

Education Law Literacy of Administrators in State Universities and Colleges

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Abstract. This descriptive-correlational survey determined the education law literacy of 175 administrators of state universities and colleges in the Eastern Visayas Region of the Philippines and its association with their age, sex, educational background, teacher certification, length of administrative and teaching experience, and exposure to education law. A researcher-made survey instrument consisting of a 30-item education law test on student and teacher rights was utilized. Descriptive and inferential statistics were used in analyzing the data such as frequencies, means, standard deviation, Eta correlation, Pearson product-moment correlation, and Spearman ranks correlation. Results showed a poor overall literacy level of administrators on education law and a very low or negligible association between education law literacy and law background. Recommendations include future research directions to improve education law literacy of school administrators.

Keywords: education law literacy; school administrators; state universities; student rights; teacher rights.

1. Introduction

Alexander and Alexander (2001) comprehensively defined education law as a field of study covering a wide range of legal subjects affecting school processes such as the enforcement of school discipline and the hiring of new teachers and dismissal of erring ones.

School administrators believe that education law literacy is important in their profession (DiPaola & Tschannen-Moran, 2001; Dunklee & Shoop, 2002), however, school heads were found to only have an average or fair amount of legal knowledge of students' rights, teacher and administrator issues, torts, and church or state relations (Brabrand, 2003; Caldwell, 1986). Studies of Eberwein (2008) and Militello, Schimmel, and Eberwein (2009) also found school heads' knowledge relating to students' and teachers' rights to be shockingly inadequate.

The constantly evolving education-related laws make it more difficult for school administrators to stay abreast with current laws. Leaders of educational institutions are expected to respond to school situations and to the rapidly changing demands of society. In the same light, they need to be constantly aware of potential litigation risks within the educational system and their role and responsibility of protecting the stakeholders' rights (Hernandez & McKenzie, 2010; Theoharis, 2007). Yet aside from these tasks, effective administrators should know how to avoid lawsuits altogether (Dunklee & Shoop, 2002).

Studies in the past (Gordon, 1997; Militello, Schimmel & Eberwein, 2009; Taylor, 2001; Redfield, 2003) explained that school administrators' inadequate knowledge of applicable laws and policies imply an unsatisfactory leadership to meet school standards and societal expectations. Rossow (1990, as cited in Stewart, 1996), moreover, stressed the need for administrators to have education law literacy to be able to decipher legally sound practices and avoid violations of stakeholders' rights.

In the Philippines, several decisions penned by the Supreme Court referred to the landmark U.S. Supreme Court decision in *Tinker vs. Des Moines Independent Community School District* (1969) which held that students' constitutional rights are not left at the schoolhouse door. Philippine jurisprudence shows several recent cases in schools decided based on landmark education law cases (*Vivares vs. St. Theresa's College*, 2014; *Lucas vs. Royo*, 2000; *Rose Ebralinag, et al. vs. Division Superintendent of Schools of Cebu, et al.*, 1993; *Diosdado Guzman, et al. vs. National University, et al.*, 1986; *Spouses Palisoc vs. Brillantes, et al.*, 1971; *Jacinto et al. vs. CA, et al.*, 1997; *Garcia vs. Loyola School of Theology*, 1975; *People vs. Malto*, 2007) with issues which could possibly be prevented with a good dissemination and monitoring program.

Though several studies on the educational leadership of school heads (Brooks & Sutherland, 2014; Sindhvad, 2009) have been conducted in the Philippines, few studies focused on education law and its impact on their school management. A descriptive study conducted by Pena (2013) on the ethical leadership behavior and legal knowledge of state university administrators from the third region of the Philippines found them to have poor legal knowledge on issues concerning liabilities and possible litigations, extent of supervisory and administrative powers over students' off-campus conduct, processes in giving sanctions and in prosecuting harassment cases, and on their views of retirement rules.

Available education law jurisprudence and case laws consist, among others, of teacher and student rights violated by school officials. However, there is a dearth of literature in the Philippines assessing the literacy of school administrators on these education-related laws. It could be gleaned further from the review of literature and relevant studies that the area of education law is under-researched and has not been the focus of recent international studies.

1.1 Statement of the Problem

This study assessed the education law literacy of administrators in state universities and colleges (SUCs) in the eighth region (Eastern Visayas) of the Philippines. It specifically sought to answer these questions: 1) What is the education law literacy level of administrators on concepts relating to student rights in terms of search and seizure, freedom of expression, freedom of religion, student due process and discipline, and right to education?; 2) What is the education law literacy level of administrators on concepts relating to teacher rights in terms of torts, appointment issues and employee rights, academic freedom, abuse, discrimination and harassment, and privacy of information?; and 3) Is there a significant relationship between the education law literacy level of administrators and their age, sex, educational background, teacher certification license, length of teaching experience, length of administrative experience, and exposure to education law?

