

PRINCIPALS' KNOWLEDGE OF THEIR LEGAL  
RIGHTS AND RESPONSIBILITIES IN  
NEWFOUNDLAND AND LABRADOR

CENTRE FOR NEWFOUNDLAND STUDIES

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CECIL J. PENNEY







PRINCIPALS' KNOWLEDGE OF THEIR LEGAL RIGHTS AND  
RESPONSIBILITIES IN NEWFOUNDLAND AND LABRADOR

by



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A Thesis submitted in partial fulfillment  
of the requirements for the Degree of  
Master of Education at  
Memorial University of Newfoundland

St. John's, Newfoundland.

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ISBN 0-315-45084-3

## ABSTRACT

The major purpose of this study was to assess the current knowledge of school principals in Newfoundland and Labrador (hereafter referred to as Newfoundland) concerning their legal rights and responsibilities. Secondly, it attempted to determine if principals' knowledge of school law varied according to certain personal, professional and situational characteristics such as age, gender, and training. As a basis for the study, a review of the legal rights and responsibilities of principals in Newfoundland was undertaken.

Information for review was obtained from a number of sources: (1) Federal and Provincial statutes, (2) Department of Education and school board regulations, (3) The Newfoundland Teachers' Association Collective Agreement, and (4) principles established in case law relating to education.

Data were collected from these principals through a self-developed school law questionnaire. Included in the development process was validation by a panel of experts in school law. The questionnaire was also piloted with a number of principals for further refinements. The final draft consisted of two sections with 45 questions: Section A with 30 true-false, and Section B with 15 multiple-choice. A checklist requesting information concerning respondents' personal, professional and situational characteristics was also included.

The questionnaire was mailed to a random sample of 300 principals, representing more than one-half of all principals in the Province. Included were a covering letter, general instructions for completion, and a self-addressed, stamped envelope. Follow-up procedures were taken to ensure a maximum number of questionnaires, (73 percent) were returned.

Data were analyzed chiefly by relating the independent variables to the dependent variables by means of Pearson product-moment correlation coefficients, and comparing them through stepwise multiple correlation.

The findings from the study indicated that principals know only bits and pieces about school law and perhaps not as much as they should know, given the litigiousness of our changing society. The overall mean score for the entire sample was 67.5 percent.

Results of the testing of the hypotheses indicated that principals' knowledge of school law is positively correlated with age, teaching experience, school size (defined by enrolment), teaching certificate level, Master's degree in Educational Administration, course(s) in school law, in-service training in school law, and principalship experience. However, the most significant contributors to their knowledge of school law were Master's degree and level of teaching certificate.

It is hoped that the results of this study will help clarify the legal rights and responsibilities of



principals. Furthermore, by conducting a study such as this, principals may become more aware of their level of knowledge in this area and be prompted to take steps to educate themselves in the areas that are lacking.

The findings of this study have implications for pre-service and in-service programs offered by educational institutions and by teacher/administrator associations.

#### ACKNOWLEDGEMENTS

The advice, encouragement, and cooperation of many people involved in this study is gratefully appreciated. I am particularly indebted to Dr. P.J. Warren for his supervision of the thesis in the midst of his many other responsibilities. A special note of thanks is also expressed to Dr. H. Kitchen and Dr. V. Snelgrove for their cooperation and assistance in the study.

Appreciation is extended to Ms. R. Murphy for providing invaluable computer assistance in preparing the data for analysis.

Further appreciation is extended to Miss Maureen Kent for her typing services.

Thanks are extended as well to the superintendents and educational experts who supported the study, and the principals who completed the questionnaire.

Finally, a very special note of appreciation is extended to my wife Glenys, and two children André and Lori-Beth, for their support and encouragement, despite having to put up with my absence for extended periods of time.

PROLOGUE

It is not, what a lawyer tells  
me I may do;  
But what humanity, reason, and  
justice tell me I ought to do.

Edmund Burke

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CHAPTER I  
THE PROBLEM

I. Introduction

The role of the school principal is in a state of flux. The principal is often referred to as the "man in the middle"; the occupant of this position wanders about like Moses in search of the promised land. The promised land which the school principal seeks is represented by clearly defined rights and responsibilities, the authority to fulfil duties and responsibilities, and the respect deserved for handling a job which has become one of the most difficult and complex in Canadian education.

There are many reasons why the job of the school principal has become so difficult. Program specialists and teachers within the school building have limited their role by assuming more of the tasks once undertaken by the principal. Demands by the public for program accountability, on the other hand, have pressured the principal to regain control over the many functions of the school. The complexity of the principal's role has also been compounded by such developments as: (1) collective bargaining, (2) student and parent activism, (3) expectations concerning the role of the school in solving social problems, and (4) the increased involvement of the courts and legislatures in school affairs. Gordon (1976) proposed that at some time or another, the principal must

2

assume six major roles: (1) manager, (2) instructional leader, (3) disciplinarian, (4) human relations facilitator, (5) change agent, and (6) conflict mediator. While it is unlikely that the principal will be required to assume all of these roles simultaneously, he/she must be competent in each role so that he/she can perform effectively when and if the situation arises.

Litigation involving the school has increased dramatically in recent years. Several factors have contributed to this increase, including the current tendency to sue to recover damages; the recognition of student, parent, and teacher rights; and mass media influences. The fact that the target of lawsuits is no longer the local community school but large incorporated schools and faceless insurance companies has also helped to produce a more litigious society. Economic restraints have also caused the number of accidents and the number of lawsuits to increase. School board personnel and principals are faced with difficult decisions with respect to old and defective equipment, and the decrease in the number of teachers amongst a sometimes increased enrollment or increased responsibility.

It is quite clear that in the future principals must be fully aware of their rights and responsibilities, as stated in the statutes and in subsidiary legislation. They must be knowledgeable about case law in areas such as school discipline, teacher employment and dismissal, and

legal liability for student injury. Such awareness and understanding can be a tool for the promotion of student, teacher, and parent rights. It can also be a catalyst for positive reform.

## II. Theoretical Framework

The Acts which confer legal status in education begin with the Constitution Act, (1867). Under the Constitution Act, (1867) [formally the British North America Act, (1867)], sovereign powers over education were given to the various provincial legislatures. These powers were conveyed in the opening of Section 93 of the Constitution Act, (1867), which states: "In and for each province, the legislature may exclusively make laws in relation to education".

