselors within the Commonwealth of Virginia. In order to accomplish this task a stratified sample was taken from five prearranged clusters characterized by four demographic variables: fiscal capacity of the district, poverty level of student population, population density, and whether the school division was located in a rural or suburban community. The clusters were developed by the Virginia State Department of Education to analyze data within the Commonwealth in relation to the demographic characteristics of the county/city. Each cluster was

represented by the following distribution of high schools and the percent it represented overall: cluster 1, (75 schools or 24%), cluster 2 (47 schools or 15%), cluster 3 (27 schools, or 9%), cluster 4 (94 schools, or 31%), and cluster 5 (66 schools or 21%). Within each strata a random sample was taken in order to represent all five demographic populations. Since 400 surveys were mailed, each cluster was represented by the following survey count: cluster 1 (96), cluster 2 (60), cluster 3 (36), cluster 4 (124), and cluster 5 (84). Fowler (1993) made this observation regarding stratified samples: "there is the possibility of stratifying the sample process to reduce the normal sampling variation, thereby providing a sample that is more likely to reflect the total population than a simple random sample" (p. 15). Utilizing this sample also made it possible to compare the relationships between the combination of demographic variables listed above and acquisition of school law knowledge.

The sample size was drawn from a population of approximately 929 high school guidance counselors from the Commonwealth of Virginia. The information was obtained from

the 1993-1994 FTE count recorded from the Financial Annual School report from the Virginia State Department of Education. The criteria used to determine the minimum sample to represent the population in the study was: level of confidence at .90, error tolerance of .05, and population variance of .50. Applying the limitations listed above a sample of 209 was needed to satisfy the limits of the survey. An additional 191 surveys were added to the sample, since a response rate of at least 50% was expected due to the success of the previous two Virginia studies.

All high schools in the Commonwealth of Virginia were represented in the sample. Participants were chosen by mailing the instrument directly to the high school principals of the participating schools. Principals were asked to distribute the survey to the counselor(s) in their building. If the number of surveys distributed were less than the number of counselors in each school, a random distribution was requested. Instructions were given on how to accomplish the request (Appendix D). At least one questionnaire was mailed to every high school principal in the state. Some mailings contained two questionnaires since

the number of surveys mailed out-numbered the total number of high schools in the Commonwealth. Those schools chosen to receive two questionnaires were determined by a prearranged random listing of high schools. The mailings reflected the strata identified above.

A cover letter was sent with the questionnaire detailing directions for the study (Appendix H). A code was placed on each survey instrument in order to keep track of which surveys were returned and the cluster it represented. As a survey was received, it was eliminated from the master list and no further mailings were needed. Dillman recommended that a post card be sent after one week to every school as a reminder. Since the initial response was above expectations, this step was eliminated. After three weeks, a letter and replacement questionnaires were mailed to non-respondents (p.183). At this time, it was concluded that a representative sample was returned, and no other correspondence was needed to fulfill the limits of the study. (See Appendix I for reminder letter.)

After the surveys were collected from all five clusters, a nonresponse study was conducted to determine if

representation from the clusters was skewed, which could affect the results of the survey. The Chi Square Test of Independence was calculated on the number of nonresponses from the five clusters.

### Variables

The independent variables in the study were the following:

1. highest educational attainment level
2. where undergraduate degree was obtained
3. where counseling certification was obtained
4. years of experience in education
5. years experience in counseling
6. membership(s) in related professional organizations
7. if actively involved in the organization(s)
8. if exposed to school law training
9. type of school law training
10. recency of school law training, and
11. demographic characteristics of the location where employed.

The dependent variables were the mean scale scores

obtained on the testing instrument for each of the three main categories: tort liability, counselors and their employment, and legal responsibilities regarding student rights.

### Research Questions

The study answered the following research questions:

1. Does the highest educational level obtained by the counselor (undergraduate, masters, education specialists or CAGS, or doctorate) significantly affect the amount of school law knowledge that a Virginia high school counselor possesses?
2. Does the state where the counselor's undergraduate degree was obtained (in Virginia or outside Virginia) significantly affect a high school counselor's knowledge of school law?
3. Does the state where the counselor's certification was obtained (in Virginia or outside Virginia) significantly affect a high school counselor's knowledge of school law?
4. Does total number of years in education significantly affect a Virginia high school guidance

counselor's knowledge of school law?

5. Does total number of years counseling experience significantly affect a Virginia high school counselor's knowledge of school law?

6. Does membership in related professional organizations (National Education Association, American Federation of Teachers, American School Counselors Association, Virginia Counselors Association, Virginia School Counselors Association, or others) significantly affect a high school counselor's knowledge of school law?

7. Does being an active member of the organization(s) listed above significantly affect the level of school law knowledge that a Virginia high school counselor possesses?

8. What percent of Virginia high school counselors have been exposed to training in the area of school law, and does this training significantly affect their school law knowledge?

9. Does the type of school law training significantly affect a high school counselor's knowledge of school law?

10. Does the recency of school law training affect a Virginia high school counselor's knowledge of school law?

11. Do the demographic characteristics of the area where the counselor is employed significantly affect a high school counselor's knowledge of school law?

#### Procedure for Data Analysis

Data analysis included the tabulation of sub-scores on each of the three categories: tort liability, counselors and their employment, and legal responsibilities regarding students. A total score was also tabulated for the entire test. Descriptive statistics were recorded for each scale score. The one-way analysis of variance and independent t-test was employed to compare the differences between the mean score for each scale score and the mean score for each of the experimental groups under investigation. Fisher's LSD Comparison Report was utilized when significant differences were discovered from the results of the one-way analysis of variance. This statistical test made it possible to determine which independent variables were significantly different when comparing groups.

### Research Design

The first stage of this study involved a review of the literature in order to develop topics that could be used for assessing high school guidance counselors level of school law knowledge. From the data collected, along with the assistance of persons' employed in the field, a battery of true/false and multiple choice questions were developed and field tested.

The second stage of this study consisted of surveying a random sample of high school guidance counselors within the Commonwealth of Virginia. Each counselor was asked to complete the three part questionnaire designed from stage one which included: personal information regarding the counselor, information regarding school law training, and a thirty question school law test. The scores on the test were analyzed as described in the previous section. Results will be discussed in chapter four.

### Research Question One

Does the highest educational level attained by the high school counselor significantly affect the level of school

law knowledge a counselor possesses in three specific areas of school law?

A one-way analysis of variance was used to compare mean scores of the five groups (B.S., M.S., C.A.S. or CAGS, Ed.D./Ph.D. or other) represented in the research question. The independent variables were the five educational levels and the dependent variable was the mean score for each scale being investigated. Significance was determined at the .05 level of confidence. Fisher's LSD Comparison Report was calculated if significant differences were realized.

#### Research Questions Two

Does the state where the counselor's undergraduate degree was obtained (in Virginia or outside Virginia) significantly affect the acquisition of school law knowledge in three specific areas of school law?

An independent t-test was used to compare the mean scores of the two groups to determine if significant differences existed. The alpha level of .05 was used to determine significance.

### Research Question Three

Does the state where the counselor's certification was obtained (in Virginia or outside Virginia) significantly affect a Virginia high school guidance counselor's knowledge of school law in three specific areas?

An independent t-test was calculated to compare differences in mean scores between the two groups. As stated previously, the .05 level of confidence was used to determine significance.

### Research Question Four

Does the total number of years experience in education (less than one year, 1-3 years, 4-7 years, 8-12 years, more than 12 years) significantly affect school law knowledge? A comparison was made between the total number of years in education and the degree of school law knowledge obtained in each scale. The independent variables were the mean scores of the five groups listed above, and the dependent variable was the mean score for each of the three scales being investigated.

A one-way analysis of variance was calculated to

compare differences between the five groups identified in the question. If significance was determined at the .05 level of confidence, Fisher's LSD Comparison Report was used to determine which groups were significantly different.

#### Research Question Five

Does total number of years in counseling (less than 1, 1-3, 4-7, 8-12, more than 12) significantly affect a counselor's knowledge of school law in each of the three categories investigated.

Again, the one-way analysis of variance was employed to compare the mean scores of the five groups. Each group represented years of counseling experience and was compared to the mean scores of each of the three scales. If significance was determined at the .05 level of confidence, Fisher's LSD Comparison Report was calculated to determine which groups scored significantly higher or lower.

#### Research Questions Six

Does membership in a related professional organization(s) (N.E.A., A.F.T., American School Counselors

Association, Virginia Counselors Association, Virginia School Counselors Association, or others) significantly affect knowledge of school law?

A comparison of mean scores was made between the following groups: (group 1) membership in N.E.A. or V.E.A., (group 2) membership in A.F.T., (group 3) membership in any or all of the counselors' organizations listed above or local counselor organizations not listed, (group 4) membership in more than one of the groups listed above, or (group 5) a non-member. The one-way analysis of variance was calculated and significance was determined at the .05 level of confidence. The independent variables were the mean scores of the five groups and the dependent variable was the mean score for each of the three scales. Again Fisher's post hoc test was employed if significance was determined.

#### Research Questions Seven

Does being an active member of one of the organizations mentioned in question six significantly affect a Virginia

high school counselor's knowledge of school law in any or all of the three scale areas?

An independent t-test was calculated to compare mean scores of the two groups (active members and inactive members) for each of the three scales. Active members were considered those individuals who chose two or more responses to question 5 of part I in the survey. Significance was determined at the .05 level of confidence.

#### Research Questions Eight

What percent of Virginia high school guidance counselors have been exposed to training in the area of school law, and does this exposure significantly affect their knowledge of school law?

The percent of teachers who had received or not received school law training was determined by using descriptive data obtained from the questionnaire. If respondents circled a, b, c, d, e, f, or g on question 1 of part two, they were recorded as having school law training. If respondents circled h, they were recorded as not having school law training. A percentage was obtained from the

availability of this information. An independent t-test was conducted to determine if those who had been exposed to school law training had significantly different mean scores on any of the three scales than those who had no school law training. The level of significance was again calculated at the .05 confidence level.

#### Research Questions Nine

Does the type of school law training significantly affect a Virginia high school counselor's knowledge of school law in the three scale areas being investigated?

The one-way analysis of variance compared mean scores for the four groups (college course, workshop, law school training, and more than one type of training) with respondents who indicated they had received some form of school law training. Again, all three scales were investigated. The independent variables were the mean scores of the four experimental groups and the dependent variable was the mean score for each of the three scales. Fisher's LSD Comparison Report was computed, if significant mean scores were detected to determine which scores were

significant.

#### Research Question Ten

Does the recency of school law training significantly affect school law knowledge in the three areas being investigated? The recency of school law training was coded using five groups: (1) within the last two years, (2) between two and five years, (3) between five and ten years, (4) more than ten years, (5) and does not apply.

