

## **Understanding Pre-Service Teachers' Legal Literacy and Experiences with Legal Issues in Practicum Settings: An Exploratory Study**

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### **Abstract**

There is a dearth of research that examines legal literacy among pre-service teachers in Canada. Pre-service teachers' legal literacy refers to the knowledge level that teacher candidates in teacher education programs have with respect to educational law and policy and how it affects their preparation for entering the teaching profession. This article presents findings from an exploratory mixed-methods study that examined teacher candidates' (n=1731) reflections that detail observations of and experiences with legal issues while on practicum placements in a teacher education program in one southeastern Ontario university during three academic years. We identify teacher candidates' most frequently cited aspects of school law and policy, analyze teacher candidates' awareness of school laws and policies pertaining to those aspects, and explore their perceived preparedness to deal with legal issues occurring in their practicum placements. We conclude with a discussion of findings and research implications for teacher education programs.

*Keywords: legal literacy, school law, teacher education, teacher candidate, practicum*

### **Introduction**

Research suggests that teaching is becoming increasingly complex requiring increased teacher competencies in applying a range of practices for varying purposes, incorporating and integrating different kinds of knowledge, building up a sophisticated pedagogical repertoire, and adapting to learner diversity and shifting contextual forces (Gambhir, Broad, Evans, & Gaskell, 2008). The goal of pre-service teacher education programs in Canada has been to prepare students to become effective educators in both elementary and secondary classrooms by providing teacher candidates with opportunities to gain the knowledge and skills needed to teach all children. Provincial legislation set up the content of pre-service teacher education in very broad terms, generally including such components as an orientation toward curriculum and pedagogy, a practicum in the schools, discussion of child development, and law and social issues (Gambhir et al., 2008). In addition to learning about preparing lesson plans, teaching classes, encouraging students in their studies, evaluating work and progress, maintaining classroom discipline, demonstrating good citizenship, and acting as advisers by connecting students to their career goals, teacher candidates are expected to be literate in school law and policy. Pre-service teachers' legal literacy refers to the knowledge level that teacher candidates in teacher education programs have with respect to educational law and policy and how it affects their preparation for entering the teaching profession.

It is not surprising that during instructional and practicum components, pre-service teachers are primarily encouraged to explore and begin to understand their pedagogy and apply instructional approaches and methods. Consequently, minimal time is available for pre-service teachers to develop a comprehen-

sive understanding of, and appreciation for, their complex roles within educational law and policy. Yet, research found that legal issues are the third most essential area of teacher preparation (Garner, 2000). To be more responsive in a society that is becoming more legally complex, and to better serve children's interests, future teachers require a firm understanding of the law related to children (Sametz, 1983). Most teacher education programs offer an education law course in order to develop pre-service teachers' legal and policy literacy (Gullatt & Tollett, 1997).

Although the need for increased attention to the development of legal literacy has been voiced in the literature (Bain, 2009; Gullatt & Tollett, 1997; Littleton, 2008; Schimmel & Militello, 2011), most of the research has been conducted in the United States. There is a dearth of research that examines perceptions of legal literacy among pre-service teachers across Canada. Thus, we embarked on this exploratory study to examine teacher candidates' reflections that detail observations of and experiences with legal issues while on practicum placements in a teacher education program in one southeastern Ontario university during three academic years (2014-2017). We set out to identify teacher candidates' most frequently cited aspects of school law and policy; analyze teacher candidates' awareness of school laws and policies pertaining to those aspects, and explore their perceived preparedness to deal with legal issues occurring at their practicum placements. Upon the review of the literature on legal literacy, we describe the context of the course within which these reflections occurred, detail research methodology, discuss the research findings, and offer research implications for teacher education programs.

## Review of the Literature

In order to understand the scope of research on teacher candidates' legal literacy, we reviewed the relevant literature entailing such topics as teachers' knowledge of law and legal literacy, with a specific focus on the need for teacher candidates to be aware of and understand the importance of legal and policy matters in education. While the majority of the literature on the legal literacy of teachers comes from the United States, some Canadian studies have been conducted on this topic. Both American and Canadian strands of literature are discussed here, as much of the American perspective is highly congruent with the Canadian context (Delaney, 2008).

### *Why the Need for Teachers' Legal Literacy?*

A substantive reason why educators in general, and teacher candidates in particular, ought to develop their understandings of the law and the legal system lies in a "singular and fundamental fact about modern education: the education system, its structures, operations, interactions, and finance are all governed by a complex and extensive collection of laws" (Kutsyuruba, Burgess, Walker, & Donlevy, 2013, p. 4). With this reasoning in mind, educators must understand the legal parameters within which they work in order to guide their professional actions and to protect themselves from legal concerns. As professionals, educators must be aware of the law as it relates to professional codes of ethics; conduct and misconduct; standard of care and treatment of pupils; protection of physical, mental and emotional wellbeing of students; confidentiality of information; and educational policies, among other areas. As employees, teachers must be aware of issues relating to collective agreements and collective bargaining, union membership, and teaching contracts (Bezeau, 2007). Overall, the law determines conditions of teaching and guides teaching practices in virtually every aspect, from the treatment of students with exceptionalities to issues pertaining to curriculum.

Traditionally, teachers have been fairly immune from examination under the microscope of the law; yet, as the law becomes increasingly involved in education, so too are teachers swept into the legal process (MacKay, Sutherland, & Pochini, 2013). Understanding the laws surrounding professional conduct and interactions with students is of particular importance for educators, as ignorance of such laws may lead to legal complications which may, ultimately, provide employers with grounds for dismissal. Indeed, teachers may be susceptible to litigation and misunderstanding of laws and policies, rules and regulations, and rights and responsibilities that could potentially result in negative repercussions for teachers (Posocco, 2016). Manos (2007, p. x) noted, "ignorance of the law is never an excuse for improper or unlawful behaviour, but that ignorance can have extremely harmful repercussions for an educational employee—loss of licence, livelihood, and even liberty." In fact, litigation in the United States tends to target teachers (Gullatt & Tollett, 1997), and one can expect a similar phenomenon in an increasingly litigious society

in Canada, as well. In sum, legal literacy is not only essential to creating a legally educated public school workforce; it can also offer educators ways to arm themselves with the appropriate legal knowledge to protect themselves and their students (Schimmel & Militello, 2007). The law touches virtually every aspect of teachers' professional lives, and, as such, it is crucial that educators develop a working knowledge and understanding of the legal parameters within which they function (Kutsyuruba et al., 2013).