When the Constitution Act was proclaimed on April 17, 1982, it included The Canadian Charter of Rights and Freedoms. The Charter guarantees fundamental freedoms, democratic rights, mobility rights, equality rights, official languages of Canada and minority language educational rights, and other legal rights. Principals must become astutely aware of those rights in an effort to ensure that students, school personnel, and the public are not denied them.

Having the power to make laws in relation to education, the Newfoundland legislature has passed The

Schools Act, "An Act Respecting the Operation of Schools and Colleges in the Province", (1970). Under this Act, school boards have the responsibility for operating and maintaining healthy and safe schools in their jurisdiction. Much of this responsibility is further delegated to the principals of individual schools. It is principals who must ensure that the school is healthy and safe. For example, school boards have the responsibility for the supervision of students in their schools under Section 12 of The Schools Act which states:

...every School Board shall ... with respect to every school operated by it, cause sufficient classrooms or other rooms at the school to be made available under proper supervision (i) for the use of students at least fifteen minutes before the commencement of each school session, (ii) for the use of students during lunch-hour, where it is necessary for students to take their lunch at the school, and (iii) for the use of students who travel from the school to their homes by bus or other vehicle, until the arrival of the bus or vehicle, even though the school session has been concluded.

To ensure that this duty may be properly carried out, Section 13 of that same Act further states that:

Every School Board may ... (i) subject to the approval of the Minister, make regulations, rules and by-laws ... (ii) providing for all things necessary for or incidental to the carrying out of its objects and the exercise and performance of its powers and duties.

Since this is a discretionary power, school boards that fail to exercise it can rely only on the statutory duties imposed upon principals to ensure effective supervision is carried out. That is, the principal's legal duties and responsibilities are derived mainly from

The Schools Act. However, if school boards elect to adopt by-laws and regulations regarding supervision or any duties and responsibilities needed to carry out their mandate as set down by The Schools Act, principals may ultimately become subject to those duties and responsibilities. Hence, the principal must operate within the legal framework of those formally written regulations, along with The Schools Act.

Principals and teachers must also operate within the limits established by the Criminal Code of Canada which specifies that they have the right to administer corporal punishment on their charges to a degree determined by the law of the land. Furthermore, in recent years the Federal Government has become more cognizant of the rights of young people within society. Since the passing of the Young Offenders Act, the role of principals has become somewhat more restrictive, especially in cases relative to privacy and the right of students to a fair hearing.

Legal duties may also be imposed by the common law. The Department of Education, school boards, principals and other personnel must carry out their responsibilities within the constraints of the common law. For example, they must provide a standard of care equal to that of a reasonable and prudent parent.

Principals must also adhere to the provisions of the Collective Agreement between the Newfoundland Teachers' Association and the Provincial Government. The Collective

Agreement provides guidelines for teacher employment, teacher tenure, and teacher dismissal. These provisions help to define the legal rights and responsibilities of principals. Quasi-judicial bodies, such as arbitration boards, make decisions which also help define the legal rights and responsibilities of principals.

In summary, Newfoundland principals must exercise their rights and fulfil their responsibilities within the confines of the Canadian Constitution, including the Charter of Rights and Freedoms, the Criminal Code of Canada, the Young Offenders Act, common law doctrine, The Schools Act and various other provincial legislation, school board by-laws and regulations, and the Collective Agreement. In order to do this, they must be aware of their rights and responsibilities. The lack of such information may have serious and long-lasting consequences.

### III. Purposes of the Study

The major purpose of this study is to assess the current knowledge of school principals in Newfoundland concerning their rights and responsibilities. More specifically, this study seeks to answer the following questions:

1. What is the level of knowledge of Newfoundland school principals in each of the major areas of school law?

2. Does principals' knowledge of school law vary according to certain personal, professional and situational characteristics?

#### IV. Research Hypotheses

Eleven hypotheses will be tested from the data collected through the survey, six stated as null hypotheses. The first five were presented as follows:

- H1: Principals in Newfoundland lack sufficient knowledge of school law concerning their legal rights and responsibilities. (Note: Sufficient is defined as having an overall score on the survey of at least 75 percent. The level of sufficient performance was determined by a panel of experts in this area who participated in the validating of the questionnaire.)
- H2: Principals in Newfoundland who have completed a Master's degree in Educational Administration are more knowledgeable of their legal rights and responsibilities than those who have not completed a Master's degree in Educational Administration.
- H3: Principals who have completed university course(s) in school law possess a higher level of knowledge concerning their legal rights and responsibilities than principals who have not completed such course(s).
- H4: Principals who have participated in in-service training (at least a half-day workshop) in school law possess a higher level of knowledge concerning their legal rights and responsibilities than those who have not participated.
- H5: The greater the number of years of principalship experience, the higher the principals' level of knowledge of school law concerning their legal rights and responsibilities.



The study will further test six null hypotheses.

These include the following:

- HO1: There is no significant correlation between principals' age and principals' knowledge of their legal rights and responsibilities.
- HO2: There is no significant correlation between principals' gender and principals' knowledge of their legal rights and responsibilities.
- HO3: There is no significant correlation between the number of years in the teaching profession and principals' knowledge of their legal rights and responsibilities.
- HO4: There is no significant correlation between principals' administration level and principals' knowledge of their legal rights and responsibilities.
- HO5: There is no significant correlation between principals' school size (defined by enrolment of students) and principals' knowledge of their legal rights and responsibilities.
- HO6: There is no significant correlation between principals' teaching certificate level and principals' knowledge of their legal rights and responsibilities.

#### V. Significance of the Study

It is hoped that the results of this study will help clarify the current status regarding the legal rights and responsibilities of principals. By participating in a survey such as this, principals will become aware of their level of knowledge and be prompted to take steps to educate themselves in the areas that are lacking. Furthermore, the Department of Education should find the

information valuable when revisions are made to The Schools Act (1970).

This study should also be useful to the Department of Educational Administration at Memorial University of Newfoundland in evaluating its Educational Administration program. School boards should find the results beneficial in developing in-service programs for principals. In addition, an increased awareness of their legal rights and responsibilities will help make principals themselves better equipped to perform their leadership role in education.