The one-way analysis of variance was used to compare the mean scores of the five experimental groups. If a significant f-ratio was realized, a post hoc test (Fisher's LSD Comparison Report) was performed to analyze where significance occurred.

#### Research Question Eleven

Do the demographic characteristics of the area where the high school counselor is employed significantly affect knowledge of school law?

Virginia school divisions were divided into five clusters developed by the Virginia State Department of

Education. The following demographic variables were used to determine clusters: whether rural or suburban, population density, percentage of students in poverty, and fiscal capacity of the district. All school systems, with the exception of two, met the criteria for one of the clusters. The county and city school districts were represented in the following manner: cluster 1 (75 schools), cluster 2 (47 schools), cluster 3 (27 schools), cluster 4 (94 schools), and cluster 5 (66 schools), totaling 309 high schools across the Commonwealth. A stratified sample was taken to get a true representation throughout the state of all five clusters.

The analysis of variance, using five experimental groups, was analyzed to see if significant differences in mean scores existed between any of the five experimental groups and the mean scale scores. The independent variables were the mean scores obtained for each of the five cluster groups and the dependent variable was the mean score for each scale. Again, if a significant f-ratio was calculated, Fisher's LSD Comparison Report was calculated to see where differences occurred.

## Chapter IV

### Presentation of Data

This study assessed the level of school law knowledge of high school guidance counselors in the Commonwealth of Virginia. The knowledge of school law was divided into areas of tort liability, counselors and their employment, and student rights. The scale score for each area was analyzed as it related to the following variables: type of school law training, recency of school law training, membership(s) in professional organizations, the highest degree obtained, the location where the counselor obtained their undergraduate degree and counselor certification, years of experience in education and in counseling, and the demographic characteristics of the area where the counselor was employed.

As stated previously, the research questions proposed for this study were as follows:

1. Does the highest educational level obtained by the counselor significantly affect the counselor's knowledge of school law?
2. Does the state where the counselor's undergraduate

degree was obtained (in Virginia or outside Virginia) significantly affect school law knowledge?

3. Does the state where the counselor's certification was obtained (in Virginia or outside Virginia) significantly affect a high school counselor's knowledge of school law?

4. Does total number of years in education significantly affect a counselor's knowledge of school law?

5. Does total number of years in counseling significantly affect a counselor's knowledge of school law?

6. Does membership in related professional organizations (N.E.A., V.E.A., A.F.T., American School Counselors Assoc., Virginia Counselors Assoc., or others) significantly affect a counselor's knowledge of school law?

7. Does being an active member of the organization(s) listed above significantly affect the level of school law possessed by a counselor?

8. What is the percent of counselors who have been exposed to school law training in Virginia and does this training significantly affect their knowledge of school law?

9. Does the type of school law training significantly affect a counselor's knowledge of school law?

10. Does the recency of school law training significantly affect a counselor's knowledge of school law?

11. Does the demographic characteristics of the area where the counselor is employed significantly affect their knowledge of school law?

The instrument used to answer these questions was divided into three parts: personal information, training in school law, and a thirty question (seventeen true-false and thirteen multiple choice) test. Scale 1 consisted of four true-false and two multiple choice questions, scale 2 consisted of nine true-false and five multiple choice questions, and scale 3 consisted of four true-false and six multiple choice questions. Scale scores were recorded in all three areas from the 250 respondents who participated.

All surveys contained complete information so all respondents were counted in the analysis. The only exception was if a question on part three was left blank. Those nonresponses were counted as incorrect answers when analyzing the data.

### Sample

Four hundred surveys were mailed directly to principals of high schools within the Commonwealth to randomly distribute to one or two counselors in their school. At least one survey was mailed to every high school in the Commonwealth in order to get a representative sample. All five demographic regions were represented. In order to satisfy the limits outlined in chapter three, 209 surveys were needed. Of the 400 surveys mailed, 250 or 62.5% were returned. A nonresponse study was conducted to determine if nonresponses from the five regions surveyed were evenly dispersed. An uneven distribution could skew the results of the study. A Chi-Square test of independence was used to compare expected and observed frequencies of responses. The results calculated the Chi-Square to be 5.66 which indicated significance at the .01 level, signifying that nonresponses were random.

The counselors in the survey represented 158 high schools throughout the Commonwealth of Virginia. Of the 250 respondents who replied, 75 (30%) were male and 175 (70%) were female. One hundred and thirty-four respondents

(53.6%) were between the ages of 46 and 55, sixty-nine (27.6%) were between 36 and 45, twenty-seven (10.8%) were between 56 and 65, and twenty (8%) were between the ages of 21 and 35. There were no participants over the age of 65.

The highest degrees earned by the counselors were as follows: 222 (89%) had masters degrees, 16 (6%) had degrees of advance study or education specialist, 7 (3%) had doctorates, and 5 (2%) had undergraduate degrees.

One hundred and fifty-three (61.2%) counselors received their undergraduate degrees in the Commonwealth of Virginia. Two hundred and six (82.4%) counselors received their counselor's certification in the Commonwealth of Virginia.

The majority of the counselors (51.2%) surveyed had more than twelve years of counseling experience. The following figures represented the remaining distribution of subjects and their counseling experience: forty-four (17.6%) between 8 and 12 years experience, forty-eight (19.2%) between 4 and 7 years experience, twenty-two (8.8%) between 1 and 3 years experience, and eight (3.2%) with less than one year of experience.

Total years experience in education paralleled

counseling experience. The group with the highest level of educational experience was the group with more than twelve years experience, 197 (78.8%). The group with eight to twelve years experience was next with 23 subjects (9.2%), followed by 15 subjects (6.0%) in the four to seven year group, 11 subjects in the one to three year group (4.4%), and 4 subjects (1.6%) with less than one year educational experience.

Membership(s) in professional organizations was represented by the five groups investigated in research question six. One hundred and eight respondents (43.2%) were members of both an education association (N.E.A., V.E.A., or A.F.T.) and one or more of the counselors' organizations. Fifty-seven respondents (22.8%) were members of a counselors' organization (either national, state or local) only, and fifty respondents (20%) were members of either the N.E.A., V.E.A., or both, but were not affiliated with any of the counselors' organizations. Thirty-four respondents surveyed (13.6%) were not affiliated with any professional organization, and one respondent (.4%) had membership with the A.F.T.

One hundred and seventy-three respondents (69.2%) had been exposed to some form of school law training: college course, workshop, seminar, or inservice; as opposed to seventy-seven (30.8%) who had received no exposure. The types of training were coded as follows: (1) college or university course for graduate credit, undergraduate credit or non-credit (69 respondents or 27.6%), (2) workshop, seminar, or inservice (64 or 25.6%), (3) combination of both one and two (40 or 16.0%), and no school law training (77 or 30.8%). There were no respondents who indicated they had been exposed to formal legal school law training.

Thirty-eight respondents (15.2%) received training within the last two years. The largest number of counselors with training, 73 (29.2%), received training within two and five years. Thirty-five (14%) received training between six and ten years, and 27 (10.8%) more than ten years ago. As stated previously, 77 (30.8%) received no school law training.

#### Analysis of the Test

The development and field testing of the survey was

described in chapter three of this study. When answering the test questions, counselors were directed to circle the best response, to circle only one response, and not to guess. When a counselor circled more than one response, the answer was recorded as incorrect. Questions in part three that were not answered or were recorded as "Do not know" were also recorded as incorrect.

Descriptive statistics for the test are contained in Table 3. The following is a list of the definitions of the variables used in this table:

1. "Ptort" represents the percent correct on the six tort questions.

2. " Ctort" represents the number correct on the six tort related questions.

3. "Pcoun" represents the percent correct on the fourteen questions relating to the counselor and their employment.

4. "Ccoun" represents the number of correct responses representing the fourteen questions relating to the counselor and their employment.

5. "Pstud" represents the percent correct on the ten

questions dealing with student rights.

6. "Cstud" represents the number correct on the ten questions dealing with student rights.

7. "Ptot" represents the percent correct on the total 30 question test.

8. "Ctot" represents the number correct on the total 30 question test.

The mean score for the total score and the three scales were as follows: total score 42%, scale 1 (torts) 35%, scale 2 (counselors and their employment) 48%, and scale 3 (student rights) 37%.

The standard deviation of each test item was calculated to compute Cronbach's alpha coefficient for the total score. Cronbach's alpha was computed to be .700 which indicates a high internal consistency for the total test.

The scale scores were also correlated with the total score to determine the relationship between each scale and the total score. The resulting correlations to the total score were as follows: scale 1 (.6303), scale 2 (.8591), and scale 3 (.7387). The results indicated a high internal consistency between each scale score and the total score.

Table 3  
Descriptive Statistics for the Total Score and  
Scale Scores on the School Law Test

	Ptort	Ctort	Pcoun	Ccoun	Pstud	Cstud	Ptot	Ctot
No. of cases	250	250	250	250	250	250	250	250
Mean	34.5	2.07	48.0	6.72	37.3	3.73	41.8	12.54
Median		2		7		4		13
Stand. Dev.	1.16	-	2.56	-	1.77	-	4.26	
Range	6	-	13	-	9	-	25	
Maximum	6	-	13	-	9	-	26	
Minimum	0	-	0	-	0	-	1	

"Ptort" is the percent correct on the tort questions.

"Ctort" is the number correct on the tort questions.

"Pcoun" is the percent correct on the counselor questions.

"Ccoun" is the number correct on the counselor questions.

"Pstud" is the percent correct on the student questions.

"Cstud" is the number correct on the student questions.

"Ptot" is the percent correct on the total test.

"Ctot" is the number correct on the total test.

The mean or item difficulty, the standard deviations, and the correlations between each item and the scale and total scores are represented in Table 4. There were no questions that negatively correlated with the total score or the individual scale scores. There were no questions answered correctly or incorrectly by all respondents.

Five of the questions in the item pool had a response rate of less than 20%. Only one of the questions had a response greater than 80%. The remaining 24 questions were answered correctly by between 20% and 80% of the respondents. (See Table 4.) A detailed analysis of all questions will be presented in chapter five.

### Research Questions

#### Research Question One

Does the educational level of Virginia counselors significantly affect their level of school law knowledge in three specific scales. Counselors were asked to select the highest degree that they had earned by circling one of the following:

- a. bachelor's degree,

- b. master's degree,
- c. certificate of advance study or education specialist,
- d. doctorate,
- e. other (please specify)\_\_\_\_\_).

There were no individuals who chose category "e" on the questionnaire so it was eliminated in the analysis. (See Table 5 for group numbers and the percent it represented.)

The one-way analysis of variance was calculated in order to compare the mean scores for each scale with the mean score for each of the groups listed above. The results of scale 1 indicated that the level of education of high school counselors investigated did not significantly affect school law knowledge as it related to tort liability. (See Table 6.)