### *What is the State of Teachers' Knowledge of Law?*

Despite the fact that law affects educators in every area of study, at every level of education, both American and Canadian research points out that teachers do not perceive themselves as legally literate (Gullatt & Tollett, 1997; Peters & Montgomerie, 1998). However, the fact that legal knowledge and training of educators remain low may not be the fault of the teachers (Schimmel & Militello, 2007). This revelation should not come as a surprise, due to the absence of a systematic education approach to school law in the vast majority of teacher certification and professional development programs. Additionally, educators typically regard the law with anxiety, misunderstanding, and a sense that it is there to trap them (Wagner, 2007), fearing "an invisible monster lurking in the shadows of the classroom, hallways, or playground, waiting to ensnare any educator who makes an innocent mistake" (Schimmel & Militello, 2007, pp. 257-258). Based on their extensive national survey of American teachers, they found that over 75 percent of those surveyed had taken no course in school law, and 50 percent of respondents were uninformed or misinformed about teacher and student rights. Moreover, the majority of respondents identified "other teachers" as the primary source of legal knowledge in schools, although most of these teachers, too, had had no formal course in educational law and were similarly misinformed about legal issues. Therefore, achieving legal literacy requires a change in consciousness, knowledge, and behaviour in pre-service and in-service education (Militello & Schimmel, 2008). These same authors have even suggested that the failure of pre-service and in-service programs to address the legal illiteracy of teachers could be considered educational malpractice (Schimmel & Militello, 2011), as legal illiteracy carries a high emotional, administrative, and financial price.

We assume that the state of legal literacy among Canadian teachers is not very different. Almost two decades ago, Peters and Montgomerie (1998) found that, in some Canadian jurisdictions, educators revealed an extremely high level of uncertainty, already referred to as self-confessed ignorance, concerning rights in educational matters found in the provincial statutes and based on the *Charter of Rights and Freedoms, 1982*. Leschied, Lewis, and Dickinson (2000) similarly noted that Canadian studies on teachers' knowledge of the law are scant and have yielded results consistent with those in the United States: "Although few studies assess teachers' knowledge of the law affecting their practice, those that do exist support the notion that teachers have a poor comprehension of education law" (p. 3). More recently, the review of the literature revealed a scarcity of Canadian studies in the area(s) of educators' legal literacy, suggesting the need to augment them with content generated from studies and data gathered elsewhere, pointing out that the lack of legal knowledge among educators is a condition of worldwide proportion (Davies, 2009). In discussing the value to practising teachers of understanding educational law, Delaney (2009) found four main themes:

- the heightening of awareness, understanding, and sensitivity with respect to the various legal issues confronted by educators in today's schools;
- the facilitation of sound and responsible decision-making when dealing with various legal issues in schools;
- the fostering of a certain degree of professionalism; and lastly,
- the raising of teachers' self-confidence levels (p. 123).

For busy teachers, decisions often must be made as events unfold, extemporaneously. Keeping this thought in mind, one needs to consider to whom do those in schools turn to for legal advice in difficult situations? Clearly for teachers, school administrators are the first source of information. Yet, findings from a fairly recent Canadian study indicated that school administrators failed 50% of the time to answer legal questions correctly, thus suggesting that school-based administrators lack knowledge of school law principles, feel uncertain or lack confidence when making decisions involving legal issues, and may require further education in education law (Findlay, 2007).

## *How Teacher Candidates are Prepared at the Pre-Service Teacher Education Level?*

Leschied et al. (2000) argued that their research findings have direct implications for teachers' and administrators' preparation, as well as for continuing education programs:

1. Educators have a high frequency of involvement with legal issues.
2. Educators have a considerable lack of confidence in their ability to respond in an informed way to situations requiring knowledge of the law pertaining to children. Their lack of confidence appears justified, given their low level of self-assessed knowledge of relevant areas of the law. Not surprisingly, they are somewhat to moderately concerned about their legal liability.
3. The areas in which educators have concerns vary according to the level of school at which they work (i.e., elementary vs. secondary), their gender, and their legal experience; however, all groups report matters relating to school safety as their greatest legal concern.
4. Educators rely on their supervisors or peers within the education system for the bulk of their information and advice about legal matters.
5. Educators believe they have inadequate opportunities for learning about relevant laws and legal issues and desire more such opportunities (pp. 4-5).

At the most pedestrian level, a solid understanding of key aspects of school legislation and policy will ultimately assist teacher candidates in transitioning from teacher education programs into teaching careers. In practicum settings, teacher candidates focus on gaining practical teaching experience within the prescribed duties and responsibilities of school teachers. Therefore, significant legal problems germane to the profession at large are the same as those affecting student teaching (Garner, 2000). According to Fischer, Schimmel, and Stellman (2003), student teachers are held to the same duties of care as full-time teachers. Therefore, addressing legal literacy at the pre-service level is no longer optional but obligatory. However, in the United States, literature points out that coursework in educational law is fairly minimal in, or noticeably missing from, the curriculum of teacher preparation programs and lack of knowledge of the law is prevalent (Gullatt & Tollett, 1997; Reglin, 1990; Sametz, McLoughlin, & Streib, 1983; Schimmel & Militello, 2011). In regards to the legal literacy in pre-service teacher education programs in Canada, several authors advocated that teacher education programs need to provide pre-service teacher candidates with a sound theoretical and practical background in education law (Davies, 2009; Delaney, 2008; Kitchen, 2010; Leschied et al., 2000; Sydor, 2006; Young, Kraglund-Gauthier, & Foran, 2014). Researchers have suggested that there needs to be enhanced and meaningful legal training at the teacher education level for teachers to develop the capacity to best protect themselves and their students at school (Kitchen, 2010; Littleton, 2008; Schimmel & Militello, 2011).

Typically, these aims are achieved through stand-alone courses or by addressing legal issues as part of a broader survey course (Young et al., 2014). From a practical standpoint, Sydor (2006) argued that the knowledge that teachers gain in the study of school law contributes to the efficient and orderly functioning of schools because they accept responsibility for their practice as professionals and not simply as employees. Similarly, Young et al. (2014) emphasized that it is incumbent upon pre-service teacher education programs to disseminate legal and educational information. This dissemination can be done by creating spaces to analyze policy and equip beginning teachers with the knowledge to deal with the complex issues that emerge in the planning and practice of teaching. However, these authors also argued that the amount of legal literacy teaching and learning varies widely across Canada, pointing to a lack of agreed-upon standards. We share their concern about the disparate student outcomes of such learning in light of the complexity of the tensions in legal dilemmas (teacher to teacher, teacher to student, teacher to school authorities, teacher to parent, and teacher to the community). We advocate for the need to understand teacher candidates' legal literacy by exploring what legal issues they most frequently deal with and how aware and prepared they are to address them in their practicum settings.