1.2 Significance of the Study

The results of this study may provide diverse information and insights which could serve as bases for institutional reforms and assist policy makers in mapping out programs and policies for the improvement of the school community and school administrators' leadership practices. Having knowledge of the basic laws affecting the educational system will help the administrators in

managing the school and in maintaining a socially just environment beneficial to the students, the teachers, and the community and will, hence, create a positive school leadership concept.

1.3 Framework of the Study

This study is anchored upon the critical social theory of Leonardo (2004) and the transformative leadership theory of Shields (2010). The critical social theory emphasizes that obtaining quality education means having to confront realities of social inequality and of being committed to democratic processes (Leonardo, 2004) which entails a commitment to protect the right of every citizen to give voice to her or his ideas. The transformative leadership theory (Shields, 2010) emphasizes that change in social conditions has the end goal of achieving societal transformation. In this study, administrators were driven to critically reflect about their experiences to find out their personal strengths and weaknesses and of the school protocols they follow and to eventually come up with an appropriate intervention scheme to help their institution. The conceptual framework of the study is shown in Figure 1.

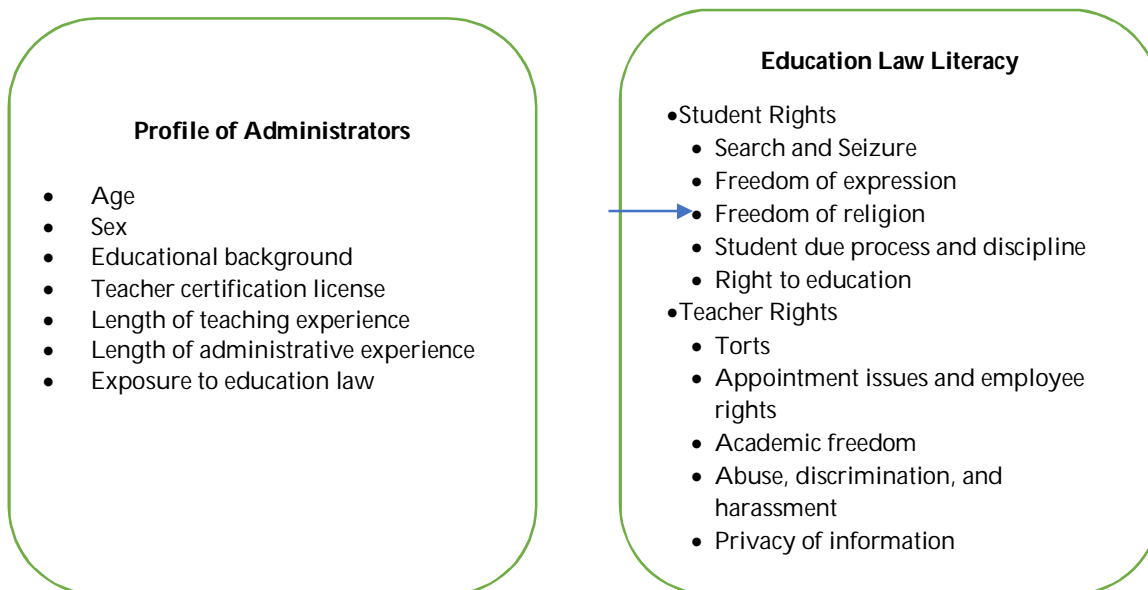


Figure 1. Conceptual framework of the study

1.4 Null Hypothesis

The study was conducted on the premise that there is no significant relationship between the administrators' education law literacy and their age, sex, educational background, teacher certification, length of administrative and teaching experience, and exposure to education law.

2. Methodology

The relationship between the profile and the education law literacy of the administrators was described using the descriptive-correlational survey design (Hubbard, Kramer, Denegar, & Hertel, 2007) which was conducted in the main campuses of the 10 State Universities and Colleges (SUCs) in the Eastern Visayas Region of the Philippines. From the population of 314 administrators, the sample size of 175 was computed using the Krejcie and Morgan (1970) formula and through stratified and proportional random sampling.

A researcher-made Education Law Test composed of 30 multiple choice type of test questions on teacher and student rights drawn from the 1987 Philippine Constitution, the Civil Code of the Philippines, the Revised Penal Code, statutory laws, case laws or jurisprudence, and regulations enacted by administrative bodies such as the Department of Education, the Commission on Higher Education, and the Civil Service Commission was used in the study. The 15 items on student rights cover questions on search and seizure, freedom of expression, freedom of religion, student due process and discipline, and right to education. Items on teacher rights cover 15 questions on student injuries and torts, appointment issues and employee rights, academic freedom, abuse, discrimination and harassment, and privacy of information.