The results of scale 2 (counselors and their employment) did show a significant difference between the group mean scores when compared to the highest degrees earned. (See Table 7.) A probability value of .0029 indicated significance in the analysis. Fisher's LSD Comparison Test was performed in order to see which groups

Table 4

Means, Standard Deviations, and Correlations  
with the Total Scale Score and Scale  
Score for each Test Item

Item #	Mean	Standard Deviation	Correlation W/total	Correlation W/scale
1	76%	.4279	.3379	.4672
2	22%	.4067	.2165	.4210
3	51%	.5009	.2663	.3763
4	56%	.4978	.5050	.5443
5	39%	.4883	.4398	.5017
6	67%	.4919	.1848	.3351
7	22%	.4151	.2705	.3112
8	79%	.4095	.2586	.2240
9	24%	.4255	.4542	.4281
10	30%	.4592	.3748	.4371
11	55%	.4887	.3112	.4583
12	31%	.4226	.3542	.4427
13	18%	.3816	.2634	.4508
14	32%	.4689	.4014	.4214
15	12%	.3256	.1862	.2628
16	70%	.4574	.3414	.3901
17	55%	.4983	.4635	.6032
18	55%	.4987	.3876	.4769
19	44%	.4974	.3251	.3624
20	80%	.3978	.3164	.3930
21	12%	.3209	.1549	.2575
22	67%	.4704	.2734	.3950
23	43%	.4958	.3810	.4185
24	68%	.4658	.3691	.4424
25	42%	.4178	.3292	.2236
26	39%	.4892	.2042	.4561
27	19%	.3947	.2690	.4349
28	35%	.4773	.3024	.4203
29	5%	.2142	.1417	.2286
30	25%	.4350	.2798	.4453

were significantly different. (See Table 8.) According to the Fisher's LSD post hoc test, group 1 (B.S.), had significantly lower scores than all other groups. Also the mean score for group 4 (Doctorate), was significantly higher than group 2 (M.S.).

When comparing the mean score recorded for scale 3 with the mean scores for the four experimental groups, it was determined that significant differences did not exist.

Although significant results were only recorded in scale 2, mean scores were consistently higher for those respondents who had attained the highest degrees for all three scales. (See Table 10 for results.)

Table 5  
The Groups Formed by The Number of Counselors  
and Highest Degree Earned

	Number	Percent
B. S.	5	2
M. S.	222	89
CAGS or Ed.S.	16	6
Doctorate	7	3
Total	250	100

Table 6  
The Analysis of Variance for the Comparison  
between Knowledge of School Law and the  
Highest Degree Earned for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F	Error
Degree	3	5.139962	1.713321	1.27	0.2863	Error
Error	246	332.704	1.352455			
Total	249	337.844				

Table 7

The Analysis of Variance for the Comparison  
between Knowledge of School Law and the  
Highest Degree Earned for Scale 2

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F	Error
Degree	3	90.07916	30.02638	4.80	.0029	Error
Error	246	1539.877	6.259662			
Total	249	1629.956				

Table 8

Fisher's LSD Post Hoc Report for the Comparison  
between Knowledge of School Law  
and Highest Degree Earned for Scale 2

Code (Level)	Mean	Level Codes			
		A	B	C	D
A(B. S.)	3.25	.	S	S	S
B(M. S.)	6.65	S	.	.	S
C(Ed. S. or CAGS)	7.75	S	.	.	.
D(Doctorate)	8.57	S	S	.	.

The column headings and the row headings are defined the same. (For example, both of the As mean B. S.). An S at the intersection of a row and a column designates a significant difference between the row variable and the column variable.

Table 9

The Analysis of Variance for the Comparison  
between Knowledge of School Law and the  
Highest Degree Earned for Scale 3

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F	Error
Degree	3	19.85369	6.617896	2.41	0.0954	Error
Error	246	759.6023	3.087814			
Total	249	779.456				

Table 10

Means and Standard Errors for the Groups by  
the Highest Degree Earned for each Scale  
Scale 1

	Mean	Standard Error
B.S.	1.0	.5814756
M.S.	2.076	7.787E-02
Ed. S. or CAGS	2.25	.2907378
Doctorate	2.0	.439552

## Scale 2

	Mean	Standard Error
B.S.	3.25	1.250966
M.S.	6.654708	.1675417
Ed. S. or CAGS	7.75	.6254829
Doctorate	8.571428	

## Scale 3

	Mean	Standard Error
B.S.	2.25	.8786089
M.S.	3.73911	.117672
Ed. S. or CAGS	4.5625	.4393044
Doctorate	4.00	.6641659

### Research Question Two

Does the state where the counselor's undergraduate degree was obtained (in Virginia or outside Virginia) significantly affect a high school counselor's knowledge of school law?

Counselors were asked to indicate whether they received their undergraduate degree in or outside the Commonwealth of Virginia. A response of "a" on the questionnaire indicated they received their undergraduate degree in Virginia and "b" indicated they received their degree outside the Commonwealth. (See Table 11.)

The unpaired t-test (see Tables 12 and 13) indicated that there was no significant relationship between the level of school law knowledge possessed by high school counselors who earned their undergraduate degree within Virginia compared to those who earned their degree outside Virginia for scales 1 (tort liability) and 2 (counselors and their employment). However, a significant t score was calculated for scale 3 (student rights). The independent t-test indicated a significant difference between mean scores. (See Table 14.) Respondents who received their degrees outside

Table 11

The Number of Counselors by the Location Where  
they Received their Undergraduate Degrees

	Number	Percent
In Virginia	153	61.2
Outside Va.	97	38.8
Total	250	100

Table 12

The t - test for the Comparison between Knowledge  
of School Law and Location where Counselors'  
Received their Undergraduate Degrees for Scale 1

Source	Mean	Standard Dev.	t-value	Prob>F
Virginia	2.098	1.162827	.5113465	.6091
Outside Va.	2.0206	1.172421		

Table 13

The t - test for the Comparison between Knowledge  
of School Law and Location where Counselors  
Received their Undergraduate Degrees for Scale 2

Source	Mean	Standard Dev.	T-value	Prob>F
Virginia	6.6536	2.337878	-.54567	.5853
Outside Va.	6.8351	2.8820		

Table 14

The t - test for the Comparison between Knowledge  
of School Law and Location where Counselors'  
Received their Undergraduate Degrees for Scale 3

Source	Mean	Standard Dev.	T-value	Prob>F
Virginia	3.5686	1.665299	-2.348383	.0188
Outside Va.	4.4829	1.884612		

the Commonwealth scored significantly higher.

### Research Question Three

Does the state where the counselor's certification was obtained (in Virginia or outside Virginia) significantly affect high school counselors' knowledge of school law as it pertains to tort liability, counselors and their employment, and student rights.

Counselors were asked to reply to the question stated above. A response of "a" indicated certification was obtained within the Commonwealth and a response of "b" indicated certification was obtained outside the Commonwealth. (See table 15.) The unpaired t-test indicated there were no significant differences in mean scores from counselors who obtained their certification within the Commonwealth as compared to those who received certification in another state for all three scales of the study. (See Tables 16-18 for a presentation of the data.

Table 15

The Number of Teachers Receiving Certification  
Within or Outside Virginia

	Number	Percent
In Virginia	206	82.4
Outside Virginia	44	17.6
Total	250	100

Table 16

The t - test for the Comparison between Knowledge  
of School Law and Location where Counselors'  
Received their Certification for Scale 1

Source	Mean	Standard Dev.	T-Value	Prob>F
Virginia	2.0874	1.161217	.5683964	.5698
Outside Va.	1.9773	1.19083		

Table 17

The t - test for the Comparison between Knowledge  
of School Law and Location where Counselors  
Received their Certification for Scale 2

Source	Mean	Standard Dev.	T-Value	Prob>F
Virginia	6.7136	2.491059	-.13889	.8895
Outside Va.	6.7727	2.884309		

Table 18

The t - test for the Comparison between Knowledge  
of School Law and Location where Counselors  
Received their Certification for Scale 3

Source	Mean	Standard Dev.	T-Value	Prob>F
Virginia	3.7039	1.757128	-1.397155	.1624
Outside Va.	4.1136	1.807168		

#### Research Question Four

Does total number of year's experience in education significantly affect a high school guidance counselor's knowledge of school law as it relates to tort liability, counselors and their employment, and student rights?

Respondents were asked to respond to the question stated above. A response of "a" indicated less than one year of experience, "b" indicated one to three years experience, "c" four to seven years experience, "d" eight to twelve years experience, and "e" more than twelve years of educational experience. (See Table 19.) The one-way analysis of variance was performed to determine if there were significant differences between educational experience and school law knowledge in any of the three scales identified in the study. (See Tables 20-22.)

The results of the analysis of variance indicated there was no significant relationship between total years of experience in education (including years as a counselor) and knowledge of school law in any of the three scale areas.

Table 19

The Number of Counselors by Years of  
Total Educational Experience

	Number	Percent
Less than One	4	1.6
One to Three	11	4.4
Four to Seven	15	6.0
Eight to Twelve	23	9.2
More than Twelve	197	78.8
Total	250	100

Table 20

The Analysis of Variance for the Comparison  
between Knowledge of School Law and Total  
Number of Years Experience in Education for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ration	Prob>F	Error
Exper.	4	8.943212	2.235803	1.67	.1586	Error
Error	245	328.9008	1.342452			
Total	249	337.844				

Table 21

The Analysis of Variance for the Comparison  
between Knowledge of School Law and Total Number  
of Years Experience in Education for Scale 2

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F	Error
Exper.	4	3.890065	.9725161	.15	.9644	Error
Error	245	1626.006	6.637004			
Total	249	1629.956				

Table 22

The Analysis of Variance for the Comparison  
between Knowledge of School Law and Total Number  
of Years Experience in Education for Scale 3

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Exper.	4	9.431119	2.35778	.75	.5587
Error	245	770.0249	3.142959		
Total	249	779.456			

Research Question Five

Does total number of years experience in counseling significantly affect high school counselors' knowledge of school law as it pertains to tort liability, counselors and their employment, and student rights? Counselors were asked to indicate their total number of years experience in counseling by responding to the questionnaire. A response of "a" indicated less than one year experience, "b" indicated one to three years experience, "c" indicated four to seven years experience, "d" eight to twelve years experience, and "e" more than twelve years experience as a counselor. (See Table 23.)

The results of the analysis of variance indicated that there were no significant differences in mean scores between counseling experience and knowledge of school law, as it pertained to the three areas of law investigated in the study. (See Table 24-26.)

