

Legal Literacy of Teachers on Selected Laws and Jurisprudence

Atty. Alma Sonia Q. Sanchez-Danday; Dr. Billy A. Danday

Abstract

Teachers in higher education institutions are responsible for acting in accordance with the law and policies to ensure that equity is provided and rights are not violated. This descriptive-correlational study determined the profile and the level of legal literacy on education laws of 322 teachers of State Universities and Colleges (SUCs) in the Eastern Visayas Region of the Philippines. Moreover, it endeavored to determine the association of legal literacy to the identified profile variables through the use of a researcher-made survey instrument. The analyses of data included both descriptive and inferential statistics like frequencies, means, standard deviation, Eta correlation, Pearson product-moment correlation, and Spearman ranks correlation. Results revealed that teachers have low level of legal literacy and that no significant relationship exists between their legal literacy and age, sex, educational background, teacher certification, length of administrative and teaching experience, and exposure to education law. The study recommends the provision of trainings, grants, scholarships and sufficient access to education law resources for teachers in the higher education institutions.

Keyword: teachers, legal literacy, rights, education law, higher education institutions

Published Date: 5/31/2019

Page: 306-315

Vol 7 No 5 2019

DOI: <https://doi.org/10.31686/ijer.Vol7.Iss5.1513>

Legal Literacy of Teachers on Selected Laws and Jurisprudence Affecting School Operations

Atty. Alma Sonia Q. Sanchez-Danday

Dr. Billy A. Danday

Leyte Normal University

Philippines

Abstract

Teachers in higher education institutions are responsible for acting in accordance with the law and policies to ensure that equity is provided and rights are not violated. This descriptive-correlational study determined the profile and the level of legal literacy on education laws of 322 teachers of State Universities and Colleges (SUCs) in the Eastern Visayas Region of the Philippines. Moreover, it endeavored to determine the association of legal literacy to the identified profile variables through the use of a researcher-made survey instrument. The analyses of data included both descriptive and inferential statistics like frequencies, means, standard deviation, Eta correlation, Pearson product-moment correlation, and Spearman ranks correlation. Results revealed that teachers have low level of legal literacy and that no significant relationship exists between their legal literacy and age, sex, educational background, teacher certification, length of administrative and teaching experience, and exposure to education law. The study recommends the provision of trainings, grants, scholarships and sufficient access to education law resources for teachers in the higher education institutions.

Keywords: teachers, legal literacy, rights, education law, higher education institutions

Introduction

Classroom teachers use their knowledge of education law in their daily performance. They are legally responsible agents of the state who need at least a baseline understanding of their own rights apart from the students' and teachers' rights (Militello, Schimmel, & Eberwein, 2009). Yet, it was evident in the studies conducted that both pre-service and in-service teachers' trainings in education law were inconsistent and were found to be lacking in education law concepts (Corcoran, 2007; Schimmel & Militello, 2007). State Universities and Colleges (SUCs), as public institutions of higher learning, should then be updated with these constantly evolving education-related laws as they are required to work within the approved legal frameworks set forth by the government.

Law which affect schools, teachers, and students are based on a balance of rights and responsibilities. This implies that teachers must not only be aware of education law concepts but must also be knowledgeable

enough to act in accordance with current laws. Knowing how important legal literacy is in providing a socially just environment in the educational organization, the questions, then, that lie at the core of this research study are whether teachers cognizant with what is amiss and what their strengths and weaknesses are.

Studies of Eberwein (2008) and Russo (2011) conducted in the United States revealed a growing number of litigations involving schools covering the areas of employees, school governance, students, bargaining, students with disabilities, torts, sports, higher education, and students in higher education. Potential factors that can be used to explain the increase in legal action taken against schools include the increase in the education levels of parents who are familiar with their children's rights, societal shifts towards a more litigious society, negligence on the part of principals and teachers, or a combination of several of the above (White, 2012). The same scenario holds true in the Philippine setting. Through the years, several administrative, civil, and criminal cases involving schools, school heads, teachers, and students, have been filed in courts and other quasi-judicial bodies. Teachers would have been able to prevent the commission of offenses against the students, colleagues, and of the civil service, generally, if they have developed legal consciousness.