#### VI. Limitations of the Study

There are a number of limitations of the present study. While a plan was developed for the administration of the questionnaire, informal discussions of the instrument and other factors may have affected the results of a knowledge-based survey of the type used in this study.

Another limitation may result from the fact that some principals may have been intimidated by the questionnaire. They may have felt forced to reply to matters about which they had little knowledge and to which they had given little thought. Instead of omitting the question altogether, they may have answered in a random manner so as not to appear uninformed, or they may, by the structure

and choice of possible answers provided in the question, have been steered into thinking along particular channels not of their own choosing.

Although a pilot study was conducted and the instrument revised where weaknesses were indicated, there was still the possibility of ambiguity and vagueness.

The categorization of questions from the instrument into each major area of law for the subtests was not always clear and decisive. Some of the items could possibly fit into several major areas of school law. Therefore, the results for some of the subtests could change slightly, depending on which area or subtest the questions were placed.

#### VII. Delimitations of the Study

The following are acknowledged as delimitations in this study:

1. An effort has been made to present a descriptive analysis of the findings rather than a causal relationship between the findings and the various variables examined.
2. The study evaluated principals' knowledge of only selected areas of school law.

### VIII. Organization of Thesis

Chapter II contains a review of the literature with regard to the principal and the law. Included are summaries of the findings of several related studies conducted in the United States.

Chapter III outlines the research design, including such things as the methodology of the study, the development of the instrument, the sample, the collection of data, and the analysis of data.

Chapter IV presents the findings according to the purposes of the study. The final chapter of the thesis, Chapter V, summarizes the study and offers some suggestions that may be helpful for principals, school boards, and the Department of Education as they face the challenges of the future.

### IX. Definition of Terms

A rudimentary knowledge of certain legal concepts and terms is necessary in a discussion of this nature, as well as for further exploration of the topic. Included are definitions of several terms which may aid the reader in understanding the report.

**Action:** A proceeding taken in a court of law.

**Breach:** A breaking; either the invasion of a right or the violation of a duty.

**Case law:** A body of law created by judicial discussions, as distinguished from the case historically.

**Common law:** A "judge-made" rather than "legislative-made" law. The body of law which has developed from judicial decisions based on customs and precedents, as distinct from laws enacted by legislatures and written in statutes and codes.

**Contributory Negligence:** The degree to which participation of the plaintiff was voluntary, his awareness of the danger, and the extent to which he contributed to his own injury. This frequently depends upon the age, mental and physical maturity of the plaintiff, and the extent to which proper instruction has been provided.

**Custom:** Unwritten law established by long usage.

**Decision:** The conclusion or judgment of the court, as opposed to the reasoning of the court in its opinion.

**Defendant:** The person against whom an action is brought or an indictment found.

**Due process of law:** Law in the regular course of administration through courts of justice, according to those rules and forms which have been established for the protection of private rights.

**Gross Negligence:** Such want of care, as not even inattentive and thoughtless people are guilty of with respect to their own property.

**In loco parentis:** Means in the place of a parent, the common law authority of a principal or teacher.

**Law:** A rule of action to which people are obligated to conform. The statutes are called the written law, as opposed to the unwritten law founded on precedents and customs.

**Legal Duty:** This refers either to a specific statutory requirement, or the common law duty of care which varies according to circumstances, but must always be that which a "reasonable and prudent man" would provide in similar circumstances.

**Negligence:** Want of care. Four elements must be present to contribute to negligence: (1) somebody must have had a duty to exercise reasonable care toward the injured party, (2) somebody must have breached that care of duty by failing to exercise reasonable care, (3) this failure to exercise reasonable care must have been the proximate cause of the injury - that cause, but for which there would have been no injury, and (4) there must have been damage or injury to the person, property, reputation, or rights of another.

**Newfoundland:** Refers to the Province of Newfoundland including the Island portion as well as Labrador.

**Plaintiff:** Any court case concerning the issue of liability involves an injured party called the plaintiff.

**Precedents:** Previous discussions of the court, which should always be followed in similar cases by courts of co-ordinate or lower authority. Forms of procedure which have been sanctioned by the courts, or long usage, and are therefore to be followed.

**Principal:** The individual solely responsible for administrative and supervisory leadership in a school organization. He/She is the person responsible for carrying out the duties of a principal as stated in The Schools Act (1970), and in school board by-laws and policy regulations.

**Respondent superior:** Means "let the respondent superior be responsible"; the responsibility of a master for the negligent acts of his servant. Vicarious responsibility for example, would be where a principal was found liable for the actions of a teacher performed in the line of duty.

**Right:** A well-founded claim, the correlative of obligation.

**Simple Negligence:** That which is neither gross nor wanton but merely a failure to exercise ordinary care.

**Statute:** A law created by the legislative body of province, state or country.

**Tort:** A civil wrong done by one person to another. For an act to be a tort there must be (1) a legal duty owed by one person to another, (2) a breach of that duty, and (3) harm done as a direct result of the action.

**Violation:** An act contrary to another's right,  
committed with force.

**Wrong:** The infringement of a right.



## CHAPTER II

## REVIEW OF RELATED LITERATURE AND RESEARCH

The central purpose of this study is to examine principals' knowledge of their legal rights and responsibilities. This Chapter reviews related literature concerning: (1) the nature and sources of school law, (2) the law relating to the principal and school boards, (3) the law relating to the principal and teachers, (4) the law relating to the principal and students, (5) the law relating to the principal and tort liability, and (6) the law relating to the principal and other responsibilities. The Chapter also endeavours to summarize the findings of researchers in this area. It should be noted though that very few studies on this topic have been done in Canada and more especially in Newfoundland. However, a number have been completed in the United States and elsewhere.

I. The Nature and Sources of Law

This section defines law and the legal process. It also explores the many sources of law and outlines their relationship to education and, in effect, their impact on the principals' rights and responsibilities in dealing with students, teachers and school boards.