Table 23  
The Number of Counselors by Years  
of Counseling Experience

	Number	Percent
Less than One	8	3.2
One to Three	22	8.8
Four to Seven	48	19.2
Eight to Twelve	44	17.6
More than Twelve	128	51.2
Total	250	100

Table 24  
The Analysis of Variance for the Comparison  
between Knowledge of School Law and Total Number  
of Years Counseling Experience for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Co. Exp.	4	1.108196	.277049	.20	.9397
Error	245	336.7358	1.374432		
Total	249	337.844			

Table 25

An Analysis of Variance for the Comparison  
between Knowledge of School Law and Total Number  
Of Years Counseling Experience for Scale 2

Source	DF	Sum Sq.	Mean Sq.	F-Ration	Prob>F
Co. Exp.	4	5.734327	1.433582	.22	.9293
Error	245	1624.222	6.629476		
Total	249	1629.956			

Table 26

The Analysis of Variance for the Comparison  
between Knowledge of School Law and Total Number  
of Years Counseling Experience for Scale 3

Source	DF	Sum Sq.	Mean Sq.	F-Ration	Prob>F
Co. Exp.	4	2.041295	.5103238	.16	.9579
Error	245	777.4147	3.173121		
Total	249	779.456			

Research Question Six

Does membership in related professional organization(s) (N.E.A., V.E.A., A.F.T., American School Counselors Assoc., Virginia Counselors Assoc., or others) significantly affect a counselor's knowledge of school law in three specific areas? Respondents were asked to indicate if they were members of any or all of the following organizations by circling the correct response(s): "a" N.E.A., "b" V.E.A., "c" A.F.T., "d" American School Counselors Assoc., "e" Virginia Counselors Assoc., "f" Virginia School Counselors Assoc., "g" none of the above, or "h" other.

In calculating the results the following groups were coded in the stated manner: (1) membership in N.E.A. or V.E.A., (2) membership in A.F.T., (3) membership in a related counselors organization, (4) membership in more than one identified group, and (5) membership in none of the above. (See Table 27.) A one-way analysis of variance was calculated to determine if being a member of a specific professional organization significantly affected a counselor's knowledge of school law in the three scales under investigation. (See Tables 28-31.)

Table 27

The Number of Counselors by Membership  
in Professional Organizations

	Number	Percent
N.E.A. or V.E.A or both	50	20
A.F.T.	1	0.4
Related counselor organizations	57	22.8
More than one of the above	108	43.2
None of the above	34	13.6
Total	250	100

Table 28

The Analysis of Variance for the Comparison  
between Knowledge of School Law and

Membership in Professional Organization(s) for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Prof. Or.	4	2.962033	.7405083	.54	.7052
Error	245	334.882	1.366865		
Total	246	337.844			

Table 29

The Analysis of Variance for the Comparison  
between Knowledge of School Law and  
Membership(s) in Professional Organizations for Scale 2

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Prof. Or.	4	81.97069	20.49267	3.24	.0129
Error	245	1547.985	6.318307		
Total	249	1629.956			

Table 30

Fisher's LSD Post Hoc Report for the Comparison  
between Knowledge of School Law and  
Membership in Professional Organizations for Scale 2

Summary Results = .05		Level Codes				
Code(Level)	Mean	A	B	C	D	E
A(Non Member)	5.823529	.	.	.	S	.
B(V.E.A, N.E.A. or both)	6.12	.	.	.	S	.
C(Counsel. Organ.)	6.824562	.	.	.	.	.
D(More than one)	7.203704	S	S	.	.	.
E(A.F.T.)	10	.	.	.	.	.

The column heading and the row headings are defined the same. (For example, both the As mean non member). An S at the intersection of a row and a column designates a significant difference between the row variable and the column variable.

Table 31

The Analysis of Variance for the Comparison  
between Knowledge of School Law and

Membership(s) in Professional Organizations for Scale 3

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Prof. Or.	4	8.152443	2.038111	.65	.6292
Error	245	771.3035	3.148177		
Total	249	779.456			

The results of the analysis of variance indicated that being a member of a professional organization did not significantly affect a counselor's knowledge of school law in scale 1 (tort liability) and scale 3 (student rights). (See Tables 28 & 31.) However, the mean score for scale 2 (counselors and their employment) did indicate significant differences between the five groups. (See Tables 29 & 30.)

Fisher's post hoc test was calculated and the results indicated that the mean score for group 4 (more than one organization) was significantly higher than groups 5 (non-member) and 1 (N.E.A., V.E.A. or both). Group 3 (counseling organizations) also had a higher mean score than group 1 and group 5, but the differences were not at a significant level.

#### Research Question Seven

Does being an active member of the organizations investigated above significantly affect the level of school law possessed by a high school counselor? Subjects who were members of professional organizations were asked to circle any or all of the following responses: "a" recently held an

office in one of the organizations listed above, "b" recently served on a committee on one of the organizations listed above, "c" recently attended a national or state convention of one of the organizations mentioned above, "d" recently read a publication of an organization affiliated with any of the organizations listed above, or "e" not been involved in any of the above. Any respondent who circled more than one of the categories "a" thru "d" was considered to be an active member of an organization. (See Table 32 for numbers of participants.)

An independent t-test was used to determine if there were significant differences between the mean scores of the two groups (active vs not active) as defined by the parameters set forth in the question. (See Tables 33-35 for results.) The independent t-test indicated that there were no significant differences between knowledge of school law and involvement in professional organizations when comparing the mean scores of the three scales being investigated. Subsequently, Virginia high school counselors who are actively involved in a professional organization do not possess a significantly higher knowledge of school law in

Table 32

The Number of Counselors and Their  
Involvement in Professional Organizations

	Number	Percent
Active	88	40.7
Inactive	128	59.3
Total	216	100

Table 33

The t - test for Comparing Active vs.  
Inactive Members of Professional  
Organizations for Scale 1

Group	Mean	Standard Deviation	T-Value	Prob>F
Active	2.057	1.216344	-.184	.8538
Inactive	2.086	1.086983		

Table 34

The t - test for Comparing Active vs.  
Inactive Members of Professional  
Organizations for Scale 2

Group	Mean	Standard Deviation	T-Value	Prob>F
Active	7.045	2.434943	.8636	.3878
Inactive	6.742	2.602985		

Table 35

The t - test for Comparing Active vs.  
Inactive Members of Professional  
Organizations for Scale 3

Group	Mean	Standard Deviation	T-Value	Prob>F
Active	3.943	1.859168	.8333	.4047
Inactive	3.742	1.656512		

the areas of tort liability, counselors and their employment, and student rights compared to those who are not actively involved.

#### Research Question Eight

What percentage of counselors in the Commonwealth have had some form of school law training and does this training significantly affect their knowledge of school law in three specific areas?

On the questionnaire, respondents were asked the type of school law training they had received (see research question nine) or if they had no previous training. Of the 250 subjects responding, 173 (69.2%) had received training in some capacity and 77 (30.8%) had not been exposed to any of the school law training methods defined in the question.

The results of the independent t-test reflected a high positive relationship between school law training and knowledge of school law in the three scale areas. (See Tables 36-38.) The significant level was set at the .05 level and the p value was calculated to be less than .0001 when calculating all three scales. The scores of the

Table 36

The t - test for the Comparison between Knowledge  
of School Law and School Law Training for Scale 1

Group	Mean	Standard Deviation	T-Value	Prob>F
Trained	2.335	1.106416	5.780973	.0000
Not Trained	1.4675	1.070961		

Table 37

The t - test for the Comparison between Knowledge  
of School Law and School Law Training for Scale 2

Group	Mean	Standard Deviation	T-Value	Prob>F
Trained	7.3583	2.344936	6.319087	.0000
Not Trained	4.7414	2.455204		

Table 38

The t - test for the Comparison between Knowledge  
of School Law and School Law Training for Scale 3

Group	Mean	Standard Deviation	T-Value	Prob>F
Trained	3.9627	1.643871	5.643566	.0000
Not Trained	2.8831	1.724239		

respondents who had been exposed to some regiment of school law training were significantly higher than those who did not have school law training.

#### Research Question Nine

Does the type of school law training (college course, workshop, or both) significantly affect a counselor's knowledge of school law? Respondents were asked to respond to the following question: I have had the following training in school law; "a" college/university course for undergraduate credit, "b" college/university course for graduate credit, "c" college/university course for non-credit, "d" workshop, "e" seminar, "f" school division sponsored inservice, "g" formal legal training in school law, and "h" no school law preparation. If "a", "b", or "c" was selected, it was coded as a 1 (college course). If "d", "e", or "f" was selected, it was coded as a 2 (workshop). A response of "g" was coded as a 3 (law school); however, this option was not selected by any respondents. If respondents chose one of the selections indicating college course and one of the selections indicating workshop, they were coded

as a 4. Group 5 were those respondents who circled the letter "h" indicating they did not have previous training in school law. (See Table 39 for training groups and percentages.)

The one-way analysis of variance compared the mean scores of the three experimental groups (1, 2 and 4) with the mean scores for each individual scale. The results of the analysis concluded that there were no significant differences in scores for any of the training groups when comparing them to the three scale scores. (See Tables 40-42.) Groups 1 (college course) and 4 (college course and workshop) consistently scored higher than group 2 (workshop), but the differences were not at a significant level. These differences could be attributed to chance alone and not as a result of the training regiment.

Table 39

The Types of Training that Virginia High School  
Counselors have had in School Law

	Number	Percent
College Course (Group 1)	69	27.6
Workshop (Group 2)	64	25.6
Course and Workshop (Group 4)	40	16.0
No Training (Group 5)	77	30.8
Total	250	100

Table 40

The Analysis of Variance for Comparing  
Knowledge of School Law and Type  
of Training for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Type	2	4.598374	2.299187	1.90	0.1531
Error	170	205.9565	1.211509		
Total	172	210.5549			

Table 41  
 The Analysis of Variance for Comparing  
 Knowledge of School Law and Type  
 of Training for Scale 2

Source	DF	Sum Sq.	Mean Sq.	F-Ration	Prob>F
Type	2	24.49841	12.2492	2.26	0.1074
Error	170	921.2819	5.419305		
Total	172	945.7803			

Table 42  
 The Analysis of Variance for Comparing  
 Knowledge of School Law and Type of  
 Training for Scale 3

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Type	2	7.010323	3.505162	1.30	0.2748
Error	170	4.577874	2.692867		
Total	172	464.7977			

Research Question Ten

Does the recency of school law training significantly affect a high school counselor's knowledge of school law for all scales being investigated?

Respondents were presented with the following question: My most recent school law training has been "a" within the last two years, "b" between two and five years, "c" between six and ten years, "d" more than ten years, "e" does not apply. (See Table 43 for distribution.)