The instrument was validated by two administrators and two teachers in a state university who all have education law backgrounds and who have been connected with a higher education institution for more than eight years and one lawyer adept in the field of education who has been teaching in a university for three years. Likewise, the instrument was pilot-tested with 30 administrators and 30 teachers with a Cronbach's alpha of .817, hence, the instrument was deemed valid and reliable for social science research (Lavrakas, 2008). Ethical clearance from an accredited research ethics committee in the Eastern Visayas Region and endorsement letters were sought before the onset of the study.

The data gathered were tabulated and analyzed using the Statistical Package for Social Sciences (SPSS) program at 0.05 level of significance. Descriptive statistics such as frequency counts, percentages, mean, and standard deviation was used to describe the profile of the administrators and their level of education law literacy. Eta correlation was used to establish the relationship between the administrators' education law literacy and sex and type of teacher certification license while the relationship between education law literacy and educational background, particularly the administrators' law background, was determined using Spearman's rho correlation. Pearson product-moment correlation was also used to establish the association between administrators' education law literacy and their age, length of teaching and administrative experience, and exposure to education law.

3. Results and Discussion

The data showed that the administrators had an average age of 44.40 years ranging from 21 to 64 years old with 94 (53.7%) female and 81 (46.3%) male respondents. Most of the administrator respondents were taking doctoral units which comprise 32.6% of the administrator-sample.

Interestingly, there were 15 (8.6%) administrators who have just obtained their bachelor's degree. This may show that the educational attainment in some SUCs is not necessarily a consideration in holding administrative positions. Only three (1.7%) of the administrator participants had taken Bachelor of Laws (LLB) or Juris Doctor (JD) units while two (1.1%) of them were LLB or JD graduates suggesting that most teachers and administrators in the SUCs have a relatively low law background.

With regard to their teacher certification license, 94 (53.7%) administrators were LET/PBET passers, 66 (37.7%) were non-takers, and 14 (8.0%) were non-passers. Meanwhile, an average of 16.97 years was recorded for the teaching experience of the administrators with an average of 5.71 years of administrative experience. Aside from the formal law background, the administrators were exposed to education law through training, conferences, symposia, and other related activities with an average of 7.21 hours but which focused only on sexual harassment and gender issues. This result implies the need to broaden the coverage of education law trainings in schools.

3.1 Administrators' Education Law Literacy on Student and Teacher Rights

It is shown in Table 1 that the administrators' mean score of 59.08% on the five specific components of student rights and 58.86% average score on teacher rights were much lower than the 75% passing mark of the Philippine educational system. The administrators' scores on each specific right, except on appointment issues and employee rights, were also below the 75% passing mark. Under students' rights, the administrators got 59.7% for search and seizure, 68.8% for freedom of expression, the lowest score of 43.7% for freedom of religion, 58.5% for student due process and discipline, and 68.3% for right to education. Under teachers' rights, the recorded scores below the passing mark include the mean score of 49.0% for torts, 62.8% for academic freedom, 47.7% for abuse, discrimination, and harassment, and 54.3% for privacy of information.

Table 1

Education Law Literacy of the Administrators on Student and Teacher Rights

Student Rights Component	<i>Mean Score</i>	<i>SD</i>	Teacher Rights Component	<i>Mean Score</i>	<i>SD</i>
search and seizure (n=3)	1.79 (59.7%)	0.74	torts (n=3)	1.47 (49.0%)	0.74
freedom of expression (n=4)	2.75 (68.8%)	0.68	appointment issues and employee rights (n=2)	1.61 (80.5%)	0.68
freedom of religion (n=3)	1.31 (43.7%)	1.11	academic freedom (n=4)	2.51 (62.8%)	1.11
student due process and discipline (n=2)	1.17 (58.5%)	0.76	abuse, discrimination and harassment (n=3)	1.43 (47.7%)	0.76
right to education (n=3)	2.05 (68.3%)	0.86	privacy of information (n=3)	1.63 (54.3%)	0.86
Total (n=15)			Total (n=15)		
	59.08%			58.86%	

However, despite the low overall literacy level on teacher rights, the administrators had a satisfactory level of literacy on appointment issues and employee rights with a percent score of 80.5%. This result implies the need to equip the administrators on the necessary know-how of search and seizure rights, freedom of expression and religion, due process and discipline, right to education, torts, academic freedom, abuse, discrimination and harassment, and privacy of information which are sources of legal conflicts in schools.

3.2 Correlation of Education Laws Literacy with Administrators' Profile

Table 2 shows that there is no significant correlation that exists between education law literacy and sex of the respondents ($\eta=0.129$, $p=0.088$). Hence, the null hypothesis was accepted. This suggests that sex may not necessarily be a factor in the administrators' education law literacy.