### **Context of the Research**

This exploratory study was situated and conducted in one southeastern Ontario university where a course on school law and policy is taught to primary-junior and intermediate-senior teacher candidates within the undergraduate teacher education program. This course provides an overview of the legal aspects of teaching in Ontario. While the attention is focused on key legislation—like the Education Act, the Teaching

Profession Act, and selected regulations supporting these statutes—teacher candidates also receive basic information about the legal duties of education personnel, such as the teacher’s contract of employment and related job security procedures, and the purposes, structure and practices of the teacher associations in Ontario. As this course is mandatory under the Teaching Profession Act for all teacher candidates, its purpose is to ensure that each student receives a basic introduction to the laws and regulations most relevant to teacher candidates and beginning teachers. The primary aim of this course is to help prospective teachers integrate the knowledge and experience acquired in coursework and practicum(s) by examining the components of governmental, administrative, legal, ethical, and professional aspects of public education in Ontario and Canada. Major topics for discussion include (but are not limited to) the role of law and policy in teaching; legal bases of education; constitutional/Charter considerations; organization of education at the local and provincial levels; professionalism, standards of practice, and ethical behaviour; teacher organizations and contracts; legal rights and duties of teachers, administrators and students; legal liability of teachers (e.g., negligence); student safety and wellbeing; and discipline. All teacher candidates must complete this course in order to receive either a Bachelor of Education or Diploma in Education degree and an Ontario Teacher’s Certificate.

### **Research Methodology**

To explore the perceptions of legal literacy among pre-service teachers, a mixed-methods design was used to allow for elaboration on themes and triangulation of data (Johnson & Onwuegbuzie, 2004). This design included quantitative and qualitative research strategies to elicit teacher candidates’ perceptions, as evidenced by their reflection papers. As part of the school law and policy class, candidates are required to submit a culminating summary paper with a reflection on their practicum experiences. Legal and professional issues, dilemmas, and challenges occur frequently within the school context and manifest themselves in many ways. Therefore, in this paper, teacher candidates are required to detail personal observations of how legal issues discussed in the course readings, presentations, and group conversations were helpful during their practicum placements in schools. Teacher candidates are to: (1) identify one or more aspects of education law and policy; (2) give enough detail so that readers can get an understanding of the teacher candidate’s experience with or observation of the law/policy issue in the context in which it occurred; and (3) demonstrate an appreciation for the complex legal issues in the teaching profession. Confidentiality is maintained, and no actual names of people or places are ever identified (pseudonyms are appropriate). Gender and/or ethnicity are only included if either plays an important role in which the incident occurred. These papers are in no way intended to be a criticism of a particular teacher’s or school’s practices.

The course is organized into two sections each year: primary-junior (PJ) and intermediate-senior (IS). After the ethical clearance was granted, all archived reflection papers from each of the sections (PJ and IS) during the three academic years (2014-15, 2015-16, and 2016-17) were accessed and organized as per section and year of completion. All other identifying information (i.e., student name or number) was removed from the archived samples prior to researchers receiving a collection of six data sets of reflection papers (3 – PJ, and 3 – IS). The total working samples for three-year data used in the study were: N=948 for the Primary-Junior section and N=783 for the Intermediate-Senior section. The data from the reflection papers were analyzed using the combination of etic (based on the themes covered in the course and evident from the literature) and emic (based on the emergent themes from participants’ responses) codes. As a team of individuals analyzing the content of a large number of papers, we followed the guidelines for assessing and reporting intercoder reliability in content analysis studies (Lombard, Snyder-Duch, & Bracken, 2010). First, each of the researchers individually read through all reflection papers and identified the number of times a certain type of legal or policy issue was mentioned. Subsequently, also working independently, each of the researchers thematically analyzed teacher candidates’ perceptions regarding their awareness of school laws and policies pertaining to those aspects, as well as their perceived preparedness to deal with legal issues occurring at their practicum placements. Finally, we combined and compared all the researchers’ tables and notes, and produced a final frequency of mention tables (see Tables below and in Appendix A) and completed the thematic content analysis (with pertinent descriptions and verbatim quotes, coded as PJ or IS and the year of course completion). Many reflection papers had mentions of more than one legal issue. Furthermore, we recognize research limitations of this exploratory study; namely, that data were elicited from course participants’ reflection papers indirectly and in a post hoc manner, as opposed to the direct observations, surveying, and possible interviews with teacher candidates about the

legal issues, their perceived awareness of them, and preparedness to deal with them as a result of completing the course. Furthermore, self-reflection processes were contrived in the sense that they were required of teacher candidates for a course assignment and did not occur naturally.

## Research Findings

The data analysis, in line with the three research foci, is presented below in the following sections: (1) identification of the frequencies of mention and types of legal and policy issues in those reflection papers; (2) awareness of school laws and policies pertaining to those aspects; and (3) perceived preparedness to deal with legal issues occurring at their practicum placements. We supplement the thematic analysis of the findings with a variety of verbatim quotes from the teacher candidates in different sections and years to demonstrate the scope of issues and prevalence of perspectives across the temporal span selected for this study.

### *Frequency of Mention and Types of Legal Issues*

The frequency of mentions were analyzed according to PJ and IS sections (aggregated over all years). As noted in Figure 1 below, the seven most frequently mentioned legal issues by the Primary-Junior teacher candidates across the three-year data were: (a) student safety and wellbeing or safe schools (n=304); (b) no touch policies and reasonable use of force (n=303); (c) liability of teachers and risk management (n=198); (d) teacher duties, roles, and responsibilities (n=194); (e) special needs, at-risk, and ELL learners (n=123); (f) provincial and board policies (n=105); and (g) duty to report (n=84).