The results of the analysis for scale 1 (see Table 44) indicated that the differences in mean scores for the four groups were not significant. The results did indicate however, that those participants who most recently had training in school law had higher mean scores than the other groups. Group 1 (within last two years) had the highest mean score followed by group 2 (2-5 years), group 3 (6-10 years), and finally group 4 (more than ten years). A probability ratio of .0769 did indicate that some degree of association could exist, but not to the standards of the limits imposed by the study. These results indicate that the results could be due to chance.

Table 43

The Number of Counselors and Recency of  
School Law Training

	Number	Percent
Less than 2 years	38	22.0
2-5 years	73	42.2
6-10 years	35	20.2
More than 10 years	27	15.6
Total	173	100

Table 44

The Analysis of Variance for Comparing  
Knowledge of School Law and Recency  
of School Law Training for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Recency	3	8.33908	2.779693	2.32	.0769
Error	169	202.2158	1.196543		
Total	172	210.5549			

Table 45

The Analysis of Variance for Comparing  
 Knowledge of School Law and Recency of  
 School Law Training for Scale 2

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Recency	3	38.10134	12.70045	2.36	.0729
Error	169	907.678	5.370882		
Total	172	945.7803			

Table 46

The Analysis of Variance for Comparing  
 Knowledge of School Law and Recency  
 of School Law Training for Scale 3

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob>F
Recency	3	4.973925	1.657975	.61	.6098
Error	169	459.8237	2.720851		
Total	172	464.7977			

The analysis of scale 2 indicated similar results with a probability ratio of .0729. (See Table 45.) Again, recency of training that was over ten years had the lowest mean score, with six to ten years being the next lowest mean score, followed by less than two years, and two to five years being the highest mean score.

The results of scale 3 echoed the results of the previous two scales, but with a probability score (.6098) showing little association between knowledge of school law and recency of school law training. (See Table 46.)

#### Research Question Eleven

Does the demographic characteristics of the area where the counselor is employed significantly affect a Virginia high school counselor's knowledge of school law in the three areas being investigated?

The Virginia State Department of Education had categorized each school district by the following demographic variables: wealth of the school district, poverty level of student population, population density, and whether rural or suburban. (See Table 47 for numbers in each

cluster.) Each school district investigated was representative of one of the following cluster groups: (1) rural counties/small towns, sparse population, high percentage of students in poverty, lowest community wealth; (2) densely populated, high percentage of students in poverty, close to statewide average in community wealth; (3) none-core cities and suburbanizing counties/small cities, population density near state average, low percentage of students in poverty, high community wealth; (4) rural counties/small cities, sparsely populated communities, low percentage of students in poverty, high community wealth, and (5) large urban/suburban localities, state average population density, low percentage of students in poverty, and high community wealth. Counselors were coded according to the demographic characteristics of their school district.

The one-way analysis of variance was calculated to compare the mean score of each scale to those of the five cluster groups. When comparing the mean score of scale 1 (tort liability), with the five demographic groups identified in the study, a significant f ratio was not realized.

Table 47

The Breakdown of Demographic Clusters  
for Virginia High School Counselors

	Number of Counselors	Percent
Cluster 1	64	25.6
Cluster 2	29	11.6
Cluster 3	30	12.0
Cluster 4	81	32.4
Cluster 5	46	18.4
Total	250	100

Table 48

The Analysis of Variance for Comparing Knowledge  
of School Law and the Demographic  
Characteristics of the District for Scale 1

Source	DF	Sum Sq.	Mean Sq.	F-Ratio	Prob
Clusters	4	6.109347	1.504837	1.11	.3518
Error	245	331.8247	1.354386		
Total	249	337.844			

Table 49

The Analysis of Variance Comparing Knowledge  
of School Law and the Demographic  
Characteristics of the District for Scale 2

Group	DF	Sum-Sq.	Mean Sq.	F-Ration	Prob>F
Clusters	4	107.5835	26.89588	4.33	.0021
Error	245	1522.372	6.213765		
Total	249	1629.956			

Table 50

Fisher'S LSD Comparison Report for Comparing  
 Knowledge of School Law and the Demographic  
 Characteristics of the District for Scale 2

Summary Results = .05		Level Codes				
Code(Level)	Mean	A	B	C	D	E
A(Cluster 1)	5.65625	.	.	S	S	S
B(Cluster 3)	6.66667	.	.	.	.	.
C(Cluster 2)	6.896552	S	.	.	.	.
D(Cluster 4)	7.197531	S	.	.	.	.
E(Cluster 5)	7.304348	S	.	.	.	.

The column headings and the row headings are defined the same. (For example, both of the As mean "Cluster 1"). An S at the intersection of a row and a column designates a significant difference between the row variable and the column variable.

Table 51

The Analysis of Variance Comparing Knowledge of  
 School Law and the Demographic Characteristics  
 of the School District for Scale 3

Source	DF	Sum-Sq.	Mean Square	F-Ratio	Prob>F
Clusters	4	32.80341	8.200853	2.69	.0318
Error	245	746.6526	3.047562		
Total	249	779.456			

Table 52

Fisher'S LSD Comparison Report for Comparing  
 Knowledge of School Law and the Demographic  
 Characteristics of the School District for Scale 3

Code(Level)	Mean	Level Codes				
		A	B	C	D	E
A(Cluster 2)	3.344828	.	.	.	.	S
B(Cluster 1)	3.625	.	.	.	.	S
C(Cluster 5)	3.695652	.	.	.	.	S
D(Cluster 4)	3.753086	.	.	.	.	S
E(Cluster 3)	4.7	S	S	S	S	.

The column headings and the row headings are defined the same. (For example, both of the As mean "Cluster 2". An S at the intersection of a row and a column designates a significant difference between the row and the column variable

When calculating scale 2 (counselors and their employment) a significant probability ratio was realized. (See Table 49.) Fisher's LSD Comparison Report indicated that cluster 1 (rural communities/small towns..., lowest community wealth) had a mean score significantly lower than cluster's 2, 4, and 5. (See Table 50.) Cluster 5 had the highest mean score (7.30), followed by cluster's 4 (6.90) and 3 (6.67) respectively.

When comparing mean scores for the five demographic groups defined above for scale 3 (student rights), a significant f ratio was again calculated. (See Table 51.) Fisher's LSD Comparison Report demonstrated that cluster 3 (non-core cities and suburbanizing counties/small cities..., high community wealth) had significantly higher scores than the other four clusters. (See Table 52.)

#### Recommendations for Improvement

Respondents were asked if they believed counselors were knowledgeable in areas of school law, or if they needed additional preparation. They were also asked to recommend the best way to improve the knowledge of school law of

Virginia high school counselors by choosing one of the following:

- a. college course
- b. workshop
- c. other

Two hundred and forty-five participants responded. All but five of the respondents (5 did not respond to this question) acknowledged a need for training in the area of school law. The response recorded for the largest percentage of subjects was "b" workshop. (See Table 53 for analysis.) Those individuals who recorded inservice as "c" (other) was coded as workshop. Twelve respondents coded "other". Of those twelve, seven respondents noted that there should be written materials dealing with issues of school law in memos, updates in district publications or professional journals, or published pamphlets. Four respondents recommended that counselors should be required to take a course in school law in order to gain state certification and as part of the counselor preparation program for colleges and universities. One individual noted that regional and state conferences should offer lectures dealing with issues of school law.

Table 53

The Recommendations of the Total Sample Concerning  
Ways to Improve Knowledge of School Law

	Number	Percent
College course	24	9.6
Workshop or inservice	168	67.2
Other	12	4.8
Both courses and workshop	41	16.4
Non-response	5	2.0
Total	250	100

## Chapter V

### Summary, Discussion, Conclusions, and Recommendations

The purposes of this chapter are to present a general summary, to discuss and draw conclusions from the findings, and to make recommendations for further study and implications for Virginia high school guidance counselors.

### Summary of the Study

This study attempted to assess the knowledge of school law possessed by high school guidance counselors in the Commonwealth of Virginia in the areas of tort liability, counselors and their employment, and legal issues of student rights. This knowledge was studied as it related to the type of degree obtained, where degrees and certifications were obtained, total years of experience in education and as a counselor, membership and activity in professional organizations, type and recency of school law training, and the demographic characteristics of the location where the counselor was employed.

The sets of data were analyzed using t-tests or analysis of variance as appropriate. The level of

significance was set at the alpha level of .05.

A review of the literature indicated that very little research has been conducted to assess the knowledge of school law of Virginia high school guidance counselors. By becoming school law literate, the high school guidance counselor will be able to avoid litigious situations, and to act more decisively in their job because of the confidence of knowing the decisions they are rendering are within the parameters of the law.

#### Summary of Research Questions

The purpose of the research questions was to discover what demographic variables, if any, influenced knowledge of school law in three specific areas: tort liability, counselors and their employment, and student rights. The final test consisted of 30 questions: 17 true-false and 13 multiple choice. The breakdown of questions in each scale were as follows: scale 1 (tort liability) six questions, scale 2 (counselors and their employment) fourteen questions), and scale 3 (student rights) ten questions. A score for each scale and a total score was recorded for all

250 counselors who completed the questionnaire.

### Research Question One

Does the highest educational level obtained by the counselor significantly affect the counselor's knowledge of school law?

The analysis of variance did not indicate significant differences between the mean scores of the four experimental groups (bachelors, masters, education specialists, or doctorate) for scales 1 (tort liability) and 3 (student rights). The results of calculating the mean score for scale 2 (counselors and their employment) resulted in a significant probability value (.0029).

Fisher's LSD Comparison Report indicated that group 1 (bachelors degree) scored significantly lower than the three other groups represented in the study. Group 4 (doctorate) also scored significantly higher than group 2 (masters degree) when comparing results for scale 2. The statistical findings indicated that counselors whose highest degree earned was a BS/BA were significantly less knowledgeable about school law issues represented by scale 2 (counselor

and their employment) than those with graduate degrees (masters, education specialists, and doctorates). Group 4 (doctorate) was also significantly more knowledgeable about items in scale 2 than respondents whose highest degree earned was a master's degree.

### Research Question Two

Does the state where the counselor's undergraduate degree was obtained (in Virginia or outside Virginia) significantly affect school law knowledge.

The results of the independent t-test indicated knowledge of school law in scales 1 (tort liability) and 2 (counselors and their employment) were not significantly affected by the location where counselors received their undergraduate degrees. The results of scale 3 (student rights) did indicate a significant probability value. The t-test results indicated that counselors who received their undergraduate degrees outside Virginia scored significantly higher than those receiving undergraduate degrees within the Commonwealth when comparing scale 3 (student rights) results.

### Research Question Three

Does the state where the counselor's certification was obtained (in Virginia or outside Virginia) significantly affect a high school counselor's knowledge of school law? An independent t-test was calculated and the results demonstrated that knowledge of school law in the three areas being investigated was not affected by where counselor certification was obtained.