A basic understanding of educational laws will help teachers protect the rights and ensure the safety of young people (Mirabile, 2013) as well as protect themselves from having their rights violated. Improved legal literacy, then, of both teachers and administrators will foster a culture of accountability and help them recognize their own authority as agents of the state.

Statement of the Problem

The purpose of this study was to determine the level of legal literacy in education law of teachers in the State Universities and Colleges (SUCs) in Eastern Region (Region VIII) of the Philippines. Specifically, this study sought to answer the following questions:

1. What is the profile of the teachers in terms of age, sex, educational background, teacher certification license, length of teaching experience, length of administrative experience, and exposure to education law?
2. What is the level of teachers' legal literacy 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?
3. What is the level of teachers' legal literacy 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?
4. Is there a significant relationship between the teachers' level of legal literacy and their profile variables?

Significance of the Study

The findings of the study will benefit State Universities and Colleges and other institutions of higher learning because of the heightened level of legal challenges arising against schools. It will also prove helpful to educational program managers as this will provide data that will serve as a springboard in decision-making and policy formulation in the area of education law.

Scope and Delimitation of the Study

The study was conducted in the main campuses of the 10 State Universities and Colleges in the Eastern Visayas Region of the Philippines involving the temporary and permanent teachers. With regard to the legal literacy on education laws, only 10 rights were selected reflected by international research studies and Philippine jurisprudence as the most common sources of legal conflicts. Because of the numerous education-related laws and breadth of discussion for each one, the researcher decided to limit the scope of the rights to five each on student and teacher rights.

Review of Related Literature and Studies

Law has been a part of mankind since the beginning of time. Pound (1960) provides an expanded definition of the law that further explains its usefulness to civilized society. He said that in one sense, law is a way for a regime to order society; in another sense, it is a body of ideas by which the regime seeks to achieve justice; and thirdly, it is a set of ideas that constrains conduct and helps to affect an orderly society.

School law and education law are terms that are used interchangeably in the literature. A comprehensive definition of education law is given by Alexander & Alexander (2001) stating that it pertains to all areas of jurisprudence that bear on the operation of both private and public schools. Banthin & Stelzer (1980) noted that laws are immutable and they continue to change on a regular basis in our society; hence, education law is also a subject that requires constant attention and updating. Many of these changes come from legislative enactments that provide the basis for public education law.

Several studies have been conducted regarding the legal literacy of teachers on education law. Though their voice is influential, the classroom teachers are found to be uneasy about their knowledge of school law (Brown, 2004). In a qualitative study involving six teachers, Brown (2004) found that her participants lack knowledge of landmark cases taught typically in pre-service- foundations courses acknowledging the need for additional staff development. However, she found that the teachers were reasonably knowledgeable of issues related to privacy rights she attributed to teachers' access of current news events and television crime shows.

In a study conducted by Paul (2001), he found that teachers with previous school law experience had the highest mean percent of correct answers in answering the 45 true/false questions based on applicable laws followed by teachers with 21 to 30 years of experience. Ironically, those having more experience (more than 30 years) scored lower, as well as those with three years of experience or less. Other studies suggest a

very low legal literacy level of teachers on either or both student and teacher rights (Wagner (2006; Schimmel & Militello (2007).

In the Philippines, there is a dearth of literature focusing on the legal literacy of teachers on education laws affecting basic student and teacher rights. Numerous studies have been centered only on environmental awareness, inclusive education, and special education issues. The review of the literature has also shown that no study investigating the legal literacy of the teachers in the Philippine context has been done yet, more so for the Eastern Visayas Region.