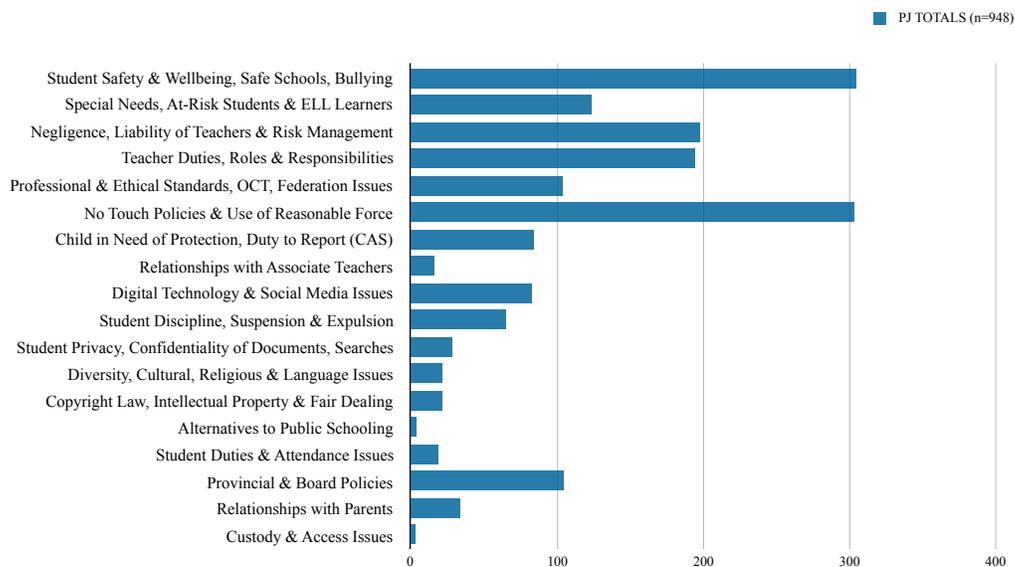


Figure 1. Frequency of legal issues (All Primary-Junior, N=948)

In comparison, Figure 2 below shows that the seven most frequently mentioned legal issues by the Intermediate-Senior teacher candidates were: (a) teacher duties, roles and responsibilities (n=356); (b) student safety, wellbeing, safe schools (n=355); (c) liability of teachers, risk management (n=339); (d) professional and ethical standards of licensing and professional associations (n=310); (e) provincial and board policies (n=191); (f) digital technology and social media issues (n=147); and (g) no touch policies and reasonable use of force (n=139).

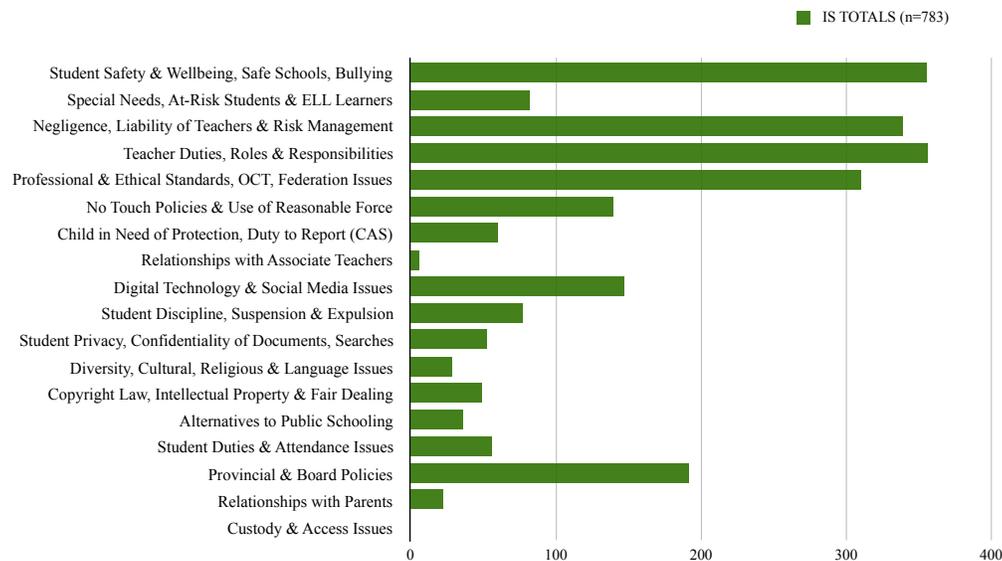


Figure 2. Frequency of legal issues (Intermediate-Senior, N=783)

Noteworthy were both the similarities and differences in the legal issues experienced and chosen to be discussed by the teacher candidates from different teaching streams. It is reassuring that the issue of student safety, health and wellbeing, including safe and accepting schools, was identified most often by teacher candidates from both sections. Teacher duties, roles and responsibilities, liability of teachers, and risk management were the second most cited issues for the Intermediate-Senior group. This finding is not surprising given that secondary teachers tend to engage in more inherently risky activities such as shop, design, and technological education, science experiments, athletics, outdoor education, and extended field trips. The issue of “no-touch policies and reasonable use of force” was also considered important, particularly at the Primary-Junior level where closer contact between teacher and student is more prevalent due to having to deal with students of very young ages. However, these policies were also seen as problematic by Intermediate-Senior teachers as they related to the teaching of specific courses (e.g., dance, drama, physical education) or school athletics where contact is often required. The use of digital technologies, particularly social media, by both teachers and students was viewed as a significant topic at the secondary level where educators are struggling with balancing the inherent potential of such technology as a learning tool against student safety, welfare, and privacy in an age of increased cyber-bullying. Also, relationships with parents and the issue of custody and access were prevalently noted in the Primary-Junior data.

### *Perceived Awareness of the Issues*

Participants in both sections revealed an increased awareness of legal issues having completed (or partially completed) the school law policy course. This increased awareness entailed the nature, frequency, and types of legal issues that the participants encountered during their teaching practice. The majority of participants commented that after participating in the course, they had more awareness of what was acceptable and not acceptable for a teacher. Many participants revealed that they had “eye-opening experiences” regarding the multitude of legal issues during practicum(s) and, upon reflection, realized that they would have been ignorant of the legal issues surrounding their day-to-day duties had they not taken this course. Many teacher candidates indicated that these revealing events would serve as an antecedent to their increased awareness and understanding of why law matters to educators:

This course has opened my eyes to the omnipresence and complexity of law, and made me cognizant of the legal responsibilities, and potential pitfalls, surrounding every action I take in my capacity as a teacher. During my practicum, I encountered a number of situations where a more solid understanding of the law guided me in making the correct decisions... In my (short) experience teaching, I have already noticed the complex web of legal responsibilities

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that teachers must navigate as part of their day-to-day duties. (PJ, 2014)

In general, this course and this incident really opened my eyes to just how at risk teachers and school boards are, through seemingly harmless actions or inactions. I hope to take this knowledge and go forward with more attentive, if unblinking, eyes. (IS, 2017)

After taking his course, I understand much more about law and policy in classrooms and schools and was able to notice their manifestations during my practicum. I did not realize all of the legal nuances that a teacher must be aware of before entering the profession. (PJ, 2016) At first, I found that I had a hard time associating with many of the issues and concepts raised throughout the course. That is, of course, until I started my practicum experience in the classroom. So many little things that I was not even aware of occur in the classroom, all of which relate to school laws and policies. (PJ, 2015)

I was surprised by how often potential legal issues were discussed. I, therefore, found that the course readings and discussions were quite relevant and helpful in the active school environment. Although I was not necessarily able to answer any questions, as my understanding of the complex legal system is quite surface-level, it was reassuring that I was aware of these issues at all. (IS, 2015)

The majority of teacher candidates observed, or were directly involved in, situations at school that, prior to having taken the course, where they may not have addressed the circumstances from a legal viewpoint. Many candidates noted that it was during the practicum placements that they gained a better understanding and appreciation of the challenges and problems that could arise for both students and teachers as a result of legal unawareness. For example, one teacher candidate noted: “Prior to this course, I did not consider specific details within school law and policy – I merely knew the basics... It wasn’t until I returned to the classroom where I could put my learning into practice and found the results of better understanding school law and policy to be extremely valuable” (IS, 2017).