### Research Question Four

Does total number of years experience in education significantly affect a high school counselor's knowledge of school law? The results of the one-way analysis of variance concluded that total number of years of experience in education did not significantly affect a high school counselor's knowledge of school law in any of the three areas being investigated.

### Research Question Five

Does total number of years counseling experience significantly affect a high school counselor's knowledge of

school law in any of the three scales being investigated? The results of the one-way analysis of variance indicated that experience in counseling had no significant affect upon a counselor's knowledge of school law in the three scale areas investigated in this study.

#### Research Question Six

Does membership in related professional organizations (N.E.A., V.E.A., A.F.T., American School Counselor's Assoc., Virginia Counselor's Assoc., or others) significantly affect a Virginia high school counselor's knowledge of school law? The results of the one-way analysis of variance indicated membership in professional organizations had no significant affect upon a counselor's knowledge of school law when analyzing the results of scale 1 (tort liability) and scale 3 (student rights).

When comparing the results of the mean scores for each experimental group for scale 2 (counselors and their employment) a significant probability value was calculated. Fisher's LSD Comparison Test was computed and determined that group 4 (membership in more than one of the defined

groups) had significantly higher mean scores than groups 5 (nonmembers) and 1 (N.E.A., V.E.A.).

#### Research Question Seven

Does being an active member of one of the groups mentioned previously significantly affect a high school counselor's knowledge of school law in the three scales being investigated? The results of the independent t-test indicated that being actively involved in an organization had no significant affect upon knowledge of school law in any of the three areas being investigated.

#### Research Question Eight

What percentage of counselors have been exposed to school law training and does this training significantly affect their knowledge of school law? The results of the data indicated that 30.8% of the respondents had not received any prior training in school law. When computing the independent t-test to compare knowledge of school law versus trained or untrained, the results showed that in each scale area a probability ratio of .0000 was calculated

suggesting that training in school law highly affects school law knowledge. Individuals who had received school law training, regardless of the type, had significantly higher mean scores than individuals who had no training in all three scale areas.

#### Research Question Nine

Does the type of school law training significantly affect a Virginia high school counselor's knowledge of school law? The analysis of variance was computed to compare the mean scores of the three training groups (1, 2, and 4) for each of the three scales to determine if significant differences were detected. The results were conclusive that the type of training does not significantly affect knowledge in the three scale areas. Mean scores were consistently higher for groups 1 (college course) and 4 (college course and workshop), but they did not meet the criteria imposed by the study, hence the results could be attributed to error.

#### Research Question Ten

Does the recency of school law training affect a high school counselor's knowledge of school law? The analysis of variance was calculated for the 173 respondents who had received school law training. The mean scores for all four groups (group 1, less than two years; group 2, between two and five years; group 3, between six and ten years; and group 4, more than ten years) were calculated. The results indicated that there were no significant differences between the mean scores for the experimental groups in any of the three scales. Therefore, the recency of school law training does not significantly affect knowledge of school law in any of the three areas under investigation.

#### Research Question Eleven

Does the demographic characteristics of the area where the counselors are employed significantly affect their knowledge of school law?

The one-way analysis of variance did not reveal significant differences in mean scores between the five cluster groups when computing the results of scale 1.

Although group 1 (rural counties/small towns...) and group 2 (densely populated, high percentage of students in poverty...) had the lowest mean scores as compared to the remaining three groups who had higher community wealth, the results were not significantly different.

However, the one-way analysis of variance for scale 2 computed a significant probability score (.0021). Fisher's LSD Comparison Report indicated that the mean score computed for group 1 (rural communities/small towns...lowest community wealth) was significantly lower than groups 2, 4, and 5. The mean score for group 3 was not significantly different from any of the other 4 groups.

The one-way analysis of variance for scale 3 (student rights) computed a significant probability value (.0318), when comparing the mean scores of the five clusters. Fisher's LSD Comparison Report indicated that the mean score for group 3 (non-core cities...high community wealth) was significantly higher than the other groups identified in the study. As reported for scale 2, the lowest mean score was recorded for group 1, but the results were not significantly lower when compared to groups 2, 4 and 5.

The results indicated that the demographic characteristics of the location where the counselor is employed could affect knowledge of school law in specific areas (counselors and their employment and student rights). In computing mean scores for the five demographic clusters for scale 2 (counselors and their employment), the group with the lowest community wealth (cluster 1) scored significantly lower than three of the four remaining clusters. Cluster 3 scored significantly higher than all other clusters for scale 3 (student rights).

In drawing conclusions from the data it is possible that the wealth of the community could influence knowledge of school law in specific areas. The results could indicate a disparity of educational opportunities in school law training for those counselors employed in the areas characterized by low community wealth.

#### Discussion of Questionnaire

The average percent correct for each scale is as follows: scale 1 (35%), scale 2 (48%), and scale 3 (37%). The total composite for the entire survey for high school

counselors was 42%, which was similar to Dumminger's (41%) study of Virginia teachers . The average score for Caldwell's (1986) study of Virginia principals was 78%, considerably higher than the current study. These results are probably due to the fact that state certification in educational administration requires specific training in school law. A course in school law is required to receive an endorsement as a Virginia high school administrator as opposed to Virginia teachers and counselors whose preparation programs do not require a course in school law.

The test items were divided into the following three scales: scale 1 (tort liability), scale 2 (counselors and their employment), and scale 3 (student rights). The counselors in the study were more knowledgeable about issues dealing most specifically with their employment (48%). The counselors in the study were least knowledgeable about tort liability (35%), which echos Dumminger's (1989) study of Virginia teachers and the law.

A breakdown of the mean, the standard deviation and the correlation between the item and the scale and total scores for each of the thirty questions are located in Table 4. In

the following paragraphs a discussion of specific questions answered correctly and incorrectly most frequently will be addressed.

Scale 1 (tort liability) had the lowest mean score of any of the three scale scores (35%). The medium score for this scale was two correct responses out of six. The question answered incorrectly most often in scale 1 was question 13 (18% correct response rate). This question dealt with the concept of sovereign immunity. Counselors were unaware that the Commonwealth of Virginia is guided by this principle established by case law in Messina v. Burden and applied to schools in Lentz v. Morris. Therefore, counselors cannot be sued for simple negligence when performing their duties as a state employee. Question 1, which was answered correctly most often (76%), broached the issue of counselors dealing with duties outside the realm of their responsibilities, and if a signed letter by a parent or guardian absolved them of legal recourse if a child was harmed in the performance of these duties. Most counselors were aware that a signed note by a parent or guardian did not legally absolve them of their responsibilities in cases

of gross negligent acts.

Scale 2 (counselors and their employment) had the highest correct response rate of the three scales (48%). The two questions answered incorrectly most often by respondents in scale 2 were questions 7 (22% correct response rate) and 9 (24% correct response rate) as compared to a medium response rate of seven correct responses out of fourteen questions. Counselors were unaware of the Virginia statute passed in 1979 which allows minors to participate in outpatient mental health treatment for drug abuse without parental consent. Counselors were also not knowledgeable about privileged communication in group counseling sessions. They were not aware that state statutes do not exist granting privileged communication to participants in large or small group counseling sessions.

The two questions answered correctly most often in Scale 2 were questions 8 (79%) and 20 (80%). Counselors in answering question eight were aware that they were not required to recite the Pledge of Allegiance during school functions if it was against their religious beliefs. Counselors were also knowledgeable about issues of sexual

harassment (question 20) in the workplace; specifically, what actions constitute sexual harassment.

Scale 3 (student rights) had a correct response rate of 37%, approximately eleven percentage points below scale 2 and only slightly higher than scale 1. The two questions answered incorrectly most often in scale 3 were questions 21 (12% correct response rate) and 29 (5% correct response rate). The medium response rate for this scale was four correct responses out of a possible ten questions. Question 21 dealt specifically with search and seizure in public schools, and what conditions must exist before it is legal to conduct a student search on school property. Question 29 had the lowest response rate of any question in the survey. This question dealt with student speech, and in particular, the Bethel v. Fraser case. Counselors were unaware of the outcome of this landmark case which set the limits for protected student speech in the public school arena.

The question with the highest correct response rate in scale three was question 24 (68%). This question was concerned with penalties that could be employed for behavioral violations. Question 22 (67%) had the second

highest correct response rate for this scale. Counselors were aware of the limits for short term suspensions imposed by federal and state regulations.

### Findings of the Study

1. The counselors in the study were employed by 158 of the high schools within the Commonwealth.

2. Of the 250 counselors who participated in the study 222 (88.8%) had master's degrees, 16 (6.4%) had degrees of advanced study or education specialist, 7 (2.8%) had doctorates, and 5 (2%) had bachelor degrees.

3. One hundred and fifty-three counselors (61.2%) received their undergraduate degrees in the Commonwealth of Virginia. Two hundred and six counselors (82.4%) received their counselor's certification in the Commonwealth.

4. The majority of the counselors (51.2%) surveyed had more than 12 years counseling experience. One hundred and ninety-seven respondents (78.8%) also had more than 12 years total education experience.

5. One hundred and seventy-three respondents had been exposed to some form of school law training.

6. Of the eight colleges or universities surveyed who had counselor certification programs, none had a specific course offered in school law at the time of the survey (1995). In 1997 Virginia Polytechnic Institute and State University instituted a course in school law for its degree students in counseling. In most university and college programs, training is devoted to ethical issues of counseling rather than the law.

7. The average scores on the three scales were as follows: scale 1 (tort liability) 35%, scale 2 (counselors and their employment) 48%, and scale 3 (student rights) 37%.

8. The highest degree earned did not significantly affect knowledge of school law when comparing mean scores in scales 1 and 3. Scale 2 did calculate a significant probability value indicating that counselors who had undergraduate degrees had significantly lower mean scores than those with graduate degrees in issues dealing with counselors and their employment. Those respondents who had doctorates also had significantly higher mean scores than those with masters degrees when comparing data from this scale.

9. No significant difference was found between knowledge of school law and location where undergraduate degrees were obtained (in Virginia or outside Virginia) for scales 1 (tort liability) and 2 (counselors and their employment). A significant probability score was calculated for scale three (student rights). Hence, in this area of school law, counselors who received their undergraduate degrees outside the Commonwealth have a significantly higher level of school law knowledge than those who received their undergraduate degrees within the Commonwealth.

10. No significant differences were found between knowledge of school law and where the counselors received their counselor certification (in Virginia or outside Virginia).

11. Total number of years experience in education and years of experience as a counselor does not significantly affect a high school counselor's knowledge of school law.