Law and the Legal Process

A prerequisite to the knowledge and an understanding of the law governing education is a knowledge and an understanding of the law itself, the legal process, and the sources of law. Webster's Dictionary defines law as (1) all the rules of conduct established and enforced by the authority, legislation, or custom of a given community, state, or other group; (2) any one of such rules. Generally, most people think the law is a clearly written set of rules. However, such is not the case. In fact, just the opposite may be a more accurate assessment. There is a large element of opinion and interpretation in law. Furthermore, laws are not universal or unchanging. Instead, they reflect the morals and values of a society and are determined by the culture of that society. Because cultural values change over time, laws change as a result of legal decisions or amendments to statutes. An example of this change is perceived in the current unwillingness in some school jurisdictions to tolerate corporal punishment in schools.

The making and enforcing of laws in a society becomes more sophisticated as society itself becomes more sophisticated. The legislative, administrative, and judicial branches of government each has separate functions in theory. In practice and reality, however, there is considerable overlap. Theoretically, the legislatures make the law, while administrators and judges

interpret and apply those laws. However, in reality, all three branches make laws in different ways (McKay, 1984: 2). For example, school boards, which are administrative bodies, set policies and regulations that have a direct impact on the school environment. Administering the law, according to McKay, is the task of a complex bureaucracy that includes provincial departments of education headed by a minister, local school boards, and teacher associations.

The role of the courts in this maze of legal procedure is often unclear and complicated. However, we do know that courts are used as vehicles for enforcing rights or punishing criminal wrongs. Parents, teachers and students can turn to the courts when they feel they have been deprived of their rights or have become victimized by criminal wrongs. As pointed out earlier, this recourse to the courts has increased dramatically over the past decade and will probably continue to increase. Issues of censorship, free speech, academic freedom, locker searches, and equality claims are examples of the cases brought before the United States' courts. Some of these issues have been brought before the Canadian courts since the enactment of the Charter in 1982.

#### Sources of Law

Laws may have many different sources. These may include: (1) the written constitution, (2) statutes and

other legislation, (3) case law or precedent, (4) customs and conventions, and (5) academic and scholarly writings.

In a democracy, a constitution is the ultimate source of legal power. A constitution is also a reflection of the values of a particular society. The Constitution of Canada can only be changed or amended in accordance with the formula accepted by the Federal Government and nine provinces in November, 1981.

As noted in Chapter I, there are several components of the Canadian Constitution which have a direct bearing on education in Canada. The first of these is the British North America Act of 1867 (now known as The Constitution Act, 1867) which clearly states in Section 93 that education is a provincial responsibility. The Section reads, in part, that "In and for each province, the legislature may exclusively make laws in relation to education". The Section also provides protection for denominational schools.

The provision of the Constitution which applies to education in Newfoundland is Term 17 of the Terms of Union of Newfoundland with Canada, 1949. The Term states that:

In lieu of Section 93 of the British North America Act, 1867, the following terms shall apply in respect of the Province of Newfoundland: the legislature shall have exclusive authority to make laws in relation to education, but the legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the time of union.

Throughout the years, the absence of constitutional guarantees of individual rights and freedoms was criticized by many Canadians. Consequently, a Canadian Bill of Rights was approved by Parliament in 1960. The Bill guaranteed fundamental liberties to all Canadians, including the freedom of speech, of religion, of the press, and the right of assembly.

This Canadian Bill of Rights, unlike the United States Bill of Rights, was not an amendment to the constitution. Its lack of constitutional status contributed to the mild interpretation of its provisions. The Bill could have been repealed by Parliament, although this did not happen. Consequently, many Canadians felt that a new bill of rights which was entrenched in the Constitution was necessary to protect the rights and liberties of individual Canadians.

On April 17, 1982, the Canadian Constitution Act, 1982, including the Charter of Rights and Freedoms, was proclaimed. Under the Charter, rights are classified according to the following categories:

- (1) fundamental freedoms,
- (2) democratic rights,
- (3) mobility rights,
- (4) legal rights,
- (5) equality rights,
- (6) official languages and minority language educational rights.

Although the Charter itself has no specific sections which deal with education generally, there are provisions, particularly those relating to fundamental freedoms, equality, due process, and language rights, which will be used as the basis for litigation in education. Terminology used throughout the Charter, such as "every person", "any person", and "everyone" can apply to students as well as adults, thus granting to them rights and freedoms. Specifically, Section 15 guarantees equality of all before and under the law without discrimination, based, for example, on age. Section 2, which guarantees freedom of religion, thought, belief, opinion, expression, peaceful assembly and association, may become a catalyst for radical change. Sections 9 and 10 may also be interpreted as giving students the guarantee not to be arbitrarily detained without sufficient reason and an opportunity to obtain legal counsel.

However, the impact of the Charter on education will depend mainly on how judges interpret the key clause of the Charter, the "reasonable limits" provision. Manley-Casimir (1987) contends that while it is still uncertain how the judiciary will interpret the Charter with regard to educational governance in general, and student rights in particular, there is consensus that the courts are entering into a period of complex and difficult decision-making, where they will have a unique opportunity to

significantly influence educational policy and practice in the context of Canada's new "rights reality".

Federal and provincial statutes are also a source of school law. The Criminal Code of Canada, which allows teachers the right to administer corporal punishment on their charges to the degree determined by the law, is an example of federal statutory legislation. Provincial legislation, however, is much more pervasive in education.

The primary piece of provincial legislation governing education in Newfoundland is The Schools Act. Passed in 1970 and subject to various amendments since that time, this Act provides the legal foundation for the education system of the whole Province. However, this is not the only legislation affecting education and educational personnel in the Province. The Newfoundland Teachers' Association [a body constituted by The Newfoundland Teachers' Association Act, (1957 and 1970)] has negotiated a Collective Agreement with school boards and the Government of Newfoundland and Labrador. This agreement, although not an act of the legislature, may be considered written law.

Section 12 of The Schools Act, (1970) allows boards the right to make legally binding rules and regulations, subject to the approval of the Minister.

Though such regulations may be difficult to locate, they are still an important source of law. Regulations and rules can take the form of orders-in-council, full

regulations, or school board by-laws. However, these rules may not all have the same legal force. Their legal enforceability is derived from the original statute that authorized rule-making (Mackay, 1984: 4). In other words, some rules can be enforced in the courts; others are only guidelines with no real legal impact.

Judges set precedents in their rulings. They make laws by applying and developing common law concepts and interpreting statutes. The British Common Law, which has evolved over centuries, is an important source of law. Basically, this common law is an accumulation of judicial rulings over time. Once judges establish a legal rule, it is binding in lower courts. However, binding decisions are sometimes evaded because the facts of a case are never exactly the same as the case under consideration.