Theoretical and Conceptual Framework

This study is anchored upon an educational leadership theory called the transformative leadership theory which Shields (2010) believed to meet both the academic and social justice needs of the complex and diverse education systems. This transformative leadership according to Shields (2010) emphasizes the deep and equitable change in social conditions with an end goal going beyond that of reaching an agreement or of achieving organizational change to achieving individual, organizational, and societal transformation owing much from the work of Freire (1970). The following conceptual framework as illustrated in Figure 1 served as a guidepost in the conduct of the study.

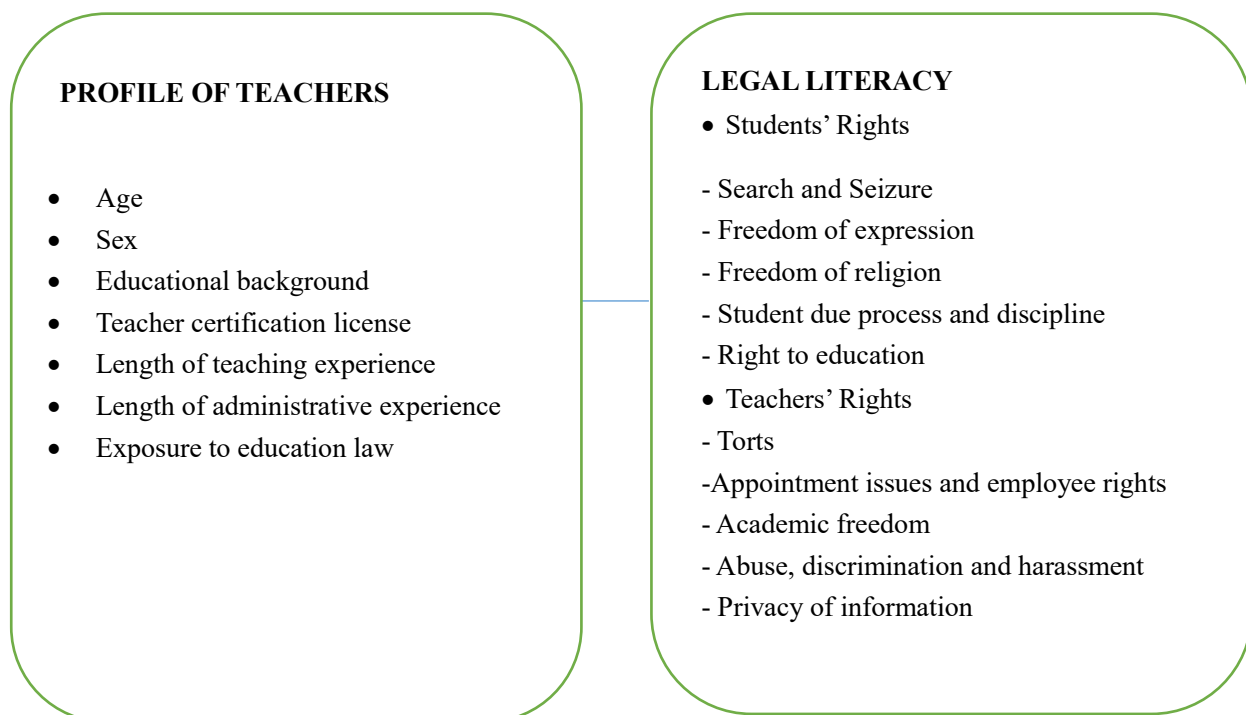


Figure 1. The conceptual framework of the study

Null Hypothesis

The study tested the hypothesis that there is no significant relationship between the teachers' level of legal literacy and their age, sex, educational background, teacher certification, length of administrative and teaching experience, and exposure to education law.

Methodology

The study made use of the descriptive-correlational survey design as described by Hubbard, Kramer, Denegar, & Hertel (2007) conducted in the main campuses of the 10 State Universities and Colleges (SUCs) in the Eastern Visayas Region (Region VIII) of the Philippines. Based on the Krejcie and Morgan (1970) formula, a sample of 322 from the population of 1,920 teachers were chosen as respondents through simple random sampling.