For many teacher candidates, awareness of how laws apply to issues, with themselves as teachers, was insufficient; they argued for the need to know the complex internal and external factors affecting educators, which they would otherwise be ignorant of. Selected quotes below represent sentiments from many of the students:

At the beginning of this course, I questioned just how important the law was to the teaching profession, as it was rarely discussed in other classes. As the weeks progressed and I worked through the modules, I realized that the law is heavily intertwined with the teaching profession. Without having taken this course, I would be ignorant of many seemingly “minor” violations of the law, and I am grateful to have been made aware. (PJ, 2016)

Before going into this course, I knew the law was a complicated system, but after this course, I have [come] to realize it is even more complicated than I thought. After completing the modules, there are a lot of laws and bills that are in place that I was never aware of... Surprisingly, a lot of laws came up while in practicum. (IS, 2017)

Sometimes issues within a school between staff cannot be solved internally, and, as a member of the college, there are rights and procedures to follow for guidance and assistance. As a teacher, you have the right to a safe working environment with colleagues. Having taken this law and policy course, I feel I am more aware of my rights and responsibilities as a teacher. (IS, 2015)

The more I read for law class, the more experience I gain through practicum, and the more we discuss these aspects in class, my appreciation of the complexity of the legal issues around the teaching profession increases. We have a responsibility to be conscious of the laws and aware

of our actions, and as our professor says, “The bottom line is, ignorance of the law is not an excuse!” (PJ, 2016)

Overall, the class has given me a deepened understanding for the things that happen in the background of a school situation. I am better able to distinguish what I am required to do, what I should never do, and what is optional for me to do. (PJ, 2015)

It was not immediately obvious how the law course readings and discussions translated over into practicum experiences. However, in reflection comes awareness, and I do see that a lot of the topics we touched on present themselves in the school. Knowing what I know now, I gain deeper appreciation for the complexity of situations that arise and why rules are needed—when previously I saw them as needlessly bureaucratic. (IS, 2016)

As noted by many of the teacher candidates, the use of the course materials and textbook as references were instrumental in getting to know and recognize the different legal issues, as was proven during their teaching practice:

I often found myself referring to “A Guide to Ontario School Law” as it is such a healthy resource for my next placement, and as I move forward in my career. It is an immeasurable asset to know the rights of myself and of my students. (PJ, 2014)

After exploring the Legislative Assembly of Ontario’s website, as well as our course textbook, I recognize that my teacher was not fulfilling his legal obligation to protect his students from bullying. (PJ, 2016)

During my alternative practicum, I was placed in an awkward position where I was asked to take videos of a performance in an auditorium full of students... Because I was aware of the law and restrictions in place to keep students and teachers safe... I turned off the camera, and refused to take the video... The readings... are invaluable to me both inside and outside of the classroom, because it is a tool and a reminder to me that as a teacher and a role model, I am held to a higher standard of behaviour. (PJ, 2016)

It is also important to note that participants recognized that they did not have, nor did they need to have, all of the answers to legal questions as they set out on their professional practice. Reassuringly, many teaching candidates indicated a desire to continue to seek professional development to feel better equipped to know who to turn to or how to learn more about legal issues in school:

Ensuring that I was familiar with the complex world of educational law allowed me to behave in a way that was professional while building strong and trusting relationships with young students. Although I now have a fundamental knowledge of the intricacies of Ontario educational law, I hope to continue to expand my knowledge and understanding of this vast field... (IS, 2017)

I have definitely developed an appreciation for all of the complex legal issues within the teaching profession; however, I have also gained an appreciation for the importance of law in relation to educators... I strongly believe that courses such as this one are fundamental. I argue that educational law should be incorporated within professional development areas throughout the school year for practicing teachers as well. (IS, 2017)

The lessons learned in this class were very helpful, not necessarily because anything horrible happened over my two blocks of practicum requiring me to act as my own lawyer, but rather because I took a great deal of comfort knowing generally where I stood legally in my daily interactions with students. (IS, 2015)

As was evident from numerous reflections, the increased teacher candidates' awareness of the laws and policies led to increased confidence for dealing with issues that could arise in practicum settings or in their future careers:

In [all] honesty, I went into the teaching profession ignorant of the legal and professional challenges that may arise. I now feel more confident as an educator, having been informed of the possible issues. As future teaching professionals, it is important that we are aware and mindful of the legal challenges that come with our job. (PJ, 2016)

Needless to say, many laws and policies we have read about in the modules are current and were seen in my daily practice. Being informed helped me make decisions and feel more confident while out on placement. (IS, 2017)

I was impressed with myself being able to recognize potentially aversive scenarios. With my learning from the course, I feel more confident in my ability to avoid hazardous situations and to ensure that the school environment for my students, and myself as a teacher, is safe. (IS, 2016)

I am cognizant that it will not be as easy to deal with bullying in the older grades. However, now that I am aware of the policies on bullying and the Safe Schools Act, I am more confident that I will be able to manage whatever is thrown at me during my next practicum. (PJ, 2014)

I have always done labs, yet I must admit I have not always been the most conscious about my students' safety. [It was] our first lecture of this law course where, after several newspaper headlines about science accidents flashed across the slides, I could see the risks were real. Obviously, there is great motivation to help keep our kids safe for the sake of keeping our kids safe, but there are also serious legal liabilities to consider as a teacher. ... From now on, I will always be asking myself, "what are the risks and how can I minimize them?" (IS, 2016)

Overall, data showed that the course benefited teacher candidates the greatest when they were able to see legal issues in action in practicum settings, which allowed them to reflect on the importance of being aware of legal matters as they taught during practicum. Furthermore, having developed the necessary legal literacy before a practicum placement, teacher candidates were able to gain more confidence to tackle situations with potential legal ramifications.