In summary, it should be stated that the Charter of Rights and Freedoms is a very important part of the written law of Canada, with major implications for education. Federal statutes, such as the Criminal Code of Canada and the Young Offenders Act also have implications, as well as provincial statutes, including The Schools Act. In addition, common law, developed from precedent cases, customs, usage, convention, and judges' explanations of written law, influences education. Finally, there are school board by-laws, policies, and regulations. All of these sources of laws assign specified duties and rights.



to principals in their dealings with students, teachers and school boards.'

## II. The Law Relating to the Principal and School Boards

### Principals' Employment

Section 12 (c) of The Schools Act states that every school board shall "subject to this Act, appoint and dismiss teachers and give prompt notice to the minister of every appointment, every breach of contract by a teacher and of every vacancy from whatever cause arising". This applies to persons who are employed as principals since Section 2(ff) defines "teacher" as follows:

"teacher" means a person holding a certificate of grade as defined by paragraph (f) of this Section 2 and is deemed to include emergency supply but does not include a Superintendent or an Assistant District Superintendent.

Paragraph (f) states that:

"certificate of grade" includes a licence to teach issued under the authority of The Education (Teacher Training) Act, 1963, the Act No. 24 of 1963 or The Education (Teacher Training) Act.

The employment of principals by school boards is also covered in Article 6 of the N.T.A. Collective Agreement. Subsection 6.05 states that:

Where qualifications and suitability of applicants are comparable, preference in appointment of teachers to positions of administrative responsibility within the bargaining unit shall be given to those who have entered into continuing contract with any school board in the province.

It is evident, therefore, that school boards have the legal responsibility for selecting and hiring elementary and secondary teachers as well as principals and other personnel. This responsibility for employing teachers is delegated to boards by provincial statutes, and courts usually support the staffing functions of school boards.

#### Duties of the Principal

As indicated earlier, the Department of Education and school boards receive their legal status from legislation as well as common law. Principals receive their legal status from the same sources, as well as from school board by-laws. The Schools Act imposes upon school boards the legal duty to operate and maintain safe and healthy schools within their district. This mandate is further delegated to principals who are appointed by a particular school board. The duties assigned to principals by The Schools Act cover all areas of school organization and management. Under such an umbrella, principals are responsible for coordinating staff performance and input, supervising curriculum implementation, and reporting to parents and school board personnel on various issues relating to the school environment. Appendix B provides a detailed listing of the duties assigned to principals according to The Schools Act.

In addition to the responsibilities referred to above, The Schools Act also stipulates that principals

must accept responsibility for the supervision of teaching; timetabling; examinations and promotions; methods and general discipline pursued by all teachers in all classes; arranging for the regular supervision of pupils on the premises of their school; and arranging for regular fire drills in their school.

Again, the principal may be called upon to deliver to the Minister (or his/her designate), the appropriate superintendent and any other person upon written order of that superintendent, any school register and school records. He/she must also furnish any information which it may be in his/her power to give regarding anything connected with the operation of the school or in any ways affecting its interests or conditions.

School board by-laws may further state specific duties which principals must perform. It is these formally written regulations, along with primary legislation, which constitute the legal framework within which principals must operate.

#### Principal Evaluation

While most school boards in Newfoundland have written policies regarding teacher evaluation, few have developed such policies regarding the evaluation of principals. An examination of the evaluation instruments used by several Newfoundland school boards reveals that emphasis is placed on a number of variables which represent essential

performance criteria for effective administration. They include planning for and utilizing:

1. Good organizational techniques.
2. Proper plant management techniques:
3. Realistic budgeting practices.
4. Techniques that lead to effective personnel relationships.
5. Techniques that promote effective instruction and curriculum development.
6. Procedures that lead to continual personal-professional characteristics.
7. Techniques that lead to effective student relations.
8. Techniques that lead to effective school-community relations.

Some of the assistant superintendents interviewed during this study suggested that in the process of evaluating principals they considered staff comments; the physical well-being of the plant; principals' rapport with teachers, students, supportive staff, and parents; and conferences with principals. All information collected is documented and signed by both the principal and the evaluator.

The length of time which an evaluation may involve depends on whether the principal is on probation or tenured. If the principal is on probation, the evaluation

will require a decision in two years. However, if the principal is tenured, it may vary from one to three years.

Termination of Principals' Contracts for Just Cause and Redundancy

The termination of teacher contracts for just cause will be discussed later in this Chapter. The guidelines governing such terminations also apply to principals.

With regard to redundancy, there has been an arbitration decision in Newfoundland dealing with the termination of a vice-principal's contract due to declining enrolment which should be discussed. In Mayo v. The Avalon Consolidated School Board (1985), Mayo argued that when his vice-principal's position became redundant, he was reassigned to a nonadministrative position with no attempt made to apply the provisions of Article 9 of the Collective Agreement. This would mean a reassignment to a comparable position based on seniority in the following order of priority, community, school system, and school district. Several vacant administrative positions existed in the school district at the time. The Arbitration Board maintained that the Collective Agreement is silent on the requirement to reassign a vice-principal to a position which has comparable administrative/teaching duties should his/her position become redundant. Hence, the provisions outlined in Article 9 do not seem to apply to positions of administrative responsibility.

### III. The Law Relating to the Principal and Teachers

Although principals are responsible for ensuring that the quality of education provided by the staff of their school is acceptable by their school boards and the public they serve, they have no legal role in the hiring of staff personnel. It is left to individual school boards to decide the extent of involvement of principals in this decision-making process. Thus, the role of principals in this area varies from board to board.

#### The Principal and Staffing

Principals face several legal dilemmas in regard to staffing a school. One dilemma centres around the recruiting of teachers. Legally, the school board has the authority to hire school personnel, but the screening and interviewing of the teachers is rarely done by the board. These responsibilities are often delegated to the superintendent, personnel officers, and principals of those schools which have teacher vacancies. However, the principal, though involved in the screening and interviewing of candidates, may have little to say about which persons are hired for teaching positions. Consistent with the mandates of the school board, The Schools Act, and the Collective Agreement, hiring decisions are made by the school board and the superintendent. Kimbrough and Nunnery (1976: 178-179)

suggest that school officials such as principals should have a voice in the hiring process. They contend that principals are in somewhat of a paradoxical position; that is, although they generally have only perfunctory hiring duties, they are expected to carry heavy legal responsibilities in regard to supervising employees.