A researcher-made survey instrument validated by two administrators, two teachers, and one lawyer adept in education law was used. The first part of the survey asked for the profile of the respondents while the second part was an Education Law Test composed of 30 multiple choice type of test questions on teacher and student rights. Likewise, the instrument was pilot-tested with 30 administrators and 30 teachers revealing a Cronbach's alpha of .817 after modifications which is already deemed acceptable for a social science research (Lavrakas, 2008). Endorsement letters and an ethical clearance from an accredited ethics committee were sought before the conduct of the study. Distribution, administration, and retrieval of the research instrument were done by the researcher and her research assistant.

The data gathered through the use of the survey instrument were tabulated and analyzed using the Statistical Package for Social Sciences (SPSS) version 20 program. The profile of the teachers involving their age, sex, educational background, teacher certification license, length of teaching and administrative experience, exposure to education law and their level of legal literacy on student and teacher rights were tabulated using descriptive statistics such as frequency counts, percentages, mean, and standard deviation. The relationship between teachers' level of legal literacy and their sex and teacher certification license was established through eta correlation. The relationship between teachers' legal literacy and educational background, and particularly their law background, was determined using Spearman's rho correlation. The relationship between teachers' level of legal literacy and their age, length of teaching and administrative experience, and the length of education law trainings attended were established through the Pearson product-moment correlation. All correlational data were analyzed at .05 level of significance.

Results and Discussion

Results revealed that the teachers have an average age of 33.61 years ranging from 20 to 64 years old. One hundred eighty-four teacher participants or 57.1% were female while 135 or 41.9% were male with three respondents who opted not to answer. One hundred two or 31.7% of the entire teacher-sample were on their way of acquiring their master's degree while only 25 or 7.8% were doctoral degree graduates. Only two (0.6%) of teachers have formal law background having had taken Bachelor of Laws or Juris Doctor units. One hundred ninety-eight (61.5%) teachers were licensed teachers, 94 (29.2%) were non-takers while 28 (8.7%) were non-passers. An average of 9.15 years was recorded for the teaching experience of the 298 teacher participants. Fourteen teachers were also identified to have an average of 6.07 years of administrative experience. With regard to the teachers' exposure to education law, an average of 4.69 hours

was obtained through trainings, conferences, symposia, and other related activities. However, the survey answers revealed that respondents' exposure was only limited to a few education laws such as on sexual harassment and gender sensitivity. Their answers also revealed that they lack substantive knowledge on landmark cases supporting the findings in the study conducted by Brown in 2004.

Respondents' Level of Legal Literacy on Student and Teacher Rights

The mean scores of the teachers on the five specific provisions of student rights are much lower than 75% passing mark of the Philippine educational system. The teacher participants obtained an overall mean percent score of 56.36% suggesting a low literacy level on student rights as shown in Table 1.

Table 1. Legal Literacy of Respondents on Student Rights

Student Rights Component	Teacher (N=322)			
	Min. Score	Max. Score	Mean Score	SD
search and seizure (n=3)	0	3	1.55 (51.2%)	.781
freedom of expression (n=4)	0	4	2.48 (62.0%)	.928
freedom of religion (n=3)	0	3	1.48 (49.3%)	1.048
student due process and discipline (n=2)	0	2	1.08 (54.0%)	.723
right to education (n=3)	0	3	1.96 (65.3%)	.938
Total (n=15)			56.36%	

The same trend was observed in the literacy level of the respondents on teacher rights as shown in Table 2 with an overall mean percent score of 56.70%. However, despite the low overall literacy level on teacher rights, the teachers had a satisfactory level of literacy on appointment issues and employee rights with a percent score of 76.0%.