### *Perceived Preparedness to Deal with Legal Issues*

Most teacher candidates reported that after completing the course on school law and policy, they felt less uncertain and anxious about the legal issues they were likely to face both on practicum and in their future teaching careers. As a result, many indicated that they are more prepared to make informed decisions relating to education law and policy:

I am looking forward to my second placement, as I feel better equipped with the knowledge of laws and policies. Being familiar with these important issues not only protects me but will protect my students as well. (PJ, 2014)

I was placed in situations which may have resulted in legal action had I not known how to respond correctly to each... knowing of the law and policy of professional misconduct, I knew that I needed to ensure a safe environment for the student and myself. In one instance, I told the student that we should move our session to a communal help room, and the student obliged. In retrospect, knowing the student and all other factors, it was a very unlikely scenario for something to go wrong should I have elected to stay in the classroom. (IS, 2016)

After [this course], I feel like I have a better understanding of the difference between “No Touch” and “Reasonable Force” and will not be as hesitant to react in these situations that will arise in the future. (IS, 2015)

The course teachings have provided me with the background knowledge necessary to proactively and legally address chronic absenteeism as mandated by the Education Act without placing myself in a compromising position. (PJ, 2016)

The extent of the violence was the student kicking the library door. If other students had become endangered, I would have needed to quickly alter my plan of action. This may, in the most extreme case, involve restraint. I was able to encourage the student to enter the main office where the School Principal was able to further de-escalate the incident. Following this incident, I reflected on the role that my knowledge of educational law played in the decision-making process. I acted on the knowledge that I gained from the first few modules in the course. (PJ, 2016)

My actions were affected by what I had learned in the course. We were taught that if a student told us anything that would be deemed dangerous for their wellbeing, we were to report it to our associate teacher and principal. As teachers, we cannot keep secrets that students tell us if what they tell us can cause any harm to them. I am glad I knew this information before heading into my practicum, because I felt calm and ready to handle that situation knowing what I had learned. (PJ, 2015)

Teacher candidates also indicated that they now realized and understood the seriousness of these matters, the potential to get into legal and professional difficulty, and the need to always act in a prudent, reasonable, and judicious manner. They also noted that preparedness meant developing “professional judgment” based on the high professional and ethical standards that are placed on educators today:

In my future practice as an educator, I will always take the necessary precautions to ensure that I never find myself in a compromising situation where there can be any interpretations of inappropriateness. (IS, 2015)

After learning about our ethical standards, as teachers, in promoting care, trust, respect and integrity, I understand the importance of ensuring that [a] teacher’s social media profiles also [promote] these standards. (PJ, 2016)

This incident, and the information I received from taking this course, has really made me reflect on how important it is as a professional to know the laws and policies in place. In our profession, we must adhere to a strong set of morals and ethics and have a duty to ourselves and our students to use the policies and laws set in place to create a safe and positive environment that they can learn in. (IS, 2017)

Throughout this course and the program, we have been constantly reminded of the importance of showing professionalism in our interactions with staff and students at school. I always kept this in mind during my placements. (IS, 2017)

Learning about the case studies from this course about professional issues, student issues, and liability issues has definitely encouraged me to adopt the mindset of erring on the side of caution. (PJ, 2014)

As young educators who have grown up in a digital world, it is crucial to be aware of one’s online presence and to be critical of how information will be presented in a digital and highly accessible space.... taking the knowledge I gained from the course, I learned to reflect on my

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online persona, and to edit and construct it to maintain strict professionalism. (IS, 2016)

Some participants, particularly at the secondary level, indicated that as a result of increased legal literacy, they were thinking and planning more proactively to minimize risk and the possibility of legal problems. They acknowledged the importance of planning in a preventative way, particularly in circumstances where the level of risk was high:

I feel that after experiencing this course and actually participating in practicum [that] I have a greater appreciation of the challenges that educators face when navigating the law and board policy. This scenario that I witnessed had a higher risk potential than necessary and, if something occurred during the ride over, it could have expanded to an assault case of some nature. As a future educator, I see this as an opportunity to take a step back from the choices that I make during my own work and critically observe them with an eye for risk and liability. This will not only keep me safe in my work, but it will also ensure that the students will be safe as well. (IS, 2017)

As we have learned in this class, it is always best to not place yourself in a position where you will need to be alone with a student in a car or classroom. Based on my observations in placement and the information I have learned in this class, I personally would choose not to drive students in my car, [and] I would try and get parent volunteers, or I would ask the school if we could rent a taxi for the tournament; that way I would not put myself in a risky situation. (IS, 2017)

On several occasions, I found myself assessing for potential risks that may be present during a certain demonstration that I was performing or a certain lab activity that students were performing... I performed demonstrations with much thought given to safety of the students and myself... risk management is especially important in the science classroom, where the environment is potentially more hazardous compared to regular classrooms. (IS, 2015)

Finally, although participants felt that they learned much from the course and felt better prepared to enter the teaching profession, they also acknowledged that they were at an early stage of learning in this area. The participants realized the importance of continuing to learn more about education law and policy following their teacher certification, and to continue to approach the teaching profession through a legal lens:

In this course, we have constantly heard and read about stories that detail certain events that negatively impacted the students and teachers involved. I believe that this can be reduced when everyone is educated on the topic. That is why, through this course, we as new educators can be better informed and enforce these rules in our own future classrooms. (IS, 2017)

Now that I am better versed on the laws surrounding this issue, I will certainly inquire at each school that I am teaching at what their procedure is for protecting anaphylactic students, and whether I will have any of these students in my class. Particularly as a newly hired occasional teacher, I feel that it is my responsibility to ensure that all of my students are protected to the best of my ability, and that includes being as well-informed as possible. (IS, 2015)

There is such a vast variety of details we have to be familiar with as future educators, and I am aware that mastering all that information will not come overnight, or even in the three months we have spent looking at it. Like developing professional practice, learning and keeping up with our legal obligations will be a life-long commitment, but I feel that I have developed the skills to think critically, comprehend, and read legal documents for meaning. (PJ, 2014)

In the future, I hope to learn more about preventive measures that I can take, as a teacher, to

protect myself as well as my students to create a welcoming and safe learning environment.  
(PJ, 2015)

Overall, the sentiments among many of the teacher candidates reflected those of one of the Intermediate-Senior participants in 2015, who noted: “In my future career as an educator, I hope to continue my practice and active discussion in Ontario school law and policy, as it can and does have an enormous impact on the daily life of everyone in the education system.”