12. Being a member of a related professional organization does not significantly affect a high school counselor's knowledge of school law in the areas of tort liability and student rights. A significant probability

value was calculated for scale 2 (counselors and their employment). Respondents who were members of more than one of the related professional organizations (education and counseling) had significantly higher mean scores than those who were non-members or who had membership in N.E.A., V.E.A., or both.

13. Participants who are active members of a related professional organization did not score significantly higher on any of the three scale areas than those who were not active members.

14. Counselors who have had school law training scored significantly higher than those who have not had training in all of the three scales investigated.

15. The types of school law training (college course, workshop, or both) did not produce significantly different mean scores. Therefore, the type of school law training does not significantly affect knowledge of school law in the three scale areas.

16. Recency of school law training had no significant effect upon knowledge of school law in any of the three areas being investigated.

17. The demographic location where the counselor is employed did not significantly affect a counselor's knowledge of school law when comparing mean scores for scale 1. The results of the analysis for scale 2 (counselors and their employment) did indicate that mean scores for cluster 1 (rural counties/small towns...lowest community wealth) were significantly lower than clusters 2 (densely populated...close to average in community wealth), 4 (rural counties/small cities...high community wealth) and 5 (large urban/suburban localities...high community wealth). In comparing mean scores for scale 3 it was concluded that respondents from cluster 3 (non-core cities...high community wealth) had significantly higher scores than clusters 1, 2, 4, and 5.

18. Counselors most often recommended workshops be used to help improve school law knowledge.

### Conclusions

1. High school counselors in Virginia are not very knowledgeable about specific issues in school law dealing with three identified areas: tort liability (35%),

counselors and their employment (48%), and student rights (37%).

2. According to a survey conducted in 1995, counselors in Virginia are receiving little training in the form of college courses while pursuing a Virginia certificate in guidance and counseling.

3. Training in school law, as shown by the results of the research, is the only variable that has increased the level of school law knowledge for all three areas under investigation.

4. Most counselors (98% of respondents) believe more training in school law is important in order to perform at a higher level of decision making and to avoid unnecessary litigation.

5. Counselors are more knowledgeable about school law issues that impact their employment, than about issues dealing with student rights and tort liability.

#### Recommendations

1. School law is being taught on a limited basis in Virginia institutions offering degree status in guidance and

counseling; therefore, instruction in school law should be provided by each school division to all high school counselors.

2. Consideration should be given to making school law instruction mandatory before a counselor can attain recertification in the Commonwealth.

3. School divisions should provide inservice training for counselors in their cities and counties in order to improve their knowledge of school law issues.

4. School division inservice directors should organize school law inservice programs based upon tests similar to the one used in this study.

5. Similar studies should be conducted in other states. If high school counselors in other states scored significantly higher than Virginia counselors, then their counselor preparation programs and /or inservice programs should be analyzed to see where the differences occur and how they might affect school law knowledge if applied in Virginia.

6. Further studies should be conducted to determine if a higher knowledge of school law significantly affects high

school counselors' effectiveness in performing their duties.

7. Colleges and universities in the Commonwealth of Virginia should restructure their counselor preparation programs to include instruction in school law.

8. Based upon the recommendations of the counselors who participated in this study, school law literature should be provided for counselors.

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## Appendix A

## Letter and Survey Sent to Colleges and Universities

Dear :

Enclosed is a short questionnaire that is designed to elicit background information pertaining to your college or universities' degree program for guidance and counseling. The information obtained will serve as background research that will be used in a doctoral dissertation assessing the school law knowledge of high school guidance counselors in the Commonwealth of Virginia. I am currently pursuing a degree from Virginia Polytechnic and State University. Your responses and feedback will be greatly appreciated in my endeavor to complete this undertaking.

Please respond to the short questionnaire listed below and mail the results back in the return envelope provided. If you have any questions please call me at home collect (804-547-7759).

Cordially,

Richard K. Rawls

School Law PreparationQuestionnaire

Directions - Please circle the answer to the response that corresponds most accurately to your guidance and counseling preparation program.

1. Is school law taught as part of your guidance and counseling preparation program?
  - a. yes
  - b. no
  
2. If school law is taught, is it a required course in your program?
  - a. yes
  - b. no
  
3. School law is taught
  - a. as a semester course
  - b. as part of another course
  - c. in a seminar(s)
  
4. Respond to question 4a, 4b and 4c if you circled a. to question 3.
  - a. What is the of the course(s) taught?  
\_\_\_\_\_
  - b. How many semester hours are required? \_\_\_\_\_
  - c. How many semester hours are offered? \_\_\_\_\_
  
5. Respond to question 5 if you circled response b. to question 3.  
What is the name of the course(s) and the approximate percentage of time spent on school law issues?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Respond to questions 6 and 6b if you circled response c to question 3.
- a. What is the title of the seminar(s)? \_\_\_\_\_
- b. What is the approximate number of hours spent on school law? \_\_\_\_\_
7. Are there any other activities offered that may provide additional information on school law in the guidance and counseling curriculum? \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Colleges and Universities Who Offer  
Degree Certification in Guidance and Counseling

The College of William and Mary*	George Mason
University*	
Hampton University	James Madison
University*	
Longwood College	Lynchburg College
Norfolk State University	Old Dominion
University*	
Radford University*	University of
Virginia*	
Virginia Commonwealth University*	Virginia State
University Virginia Tech *	

\* Indicates those institutions who responded to the survey.

## Appendix B

## Letter to Counselors

Dear :

The following represents a potential list of categories to generate questions to survey high school guidance counselors knowledge of school law. Please add or delete any category that you feel is necessary, in order to comprise a list that is inclusive of the counselor's responsibilities. Please make comments where you see the need. The resulting list will be used to construct a thirty question test that will be distributed randomly to counselors across the state to ascertain their level of school law as it relates to their job responsibilities, either directly or indirectly. As you critique the three main categories, you might find that some of the sub categories could be placed in another category. If you feel that they belong in another category, please make notations to indicate.

Sincerely,

Richard K. Rawls

## Appendix C

## List of Categories Approved by Counselors

## Tort Liability:

- a. Defamation
  - 1. libel and slander
- b. Counseling of students who are potentially suicidal
- c. Duty to warn (Tarasoff v. Regents of the University of California)
- d. Elements of tort
- e. Administering of drugs to students
- f. Malpractice
- g. Referral of students to outside agencies \*

## Counselors and Their Employment:

- a. Ethics, federal and state statutes, state and local policy
- b. Issues dealing with abortion, and birth control
- c. Confidentiality for group and individual counseling
- d. Privileged communication.
- e. Child abuse and state social service agencies
- f. responsibilities regarding student rights (FERPA)
- g. issues in special education
- h. counseling students with drug abuse problems
- i. testing and grouping of students
- j. first amendment rights for counselors
- k. sexual harassment as it related to students and staff
- l. group counseling and legal ramifications
- m. counseling staff members - dual relationships \*

## Legal issues regarding student rights:

- a. freedom of speech
- b. freedom of expression (freedom of press)
- c. due process
- d. search and seizure,
- e. suspension and expulsion
- f. separation of church and state

- g. equal access as it relates to student clubs and organizations,
- h. "psychotherapeutic techniques", \*
- j. students and grades

\* Indicates those sub categories that were added by the counselors who participated in the critique.

## Appendix D

## Letter to Principals

Dear \_\_\_\_\_,

I am currently a student in the Va. Tech. doctoral program in educational administration, as well as a practitioner in the field. I am in the dissertation phase of my program. Enclosed is a questionnaire designed to assess the school law knowledge of high school guidance counselors. During recent years the number of civil cases dealing with educators has increased significantly. Guidance counselors, especially in the high school setting, frequently deal with very sensitive issues that have far reaching consequences. The objective of this study is to determine the degree of school law knowledge that high school counselors in the Commonwealth have attained, what variables influenced this knowledge, and what, if anything, needs to be done to increase information in this area.

Your assistance is desperately needed in order to complete this task. Your school was randomly selected to participate in the study. What I ask of you, is that you distribute the questionnaire to one or two counselor's in your school (two surveys will be available if two responses are needed) in a random fashion. The easiest way to accomplish this is to write the counselor's name on a piece of paper and place them in a container. Pick out one or two names depending on the number of surveys and distribute it to those counselors. Collect the survey after completion and mail it back in the self addressed envelope provided. Please assure your counselors that their replies will be kept in strict confidence. They will notice a number on each survey. The only purpose of the coding is to identify which surveys have been returned in case a follow-up letter is needed.

Thank your for your help in assisting me in this endeavor.  
Your cooperation is greatly appreciated.

Sincerely,  
Richard K. Rawls

V.P.I. & S.U.

## Appendix E

## SCHOOL LAW AND THE VIRGINIA HIGH SCHOOL COUNSELOR

## Personal Information

1. I am a
  - a. male.
  - b. female.
  
2. My current age falls in the following category:
  - a. 21-35.
  - b. 36-45.
  - c. 46-55.
  - d. 56-65.
  - e. over 65.
  
3. The highest degree that I have earned is a
  - a. bachelor's degree.
  - b. master's degree.
  - c. certificate of advanced study or education specialist.
  - d. doctorate.
  - e. other (please specify).
  
4. I received my undergraduate degree
  - a. in Virginia.
  - b. Outside Virginia.
  
5. I received my graduate counseling certification
  - a. in Virginia.
  - b. outside Virginia.
  
6. My years of counseling experience is
  - a. less than one year.
  - b. one to three years.
  - c. four to seven years.
  - d. eight to twelve years.
  - e. more than twelve years.

7. My total years of experience in education (including time as a teacher) is
- less than one year.
  - one to three years.
  - four to seven years.
  - eight to twelve years.
  - more that twelve years.
8. I am currently a member of (you may circle more than one)
- N.E.A.
  - V.E.A.
  - A.F.T.
  - American School Counselor's Association.
  - Virginia School Association.
  - Virginia School Counselor's Association.
  - none of the above.
  - other \_\_\_\_\_.
9. I have (you may circle more than one)
- recently held an office in one of the organizations mentioned above.
  - recently served on a committee on one of the organizations mentioned above.
  - recently attended a national or state convention of one of the organizations mentioned above.
  - Recently read a publication of an organization affiliated with any of the organizations listed above.
  - not been involved in any of the above.

## Appendix F

## Training in School Law

Directions: Please circle the letter(s) next to the most appropriate response(s) for each of the following questions. Select all responses that apply to you.

1. I have had the following school law training (On the line provided next to your response(s) please write the amount of time spent in school law.)
  - a. college/university course for undergraduate credit. credit hours \_\_\_\_\_)
  - b. college/ university course for graduate credit. (credit hours \_\_\_\_\_)
  - c. college/university course for non-credit hours. credit hours \_\_\_\_\_)
  - d. workshop. (clock hours \_\_\_\_\_)
  - e. seminar. (clock hours \_\_\_\_\_)
  - f. school division sponsored inservice. (hours \_\_\_\_\_)
  - g. formal legal training in school law. (years \_\_\_\_\_)
  - h. no school law preparation.
  