Table 2. Legal Literacy of Respondents on Teacher Rights

Teacher Rights Component	Teacher (N=322)			
	Min. Score	Max. Score	Mean Score	SD
torts (n=3)	0	3	1.43 (47.7%)	.781
appointment issues and employee rights (n=2)	0	2	1.52 (76.0%)	.928
academic freedom (n=4)	0	4	2.42 (60.5%)	1.048
abuse, discrimination and harassment (n=3)	0	3	1.39 (46.3%)	.723
privacy of information (n=3)	0	3	1.59 (53.0%)	.938
Total (n=15)			56.70%	

Legal Literacy and Respondents Profile

It can be culled from Table 3 that no significant correlation exists between legal literacy and sex ($\eta=.081$, $p=.147$). Hence, the null hypothesis on the correlation of legal literacy and sex cannot be rejected.

Table 3. Correlation of Legal Literacy and Sex

Sex	Teacher		Eta (η)	Eta ² (η^2)	p
	Mean Score	SD			
Female	15.65	4.087			
	15.00	3.687			
Male	15.37	3.930	.081	.007	.147
Total					

It is also shown in Table 4 that there exists no significant correlation between legal literacy and age ($r=-.065$, $p=.248$). The same trend is also observed between legal literacy and length of teaching, length of administrative experience, and exposure to education law ($p>.05$). These suggest that the age, length of teaching and administrative experience, and exposure to education law through trainings, conferences, and symposia do not necessarily enhance the legal knowledge of the participants. Hence, there is no sufficient evidence that the null hypothesis on the correlation of legal literacy and the specified variables can be rejected.

Table 4. Correlation of Legal Literacy and Age, Length of Teaching/ Administrative Experience, and Exposure to Education Law

Variables	Teacher	
	Pearson r	p
Legal Literacy -Age		.248
Legal Literacy -Length of Teaching	-.065	.196
Legal Literacy -Length of Admin. Exp.	-.075	
Legal Literacy -Exposure to Educ. Law	-.417	.138
	-.034	.542

Table 5 presents the correlation between the teacher certification license and legal literacy. Results reveal no significant correlation between the two variables of the respondents ($p>.05$). This suggests that legal literacy is not necessarily influenced by the teacher certification license that a teacher or administrator possesses. Hence, the null hypothesis cannot be rejected.

Table 5. Correlation of Legal Literacy and Teacher Certification License

Teacher Cert. License	Teacher		Eta (η)	Eta ² (η^2)	p
	Mean Score	SD			
LET/PBET Passer	15.43	4.012			
Non-LET/PBET Passer	14.96	4.460			
Non-Taker	15.27	3.900			
Total	15.33	4.010	.069	.005	.674

Moreover, no significant correlation exists between legal literacy and educational background ($r=.016$, $p=.779$), particularly, the law background of the respondents ($r=.098$, $p=.080$) as seen in Table 6. Thus, the null hypothesis was accepted.

Table 6. Correlation of Legal Literacy and Educational Background/ Law Background

Variables	Teacher	
	Spearman's r	p
Legal Literacy-Educational Background	.016	.779
Legal Literacy -Law Background	.098	.080

These results revealed similar findings in the study of Paul (2001) which noted no significant differences on teachers' knowledge of law based on race, gender, or certification but gives a contradictory result to his findings that years of teaching experience affect teachers understanding of legal issues.

Conclusion and Recommendations

Very few opportunities were given to the teachers to attend trainings on education law affecting student and teacher rights. Most of these initiatives focused on sexual harassment and gender sensitivity concepts leading to their poor literacy level on both student rights on search and seizure, freedom of expression and religion, student due process and discipline, and right to education and teacher rights specifically on torts, abuse, discrimination, and harassment, academic freedom, and privacy of information. Though the findings of Paul (2001) highlighted the impact of a school law course on teachers' understanding of legal issues, the contrary findings of this study may be attributed to the fact that only two teachers had formal law background. Implications to education can be drawn from these findings. To effectively impose institutional policies, the teaching and administrative staff in SUCs must have a thorough understanding of student and teacher rights. As the primary clientele of higher education institutions, upholding students' rights must be the prime concern of these institutions. On the other hand, knowledge of their own rights will help teachers adequately protect themselves and prevent commission of offenses.