## Discussion

Our findings showed both similarities and differences in the issues that teacher candidates have observed or dealt with at their practica. As noted in Figure 3 below, the most cited issues for all teacher candidates (Primary-Junior and Intermediate-Senior) were:

1. Student Safety and Wellbeing, Safe Schools (n=659);
2. Teacher Duties, Roles and Responsibilities (n=550);
3. Liability of Teachers and Risk Management (n= 537)
4. No Touch Policies and Reasonable Use of Force (n=442);
5. Professional and Ethical Standards of Licensing and Professional Associations (n=414);
6. Provincial and Board Policies (n=296);
7. Digital Technology and Social Media Issues (n=230).

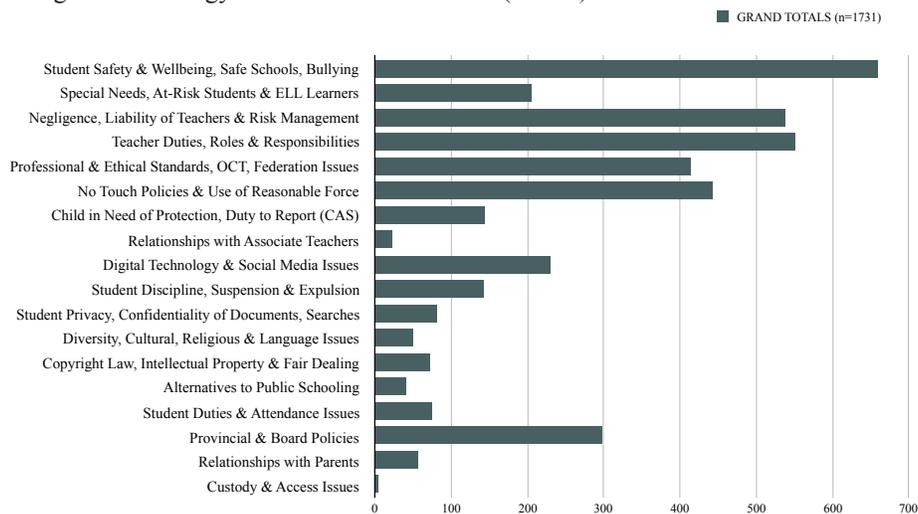


Figure 3. Frequency of legal issues (All Teacher Candidates, N=1731)

Similarly, Leschied et al. (2000) found that topics like school safety (with its constituent concerns about accidents, violence, youth crime, etc.), teacher conduct (comprising concerns about allegations of civil and criminal liability), children in need of protection (essentially the duty to report child abuse), and custody and access (involving access to children and their school records) were the most frequently reported areas of legal concern in their study. There is a remarkable similarity between their findings and our study, despite the passage of almost two decades. As for the differences, we found that issues most frequently mentioned by teacher candidates in different teaching streams were attributed to the nature of their teaching contexts. Teacher supervisory duties, liability, and risk management were prioritized in the secondary school context due to inherently risky activities. Discussing the legal issues that art teachers may face in their classrooms, Bain (2009) highlighted the need for increased awareness of potential liability and equipment use risks for art teachers. Issues like no-touch policies, reasonable force, and custody and access were more prominent at the elementary level due to closer contact between teachers and students of very young ages. However, scholars have warned against excessively cautionary rhetoric that can result in disadvantageous consequences for student learning (e.g., of outright banning of teacher-student contact, or the no-touch policy, thus sadly subduing the natural impulse of elementary students to innocently hug

their teachers) (Davies, 2009).

Through analyzing teacher candidates' perceived awareness of legal issues, we found that the school law and policy course generally contributed to the initial awareness of what is acceptable and not acceptable for a teacher. Indeed, it is preferable for teacher candidates to learn the law by foresight rather than hindsight (Dunklee & Shoop, 1986) because legal unawareness may lead to a potential violation of students' constitutional rights (Schimmel & Militello, 2007). Interestingly, it was not until the participants observed, or were directly involved in, situations and circumstances of a legal nature during their practicum experiences that they started to notice legal issues, and grow in their awareness of why law matters to educators. These findings contrast those of Young et al. (2014) who noted that many of the BEd students in their classes dealing with law admitted that the material they were being exposed to was nothing they have encountered in their teaching practica. In our study, teacher candidates' practicum placements were also the time when they developed a greater appreciation of the potential challenges and problems that could arise for both students and teachers as a result of legal unawareness. We wholeheartedly agree that "the knowledge of education law is more effective as a protector than as a healer and it is better to have a solid understanding of education law than it is to study the relevant statutes after the fact" (Reglin, 1990, p. 17). Aspiring educators must become aware of requirements and mandates and take adequate precautions to avoid potential disciplinary actions and litigation (Gullatt & Tollett, 1997). Results of our study show that teacher candidates recognized that they did not have, or need to have, all of the answers to legal questions, nor did they need to become lawyers or legal experts in the field. Similarly, others contended that the goal for teacher preparation should not be for teacher candidates to obtain law degrees, but rather to become educators with sufficient legal content, knowledge, skills, and training to perform their tasks well (Clear, 1983; Davies, 2009).

In terms of teacher candidates' perceived preparedness to deal with legal issues, we found that completing the course on school law and policy contributed to decreased feelings of uncertainty and anxiety about the legal issues they were likely to face, both on practicum and in their future teaching careers. This finding is encouraging in light of other findings that educators often approach the law with uncertainty, anxiety, misunderstanding, and fear that contributes to a growing concern among educators about negligence, liability, and litigation (Fischer et al., 2003; Wagner, 2008). Reglin (1990) noted that, at times, educational developments seem to outpace educators' abilities to cope, thus resulting in confusion, frustration, stress, and even hostility toward the law. Overall, the reflections indicated that teacher candidates seemed to have more confidence to deal with legal issues and felt better prepared to enter the teaching profession. Gullatt and Tollett (1997) found that many of the respondents to their questionnaire about the undergraduate preparation in school law expressed concern about being "underprepared in all legal areas of education" (p. 133). Therefore, these authors argued that the ultimate goal of a pre-service educational law course, specific to classroom teachers, should be to prepare new teachers for the responsibilities of a professional educator.

Critical for this espoused perception of preparedness in our study was the realization of the seriousness of legal matters, the potential to get into legal and professional difficulty, and the need to always act in a prudent, reasonable and judicious manner. Sydor (2006) posited that when teacher education includes instruction about the legal context of schooling, teachers are better prepared to do their work, have a better understanding of what is required of them from a legal perspective, and are consequently less likely to misstep in their professional duties. Sydor continued: "Teachers who understand the boundaries of their roles with pupils, parents, colleagues and administrators are less likely to be intimidated by the actions of others and more likely to exercise their authority with reason and perspective" (p. 936). Although there was a general acknowledgment of being at an early stage of learning in this area, teacher candidates were committed to proactive and preventative thinking, particularly in circumstances where the level of risk was higher. As this risk factor was notably observed in an intermediate-senior teaching context, one such area may be related to the social, ethical, and legal implications of computer use in their lessons (Koc & Bakir, 2010) and misconstrued representation of professional identity through online social networking websites (Burgess & Newton, 2008). Commitment to the continuous development of legal literacy among our participants is inspiring, because, in addition to knowing what is appropriate in classroom conduct, being well-informed practitioners of preventive law can empower teachers to protect their students, schools, and their own interests (Mead, 2008; Schimmel & Militello, 2011).