In a survey, McIntyre (1974) asked 35 elementary and secondary principals to rank elements of a principal's performance in order of their importance for promoting effective instruction in a school. The results of this survey indicated that elementary and secondary principals differed in the emphasis they placed on the principal's legal responsibilities for staffing a school. The elementary principals noted a principal's involvement in recruiting and selecting teachers as first in importance. However, the secondary principals identified students' needs and the legal requirements of education as first in importance, and the legal responsibilities of staffing second. School principals participating in the study strongly agreed with the idea that an important function of a school principal is to ensure that the teaching staff meets the legal and educational requirements for teaching.

#### The Principal and Teacher Supervision

The school principal's authority is usually discussed in relation to students who are generally considered the subject of the principal's major concern. The authority

of the principal over teachers and other school personnel under his/her supervision is too often overlooked. It is true that a substantial amount of litigation deals with the control and discipline of students. However, teachers too, are subject to the authority of the principal and may be disciplined or dismissed for failure to obey orders and directives.

Principals have the right to make and enforce reasonable rules and regulations for teachers to follow. However, those rules and regulations must be consistent with board policies, and any statutes governing education. This so called "principal's authority over teachers" has its basis in The Schools Act (1970).

Section 80 (p) of The Schools Act, stipulates that principals should exercise responsible supervision over teaching, timetables, methods, and general discipline pursued in all the classes and over the conduct of all pupils in their school. Principals are also regarded as leaders in curriculum change and implementation. As agents of the school board they may be responsible for ensuring that appropriate inservice and professional development programs are conducted.

Although principals may not be expected to directly supervise classrooms, they are responsible by law for ensuring that adequate student supervision is being provided in all classrooms at all times. In fulfilling that legal responsibility, they must appoint teachers to



the role of supervisory duty. If principals do not ensure that teachers are providing adequate supervision in the classrooms, they may then become liable for any injuries sustained in an accident during class time due to negligence. When principals schedule teachers for classrooms, they are fulfilling their statutory duty; however, their responsibility goes beyond the mere assigning of teachers to classrooms. Principals are responsible for periodically checking to ensure the teachers are providing adequate instruction and supervision. (See discussion of the Principal and Tort Liability.)

#### The Principal and Teacher Dismissal

As indicated earlier, a principal's responsibilities in the initial decision to employ a teacher are minimal, but the principal's responsibilities following the hiring of a teacher are considerably greater. The principal must supervise the teacher's performance, including the teaching assignment within the school; determine the work load; help provide for the teacher's professional development; evaluate the teacher's performance; and possibly initiate the dismissal process if he/she does not function well. Since it is the principal who sometimes initiates the dismissal process, he/she must be well versed about federal and provincial statutes and collective bargaining agreements which provide rights and

remedies for teachers. School boards also require principals to systematically evaluate teacher performance, irrespective of employment decision. Boards provide instruments by which principals can conduct such formative and summative evaluation of teachers. This evaluation process must also be in accordance with section 14 of the Collective Agreement. That is, the prime purpose of evaluation shall be to increase effectiveness of personnel and it shall be conducted openly and with the knowledge of the teacher. The result shall be produced in written form and a copy given to the teacher involved and only board professional staff and/or the school administration and the said teacher shall have access to evaluation files.

Although it is the responsibility of school boards to dismiss teachers on the basis of incompetency, principals are often required through their evaluation of teacher performance to provide documentary evidence on which the dismissal proceeds. One example of this is the Squires v. Strait of Bell Isle School Board (1979) case, where a tenured teacher with thirteen years of teaching experience was dismissed for incompetency.

The case went before arbitration and the arbitration board ruled in favor of the teacher on the grounds that the school board had failed to establish in a clear and reasonable manner that the grievor was incompetent. Furthermore, the board had also failed to follow its own evaluation procedures.

Principals usually have the responsibility to ensure that proper procedures are followed during the evaluation process and ensure that the evaluation followed the correct phases. Efforts must be taken to satisfy the teacher's right to due process. This may mean recommending extensions to the evaluation programme to provide sufficient time, so that the evaluatee could be placed in different classroom situations where a fresh start could be made, and new ideas and approaches tried. Principals must also ensure that the teacher has access to proper instructional facilities and is provided with good professional leadership.

A principal who considers a teacher in "neglect of duty" will no doubt be dealing with a very factual situation. Michel (1985, 45) contends that even though neglect of duty is a difficult concept to define, it is primarily used when a teacher's transgressions are quantifiable, such as repeated absences or frequent lateness. However, these transgressions must be of such magnitude that the school district can justify that it has been denied teaching services. In most cases, neglect of duty may not be great enough to justify dismissal. However, Michel reports (in Kaiser, 1985) that in one situation in Vermont, three teachers were charged by a principal for displaying conduct unbecoming a teacher and with neglect of duty. In this situation, the three teachers petitioned the principal concerning U.S.

involvement in Vietnam, walked out of classes and refused to return to class. Upon receipt of their dismissal from their positions, they appealed to the court to restore their rights and their teaching positions. The court then ordered the school district to restore one of the teachers' jobs, but because the other two teachers were determined to have failed in their teaching duties, the court upheld their dismissals.

Again, if a principal considers the actions of a teacher as being immoral or has evidence of gross misconduct, he/she must understand that immorality is a judicial term that compares the teacher's behavior with the standards of the community and not with the opinion of the principal alone. In Beckwith and Allen v. Colchester Hants Amalgamated School Board (1977), a teacher was dismissed for possession of marijuana. The school board felt the offence would dishonour the teacher and undermine the respect of his students. In Glass v. Warner County School Committee (1979), a vice-principal with fifteen years of experience was dismissed because he was unable to control his transvestism. In both cases the courts upheld the dismissals.

In Horosco School District of Mount Pleasant (1973), the court defined morality as relative to the standards of behavior in the community where the school was located. A teacher who served beer and gambled with customers in her husband's tavern was dismissed by the school board.

Witnesses reported that the children in the school where she had taught saw her engaging in these activities.