2. My most recent school law training has been
  - a. within the last two years.
  - b. between two and five years.
  - c. between five and ten years.
  - d. more than ten years ago.
  - e. does not apply.
  
3. In my opinion
  - a. high school counselors are knowledgeable in areas of school law.
  - b. high school counselors need additional preparation in school law.If you answered question three b., go on to question four.

4. In my opinion the best way to improve the knowledge of school law of Virginia high school guidance counselors is to provide
  - a. college courses.
  - b. workshops.
  - c. other. (please specify \_\_\_\_\_)
  
5. Have you ever been a defendant in a civil law suit as the direct result of your job as a counselor.
  - a. yes
  - b. no

## Appendix G

## Part III - School Law Questions

Directions - Please read the following items. If the statement is true circle the "T". If it is false circle the "F"; and if you do not know circle the "?". Please do not guess.

- T F ? 1. A signed parental note authorizing the counselor to administer drugs to a student in the absence of the school nurse absolves the counselor of negligence if a mistake was made in the dosage and harm came to the student.
- T F ? 2. If a student does not obtain minimum skills in a public school and graduates with a state certified diploma, he\she could more than likely successfully sue the school system for malpractice or breach of contract.
- T F ? 3. Virginia statutes have adopted the Health Care Information Act which allows mental health professionals to exchange relevant information without the clients consent.
- T F ? 4. Ethical codes established by licensing authorities take precedence over state and federal statutes, and school board policy when in conflict.
- T F ? 5. Confidentiality is a legal term which restricts high school guidance counselors from divulging information obtained in a counseling session.
- T F ? 6. All cases of suspected child abuse must be reported to Child Protective Services unless the reporting would put the child in danger.

- T F ? 7. Virginia statutes do not allow minors to participate in outpatient mental health treatment for drugs without parental consent.
- T F ? 8. School employees have the right to refuse to recite the Pledge of Allegiance during school functions, if it is in conflict with their religious beliefs.
- T F ? 9. Information shared in a group counseling session is protected in states that have statutes granting privileged communication.
- T F ? 10. High school counselors, in regard to civil suits, are traditionally held to the same standard of care as their licensed professional counterparts.
- T F ? 11. Local school boards have the discretionary power to approve release time programs for students to attend religious instruction off of school grounds during school hours.
- T F ? 12. The federal courts have ruled that tax credits to students attending private or parochial schools are unconstitutional.
- T F ? 13. Virginia case law grants high school counselors immunity from most forms of negligence when performing their duties as a state employee.
- T F ? 14. If a district policy requires that any information requested by the principal obtained in a counseling session be shared with the principal upon request, then the policy must be adhered to regardless of ethical guidelines.
- T F ? 15. Due process procedures generally require the same step-by-step procedures for all disciplinary cases.

- T F ? 16. Minimum competency tests (such as the Literacy Passport Test) required for graduation, cannot be used to deny special education students a regular diploma from the Commonwealth of Virginia if all other requirements have been met.
- T F ? 17. The Bible cannot be used in a public school classroom for instructional purposes.

Directions - Please circle the letter of the response which best answers each of the following questions. Please do not guess or mark more than one response. If you do not know the answer please circle "e", do not know.

18. Non-custodial parents have the right to inspect their child's school records unless the following condition(s) exist
- a. a notarized letter signed by the custodial parent is on file denying the request.
  - b. the non-custodial parent has been accused of abusing the child.
  - c. a court order is obtained and noted in files.
  - d. more than one of the above.
  - e. do not know.
19. IDEA requires special education students to be placed in
- a. the program determined by the Child Study Team.
  - b. where the greatest assistance is guaranteed.
  - c. the least restrictive environment.
  - d. all of the above.
  - e. do not know.

20. Sexual harassment can be considered as any verbal or physical conduct of a sexual nature when
- rejection of such conduct is used as a basis for employment decisions.
  - submission to such conduct is implied to be a condition of employment.
  - such conduct has the effect of substantially interfering with the person's work performance.
  - all of the above.
  - do not know.
21. School administrators may search a person's body (pat down search) on school property if the following condition(s) exist
- probable cause.
  - reasonable suspicion.
  - police request.
  - all of the above.
  - do not know.
22. In the Commonwealth of Virginia students may not be suspended for more than \_\_\_\_\_ days without a formal hearing.
- three days.
  - five days.
  - ten days.
  - up to school division.
  - do not know.
23. If a student club is formed in school that is non-curricular such as the "National Honor Society", the following organization(s) have a right to be established in school:
- photography club.
  - Bible club.
  - lesbian and gay rights club.
  - all of the above.
  - do not know.

24. School boards may impose all of the following penalties to discipline students for behavioral violations except
- suspension from all school activities.
  - removal from the honor society.
  - reduction in grade.
  - may impose all of the above penalties.
  - do not know.
25. Before a minor can receive an abortion in the Commonwealth of Virginia
- a signed parental consent form must be properly signed and dated.
  - parental notification must be made.
  - minor must be found mature enough by the courts to make a reasonable decision.
  - none of the above.
  - do not know.
26. The law of negligence imposes upon a counselor a duty to protect the welfare of his\her client. This duty
- does not exist where it can be found that the counselor could not have readily foreseen the danger or risk involved.
  - does not increase as the risk increases.
  - does exist if a pupil leaves school during school hours without permission.
  - all of the above.
  - do not know.
27. When deciding a slander suit a court likely would base its decision on whether the
- words were communicated to a third party.
  - words were said as part of the official duties of the educator.
  - words were true.
  - all of the above.
  - do not know.

28. Notes recorded by a counselor and shared only with the student's teachers are considered
- private and only accessible to noted parties.
  - public record and subject to parental review.
  - part of the student's school file.
  - none of the above.
  - do not know.
29. A student giving a nominating speech in a school assembly used graphic and explicit sexual metaphors, but refrained from using obscene language. The Supreme Court ruled that
- student language is protected by the First Amendment.
  - a school suspension and removal from the class election is justified.
  - specific guidelines must be outlined in the student handbook before punishment is justified.
  - school suspension is legal, but removal from the election constitutes double jeopardy.
  - do not know.
30. Short term suspensions for special education students
- are treated in the same manner as regular education students.
  - can be assigned only if the behavior was not due to the handicapping condition.
  - is unlawful.
  - none of the above.
  - do not know.

Please make sure you have responded to each question by circling the letter next to the appropriate response.

Please return the questionnaire to your principal.

Thank you for completing this test. Your cooperation is greatly appreciated.

## Appendix H

## Counselor's Cover Letter

3-25-96

Dear Counselor,

During the last decade the number of civil suits against school personnel has increased significantly. Disputes which once were resolved in the school are now being pursued in a court of law. Your position in the school system is particularly vulnerable. You deal with delicate issues that effect students on a regular basis. Your knowledge of school law could be a determining factor as to whether you are involved in civil or statutory proceedings. The purpose of this survey is to assess the knowledge of school law of high school guidance counselors in the Commonwealth of Virginia and to make recommendations based upon the findings of the data. Your participation in this study is vital in order to accomplish this task.

The questionnaire that you are being asked to complete was developed with the assistance of public school counselors, college professors, and counselors in supervisory positions. The questions deal with issues of school law that you may be associated with either directly or indirectly.

You were randomly selected as one of 400 counselors across the Commonwealth to participate in this study. I would appreciate it if you would take about twenty minutes from your busy schedule to complete the questionnaire. It is important that you complete this questionnaire without assistance.

Please return the questionnaire back to your principal so it

can be mailed back in the enclosed envelope by April 5, 1996. Your responses will be kept in strict confidence. On every questionnaire there is a number. This number is not to identify individuals, but to keep track of which surveys were returned for the purpose of conducting follow-ups if it becomes necessary.

If you would like a copy of the answers to the questionnaire please let me know by mail at the address noted at the top of the page.

Please do not write your name on the questionnaire. Your assistance in this matter is greatly appreciated.

Sincerely,  
Richard K. Rawls

V.P.I & S. U.

Appendix I

Reminder Letter Sent to Principals

4-17-96

Dear Principal,

On March 25, 1996 I mailed you a questionnaire dealing with Virginia School Law that was to be randomly distributed to one or two of your counselors. Please check with your counselors to see if the questionnaire was completed and mailed back in the envelope provided. If the questionnaire has already been completed please express my deepest appreciation to the counselor(s) who participated. If they have not had the time to complete this task I would appreciate it if it could be completed within the next three days. Their responses are a critical part of my assessment of school law knowledge possessed by Virginia high school guidance counselors.

If you did not receive the questionnaire or if it has been misplaced, please drop me a line at the return address below or call collect after 6:00 at (804) 547-7759. Your assistance and the participation of your counselor(s) is greatly appreciated in this endeavor.

Sincerely,

Richard K. Rawls

## Appendix J

Percentage and Number of Counselors Choosing  
Correct and Incorrect Responses

Question #	# Correct	# Incorrect	Pct.
Correct			
1	190	60	76.0
2	54	196	21.6
3	127	123	50.8
4	139	111	55.6
5	97	153	38.8
6	167	83	66.8
7	55	195	22.0
8	197	53	78.8
9	59	191	23.6
10	75	175	30.0
11	137	113	54.8
12	77	173	30.8
13	44	206	17.6
14	81	169	32.4
15	30	220	12.0
16	176	74	70.4
17	138	112	55.2
18	137	113	54.8
19	110	140	44.0
20	201	49	80.4
21	29	221	11.6
22	168	82	67.2
23	107	143	42.8
24	171	79	68.4
25	104	146	41.6
26	98	152	39.2
27	48	202	19.2
28	87	163	34.8
29	12	238	4.8
30	63	187	25.2

Vita  
Richard K. Rawls

Education: Virginia Polytechnic Institute and State University, Ed. D, Educational Administration, 1997

Virginia Polytechnic Institute and State University, Ed. S., Educational Administration, 1994

Old Dominion University, Certificate of Advanced Studies, 1985

Old Dominion University  
M.S., Health and Physical Education, 1977

Campbell College  
B. S., Health and Physical Education, 1970.

Experience:

1994-	Assistant Principal Portlock Primary School Chesapeake City School Chesapeake, Virginia
1985-1994	Assistant Principal Indian River High School Chesapeake City Schools Chesapeake, Virginia
1983-1984	9-12 Physical Education Teacher Indian River High School Chesapeake, Virginia
1973-1984	7-9 Physical Education Teacher Indian River Jr. High School Chesapeake, Virginia

1970-1972      9-12 Physical Education Teacher  
Great Mills High School  
Lexington Park, Maryland

Richard K. Rawls

Richard K. Rawls