The study recommends for the conduct of substantial trainings on education law, the granting of participation in conferences to build teachers capacity in dealing with legal issues in and out of school premises, the awarding of law scholarships, the provision of electronic and printed education law resources, and the conduct of further studies to identify appropriate intervention schemes for teachers.

References

- Alexander, K. & Alexander, M. D. (2001). *American Public School Law* (5th ed.). Belmont: West-Thomson Learning.
- Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877)*
- Banthin, J. & Stelzer, L. (1980). *What Americans should know about school law*. Palo Alto: ERIC Document, Dialog Information Services.
- Brown, Q. L. (2004). *An inquiry into secondary teachers' knowledge of school law in one rural southwest Georgia county*. Pro Quest Dissertation and Theses.
- Corcoran, T. (2007). The changing and chaotic world of teacher policy. In D. Cohen, S. Fuhrman, & F. Mosher (Eds.). *The State of Education Policy Research*, 307-335. London: Lawrence Erlbaum Associates Publishers.
- Eberwein, H. J. (2008). *Raising legal literacy in public schools, a call for principal leadership: A national study of secondary school principals' knowledge of public school law*. Retrieved from Pro Quest Dissertations & Theses.
- Enhanced Basic Education Act of 2013 (Republic Act No. 10533)*
- Freire, P. (1970). *Pedagogy of the oppressed*. New York: Herder & Herder.
- Hubbard, T. J., Kramer, L. C., Denegar, C. R., & Hertel, J. (2007). Correlations among multiple measures of functional and mechanical instability in subjects with chronic ankle instability. *Journal of athletic training*, 42(3), 361.
- Krejcie, R.V. & Morgan, D. W. (1970). Determining sample size for research activities. *Educational and Psychological Measurement*, 30, 607-610.
- Lavrakas, P. J. (2008). *Encyclopedia of survey research methods* Thousand Oaks, CA: Sage Publications, Inc. doi: 10.4135/9781412963947

- Militello, M., Schimmel, D., & Eberwein, H. J. (2009). If they knew, they would change: How legal knowledge impacts principals' practice. *NASSP Bulletin*, 93(1), 27-52.
- Mirabile, C. (2013). *A comparison of legal literacy among teacher subgroups*. Virginia Commonwealth University.
- Paul, G. (2001). *An analysis of Georgia public school teachers' knowledge of school law: Implications for administrators* (Doctoral dissertation). Georgia Southern University, United States-Georgia.
- Pound, R. (1960). *Law finding through experience and reason: Three lectures*. Athens: University of Georgia Press.
- Russo, C. J. (2011). *The yearbook of educational law 2011*. Dayton, Ohio: Education Law Association.
- Schimmel, D. & Militello, M. (2007). Legal literacy for teachers: A neglected responsibility. *Harvard Educational Review*, 77(3), 257-284.
- Shields, C. M. (2010). *Transformative Leadership*, In E. Baker, P. Peterson, & B. McGaw (eds.), *International Encyclopedia of Education*, 3rd Edition, Oxford, UK: Elsevier.
- Wagner, P. (2006). *Perceptions of the legal literacy of educators and the implications for teacher preparation programs* (Doctoral dissertation). Kent State University, United States-Ohio.
- White, D. B. (2012). *An assessment of the level of school law knowledge of South Carolina school principals and the implications for litigation and social justice* (Doctoral dissertation, University of South Carolina).
- The Civil Code of the Philippines (1949)*. Retrieved from https://lawphil.net/statutes/repacts/ra1949/ra_386_1949.html
- The Constitution of the Republic of the Philippines (1987)*. Retrieved from <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>
- The Universal Access to Quality Tertiary Education Act (Republic Act No. 10931)*