Therefore, in determining whether or not to dismiss a teacher, community standards are often examined by the courts. The obligation to act as a moral example may not be as important in a large city, where, after hours, a teacher is almost guaranteed anonymity and privacy. In a small town, however, as exists in many cases in Newfoundland, it is difficult to "shield" one's private life from public scrutiny. However, the courts increasingly uphold the individual's right to privacy, unless his/her actions have had a deteriorating effect on his/her performances as teacher.

Again, with respect to teacher dismissals, there is a distinct difference between a tenured and non-tenured teacher. Tenure can be defined as a set of rights conveyed and upheld by law such that a teacher cannot be dismissed from a position except by provisions laid down by law.

In Newfoundland, according to the Collective Agreement, beginning teachers usually are required to complete a probationary period consisting of two years of teaching experience before they are granted tenure.

Principals should be aware that during the probationary period, non-tenured teachers do not have access to grievance procedures if a school board decides to terminate their contract for reasons of incompetence or

unsuitability. In Newfoundland, the Collective Agreement 12:01 (b) stipulates that probationary teachers be given an opportunity to "discuss" their dismissal but the option for "grievance" is very limited.

Regardless of the provisions of the Collective Agreement regarding teacher dismissal, principals must document the cause of a dismissal and ensure that the teacher's constitutional and statutory rights have been upheld.

#### Conclusion

A principal's responsibility and legal duties for personnel management must not be taken lightly since this is the point at which the right of students to competent teachers and the right of the public employees to fair treatment converge. The principal's legal duties and responsibilities relate to both.

#### IV. The Law Relating to the Principal and Students

##### Student Discipline

Principals are granted substantial authority to control students. This authority has its legal basis in both statutory and common law. However, many principals find themselves in court because of the disciplinary activities of teachers. They should, therefore, become thoroughly familiar with provincial statutes, school

boards by-laws, and court decisions regarding discipline. This section explores principals' rights and responsibilities in controlling students in the areas of (1) corporal punishment, (2) suspension and expulsion, and (3) detentign.

Corporal punishment. The principal's legal right to administer corporal punishment has been drawn from both unwritten and written law. The principal's common law right to discipline is derived from the principle of "in loco parentis". Under this principle, the principal or teacher, acting in the place of the parent, may be granted the right to administer punishment. But it also implies an increased responsibility for the welfare of the child.

This principle of "in loco parentis" has been strengthened with its incorporation into The Criminal Code of Canada. Section 43 of the Canadian Criminal Code (as amended 1965) states that:

Every school teacher, parent, or person standing in the place of a parent is justified in using force by way of correction towards a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

The inclusion of the phrase "reasonable under the circumstances" is a protective measure to safeguard the welfare of the child. It sets limits to the degree of punishment allowed. A principal can discipline students as he/she would his/her own children as long as the discipline is reasonable and not malicious. A principal

may be held criminally liable if the punishment is held to be unreasonable or excessive.

It is impossible for, an Act of Parliament or any Legislature to specify or define what is "reasonable" and have it apply to every particular case. As a result, case law evolved to more accurately define the conditions and circumstances under which corporal punishment may be administered: Case law has indicated several criteria for punishment to be considered "reasonable under the circumstances": (1) there must be sufficient cause, (2) it must not be malicious, (3) a suitable instrument must be used, (4) it must be administered to an appropriate part of the body, (5) it must cause no danger to the life or health of the child, and (6) there must be no permanent injury. In light of this, principals must ensure that if corporal punishment is administered, it should meet these criteria if they want to escape litigation in the courts. The student's age, sex, condition and disposition should also be considered when administering corporal punishment. It is important to note, however, that although general principles have been established in case law, they are not necessarily binding on future decisions. Reasonableness will be determined in light of all the circumstances, and decisions will be made on the basis of the reasonable person.

Provincial legislation as to the use of corporal punishment varies. For instance, the legislation of



British Columbia prohibits the use of corporal punishment, while legislation in Alberta, Manitoba, Nova Scotia, Ontario and Prince Edward Island is silent, or makes only general reference to corporal punishment. Saskatchewan and New Brunswick statutes advise the teacher to treat children as would a kind, firm and judicious parent, and Quebec outlines procedures to be followed in the administration of corporal punishment. In Newfoundland, corporal punishment is authorized, as a last resort, but striking children on the head and strapping "delicate" or "nervous" children is forbidden (Section 84 of The Schools Act, 1970). The legislation states that corporal punishment must be carried out "within reason and with humanity", and that a third person, not a student, should be present. When administering corporal punishment the teacher must keep a record of all offences and the punishment administered, which records shall be open to inspection by the principal and the appropriate superintendent. (Section 81, of The Schools Act, 1970), Principals must ensure that teachers comply with this legislation.

Although provincial legislation may authorize corporal punishment, some school board by-laws forbid its use. Such is the situation in Newfoundland. The legality of this is not quite clear. Since school board regulations must be consistent with the existing law, how can school boards take away the right of its employees

stated in statutes and common law? School board by-laws must not exceed the stated powers since they would be ultra vires. School boards that don't forbid corporal punishment often set out certain criteria of guidelines to be followed when it is to be administered. Some, however, leave all methods of discipline up to the principal. It would be wise for principals to comply with the rules and regulations of their school boards, because if not, disciplinary action by the board may result. If principals feel they must use corporal punishment, then the following procedure, as outlined by Howard (1978, 77), could be followed:

1. Be sure that the student has been warned at least once that the specific action he is being punished for would result in corporal punishment.
2. Be prepared to document the fact that other means of punishment have been used and the corporal punishment is a "last resort".
3. Notify the parent that you are going to administer corporal punishment.
4. Administer corporal punishment against the wishes of the parent only if you are willing to accept the risk of being sued.
5. Administer the punishment in the presence of an adult witness.

The principal's right and responsibility to discipline the student also applies, to some degree, out of school. If a school board adopts rules regulating the conduct of pupils while on the way to and from school, a principal has the authority and duty to enforce such

rules; or in the absence of any board regulations, a principal or teacher has the inherent right to punish and discipline a pupil. In Newfoundland, Section 82 of The Schools Act states:

Every pupil in a school shall ... (d) be subject to the school discipline in going to and returning from school and at all school games and school functions whenever and wherever held, as well as during school hours.