Table 2

Correlation of Education Law Literacy and Sex

Sex	Mean Score	SD	Eta (η)	Eta ² (η^2)	p
Female	16.13	3.640			
Male	17.04	3.322	0.129	0.017	0.088
Total	16.55	3.516			

It is also shown in Table 3 that there exists no significant correlation between education law literacy and age ($r=-0.129$, $p=0.091$), education law literacy and length of teaching experience ($r=-0.051$, $p=0.505$), education law literacy and length of administrative experience ($r=0.005$, $p=0.953$), and education law literacy and exposure to education law ($r=0.026$, $p=0.733$). These suggest that these variables do not necessarily enhance the legal knowledge of the participants. Thus, there is no sufficient evidence to reject the null hypothesis on the correlation of education law literacy and the specified variables.

Table 3

Correlation of Education Law Literacy and Age, Length of Teaching and of Administrative Experience, and Exposure to Education Law

Variables	Pearson r	p
Education Law Literacy-Age	-0.129	0.091
Education Law Literacy -Length of Teaching	-0.051	0.505
Education Law Literacy -Length of Administrative Experience	0.005	0.953
Education Law Literacy -Exposure to Education Law	0.026	0.733

The correlation between the teacher certification license and literacy on education law is shown in Table 4. Results reveal no significant correlation between the two variables ($p > .05$), hence, the null hypothesis cannot be rejected.

Table 4

Correlation of Education Law Literacy and Teacher Certification License

Teacher Certification License	<i>Mean Score</i>	<i>SD</i>	Eta (η)	Eta² (η^2)	p
LET/PBET Passer	16.41	3.822			
Non-LET/PBET Passer	16.36	2.530	0.057	0.003	0.758
Non-Taker	16.82	3.272			
Total	16.56	3.521			

While all other variables did not have a significant association with literacy on education law, it is interesting to note that a highly significant very low (or negligible) positive correlation ($r=0.232$, $p=0.002$) exists between literacy on education law and law background for the administrator participants as seen in Table 5.

Table 5

Correlation of Education Law Literacy and Educational/Law Background

Variables	<i>Spearman's r</i>	<i>p</i>
Literacy on Education Law-Educational Background	0 .026	.734
Literacy on Education Law -Law Background	0.232**	.002**

***Correlation is significant at the 0.01 level (2-tailed)*

Therefore, the null hypothesis can be rejected. These results imply that a change in the level of literacy on education law may be observed when faculty members formally study law. This supports the findings of Paul (2001) which highlighted the impact of a school law course on teachers' understanding of legal issues. Logic dictates that knowledge on education law may be extended and deepened with formal law training, hence, educational policies consistent with student and teacher rights may be effectively crafted and implemented.

4. Conclusions

The study revealed that preference is given to senior faculty members in giving administrative positions and saw an increasing gender gap in the field of education in favor of female employees. The administrators were found to have higher educational attainment pointing to the possibility that educational attainment may be a necessary consideration in designating teachers to an administrative position in most state universities and colleges with the exception of a few who assigned supervisory functions to teachers who had just finished their undergraduate degree. A relatively high number of non-takers of the teacher certification license was also revealed suggesting that this teaching requirement may have been overlooked by the academic leaders or may have not been given priority in the hiring of the teaching staff.

Moreover, the administrator respondents were found to have a low overall literacy level on student and teacher rights attributed to the limited opportunities available to them to attend education law training and conferences. Further, it may be surmised that administrators of state universities and colleges in the Eastern Visayas Region of the Philippines are not equipped with the necessary competence to be responsive to the education law issues faced by their institution.

The satisfactory level of literacy on appointment issues and employee rights by both groups may be attributed to their personal knowledge and experience in their respective institutions and not through institution-initiated seminars. The result of no significant correlation between education law literacy and exposure to education law may also be attributed to the very limited opportunities available for the administrators. The poor education law literacy of the administrators may affect their competency in categorizing and in dealing with legal issues and may not help the schools in preventing lawsuits to be lodged against them.

4.1 Recommendations

The study recommends a substantial training in education law to be initiated by the respective institutions to empower the school heads and the teachers. Academic and administrative staff may be supported by granting participation in institutional, regional, or national conferences, symposia, training, and the like to build their capacity on dealing with legal issues in and out of school premises. Provision of electronic and printed academic writings on education law such as website sections, blogs, monographs, books, primers, and other related materials is highly recommended to instill theoretical and practical knowledge of the laws concerning the educational milieu. Likewise, the conduct of further studies is likewise recommended to identify other intervention schemes in providing the administrators with a working knowledge of applicable education laws.

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