Finally, we note that reflection processes that teacher candidates engaged in for the requirements of

the course are critical for ensuring that the learning of teachers-in-training about legal and ethical aspects of profession go deep and wide. As noted by Truscott and Rourke (2018), by deliberately and critically reflecting on their actions, pre-service teachers can develop a better understanding not only of professional expectations but also of their ethical intuitions and intentions. Although somewhat contrived in nature, the reflection paper requirements in this course were developed in order to model reflective practice orientation in the teaching profession. Reflective practice (Russell & Martin, 2017; Schön, 1987) is considered a basic skill for all teachers because it enables them to explore the norms and beliefs that shape their intuitive decisions. Introspective approaches, where teachers stop to reflect on their subjective experiences, can help teacher candidates exercise control over their intuitions in order to do the right thing, and also serve as an antidote to “ethical deterioration” in the teaching profession (Truscott & Crook, 2016, p. xi). Similarly, Smith (2018) argued for fostering ethical professionalism through critical reflection, dialogue, and focus on the lived ethical experiences of educators. Gereluk and Donlevy (2018) added that teacher education programs need to ensure that teacher candidates do not only understand their requisite obligations under the collective norms of the profession, but also realize the importance of continuous learning in how to exercise ethical reasoning and moral judgments in day-to-day practices.

### **Conclusions and Implications**

We would like to conclude with an encouraging quote from one of the Intermediate-Senior teacher candidates from our study, as someone who clearly “gets it” in regards to legal literacy: “The teaching profession—in addition to knowledge of curriculum and pedagogy—requires a sort of ‘legal literacy.’ This implies that a teaching professional should be aware of the multi-faceted set of laws and policies that both affect and inform their practice” (IS, 2015). The legal literacy of teachers needs to include awareness (or knowledge) of the law and policy, and an understanding of the level of preparedness for dealing with legal issues in teaching practice.

We believe that awareness directly counteracts ignorance, which sometimes can be compared to “bliss.” However, we know that according to the courts, ignorance of the law is not an accepted excuse (Garner, 2000); therefore, ignorance of educational law is no excuse for teachers acting unprofessionally or inappropriately (Delaney, 2008). As evidenced by our exploratory study, courses on school law and policy in teacher education programs can be effective in addressing legal ignorance, increasing awareness of legal issues, and preparedness to deal with these issues among teacher candidates. Thus, gaining a better understanding of what teachers know, what they want and need to know about school law, and determining the best methods of providing both pre-service and ongoing training are essential to creating a legally educated school workforce (Schimmel & Militello, 2007). By addressing the legal literacy of teacher candidates in a systematic manner, teacher education programs will help them “use the law as a source of guidance to avoid unconstitutional actions, to bring legal violations to the attention of colleagues and administrators, and to improve the educational experience of students by ensuring that their rights are understood and respected” (Schimmel & Militello, 2011, p. 55). Legal literacy has the potential to guide teacher candidates’ actions in terms of prevention of negative behaviours, and also to inform them of actions which are deemed to be legal necessities; in other words, legal literacy outlines what they as teachers must do, and not only what they must not do. In addition, teacher candidates’ legal literacy should be grounded in reflective practice ensuring deep deliberations and lifelong learning outcomes for enhanced legal and ethical understandings. Despite the research limitations, the implications of our exploratory study point out that possessing a strong knowledge and understanding of education law is crucial for educators at any level, especially for aspiring and beginning teachers, in an increasingly litigious society where legal and ethical issues can arise unexpectedly and at virtually any moment. Moreover, teaching of and learning about legal issues needs to be streamlined to the needs of different categories of teacher candidates (e.g., elementary vs. secondary) due to the varying nature of legal situations pertinent to the specific contextual factors in different schooling levels.

Finally, we encourage colleagues and researchers to explore the issues of legal literacy, awareness, and preparedness of teacher candidates through alternative methodologies that will contribute to the limited research in this field. Future research studies will do well to explore, in more detail, the occurrence of specific issues in practicum settings, their coverage in school law courses across Ontario (and in Canada), and perceived awareness and preparedness of teacher candidates through direct questionnaires and interviews.

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## Appendix A

## Frequency of Legal Issues Mentions

	PJ-2014 (n=430)	PJ-2015 (n=291)	PJ-2016 (n=227)	PJ TOTALS (n=948)	IS-2015 (n=314)	IS-2016 (n=224)	IS-2017 (n=245)	IS TOTALS (n=783)	GRAND TOTALS (n=1731)
Student Safety & Wellbeing, Safe Schools, Bullying	132	93	79	304	96	173	86	355	659
Special Needs, At-Risk Students & ELL Learners	39	43	41	123	22	28	32	82	205
Negligence, Liability of Teachers & Risk Management	70	70	58	198	72	190	77	339	537
Teacher Duties, Roles & Responsibilities	61	75	49	194	72	214	70	356	550
Professional & Ethical Standards, OCT, Federation Issues	37	47	20	104	55	195	60	310	414
No Touch Policies & Use of Reasonable Force	106	111	86	303	55	57	27	139	442
Child in Need of Protection, Duty to Report (CAS)	35	28	21	84	18	27	15	60	144
Relationships with Associate Teachers	9	5	2	16	4	2	0	6	22
Digital Technology & Social Media Issues	34	28	21	83	60	39	48	147	230
Student Discipline, Suspension & Expulsion	34	18	13	65	39	23	15	77	142
Student Privacy, Confidentiality of Documents, Searches	13	9	6	28	26	13	14	53	81
Diversity, Cultural, Religious & Language Issues	13	5	4	22	10	3	15	28	50
Copyright Law, Intellectual Property & Fair Dealing	12	10	0	22	25	15	9	49	71
Alternatives to Public Schooling	1	2	1	4	4	29	3	36	40
Student Duties & Attendance Issues	8	7	4	19	19	22	15	56	75
Provincial & Board Policies	24	38	43	105	37	127	27	191	296
Relationships with Parents	13	12	9	34	1	21	1	23	57
Custody & Access Issues	2	1	0	3	0	0	0	0	3