Suspension and expulsion. When all other methods of discipline have failed, the punishment of suspension and expulsion may be used. These disciplinary measures are resorted to only under extreme circumstances. According to The Schools Act, the right to suspend is within the powers of the school principal, subject to school board policy, while expulsion is a prerogative of the school board. In other words, suspension or expulsion must be approved or actually carried out by the school board.

When a pupil is suspended, there is, usually a set time limit, which may vary from one school board to another. It is generally agreed that a student should not be suspended from school without minimal due process, involving notifying the student of charges against him/her and giving the student an opportunity to respond to such charges.

The right to expel a student in Newfoundland is stated in Section 83 of The Schools Act, as amended May 21, 1974. The duty is given to the principal to decide whether action should be taken against the student. Such

action is generally decided after examining teacher records and student misconduct and upon consultation with the teacher affected. Once the principal consults with the superintendent and a recommendation is sent to the school board, it then becomes the responsibility of the board.

Section 83 points out broad reasons for which a pupil may be expelled. It also states that before a pupil can be expelled certain requirements must be met. Principals must give the pupil a suitable period to reform. What is considered a suitable period is undecided. In addition, if a pupil is in the compulsory age limits as stated by The School Attendance Act, the expulsion must be approved by the Director of School Services. Therefore, principals must keep detailed records for all cases. If not, they could be held liable for damages if they participate in any action deemed to violate a student's legal rights. Section 83(A) of The Schools Act gives the pupil the right to appeal. It states that:

...the Minister shall appoint a Review Board...to carry out an investigation into the circumstances of the expulsion, to review the expulsion, and to make a recommendation upholding or reversing the expulsion...

Further, the right of the pupil to a hearing may be recognized in Section 11 of the Canadian Charter of Rights (1982), which states that:

Any person charged with an offence has the right (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.

Hence, school boards may have to revise their by-laws to accommodate this right granted by the Charter.

Detention. The Schools Act sets out the minimum number of hours of instruction in each school day. Therefore, one could infer from this that principals may extend the school day if they think it necessary. Detaining a pupil after regular school hours may be used as a disciplinary measure or for further instruction. However, when the detention is longer than the normal time practised by the school, principals should ensure that teachers notify the parent. The principals or teachers, however, have no right to use a recess period for detention. Section 81 of The Schools Act states:

Every teacher in a school shall... (f) refrain from depriving pupils of any part of a recess period.

Teachers, sometimes, take away part of the recess period of bussed students, but this is contrary to The Schools Act since it does state specifically "any part of a recess period". A prudent principal must ensure that teachers obey The Schools Act and school board by-laws and regulations while disciplining students.

#### The Principal and Student Rights

In the past, the rights of principals and teachers to control students have been virtually undisputed. Today, however, the rights of principals and teachers are often questioned with an upsurge of interest in the rights of

students. In the last decade, some United States courts have been upholding the constitutional rights of students as persons, thus undermining the validity of the "in loco parentis" principle. Canadian courts, however, have lagged behind with respect to this issue. They have generally recognized educators as being "in loco parentis". But a new era has begun since the entrenchment of the Canadian Charter of Rights and Freedoms (1982). Changes are taking place and will continue in the future. Increasingly, students have been accepted as persons with rights.

In the United States, the recognition of student rights has been reflected in several landmark cases. In Tinker v. Des Moines (1969), the Supreme Court held that neither teachers nor students did not lose their constitutional rights of freedom of speech or expression at the schoolhouse gate. The court, by a majority decision, stated that school officials do not possess absolute authority over students: that students, in schools as well as out, are persons under the constitution. They have rights which the court must respect. In the absence of a constitutionally valid reason to regulate their conduct, students are entitled to freedom of expression of their views. This landmark case was the first to undermine the principle of "in loco parentis" and to recognize students as having some of the same rights as adults.

Further, the Supreme Court of the United States in Goss v. Lopez (1975) established the rights of students to due process in disciplinary cases involving suspensions. The court concluded that there was a need for fairness in the administration of justice and that students were protected and ensured due process under the American Constitution. Such decisions have caused principals to become more aware of students' rights in our society.

Up until recently, however, Canadian educators have not been subject to the litigious challenges imposed on American educators. Certainly, the absence of a constitutional statement of rights until 1982 contributed to this. The Canadian Bill of Rights was not a constitutional document, and applied only to the actions of the Federal Government. Furthermore, education was a provincial responsibility and the impact of the Bill of Rights on schools was minimal. Casimir (1978: 3) succinctly described the situation when he stated that:

In Canada, the regulation of student conduct and the making of rules and regulations falls within the purview of school boards and their officers. Since the Canadian Bill of Rights lacks constitutional force, recourse to its provisions is pointless; so the Canadian student is totally dependent on the discretion of local school authorities.

In addition, Magsino (1978) referred to student rights in Canada as "Nonsense upon Stilts". Courts in Canada had upheld the rights of the schools to control, among other things, student movement, student appearance and dress, student activities, student publications,

student behavior, and student choice of school and programs. This situation may change with the entrenchment of the Charter, although it may be early to suggest the extent of such change.

#### Welfare and Option Rights

When dealing with the rights of students one can categorize them as either "welfare" or "option". As Magsino (1978) suggested, welfare rights may be defined as those that are generally exercised by the parent on behalf of the students. It is those rights with which Canadian educators have been most concerned. They include: (1) the right to an education, (2) the right to equal educational opportunity, (3) the right to natural justice, (4) the right to be protected from cruel and unusual punishment, and (5) the right to security of the persons. Option rights on the other hand are freedom rights and include: (1) freedom of expression, (2) freedom of personal appearance, (3) freedom of association, and (4) privacy.

A detailed examination of the five welfare rights and the four option rights as delineated is presented below.

The right to an education: All provinces of Canada have statutory laws which make school attendance compulsory. The School Attendance Act (1978), as amended, requires all children between six and sixteen years of age



to attend school. There are suggestions that Section 7 of the Charter may ultimately be interpreted as protecting the right of children to an education. If it does protect this right, then the rights of school officials to suspend or expel students may need revisions to accommodate this right.

The right to equal educational opportunity: In the past, due to fiscal, political or social restraints, the education system was not responsive to the needs of handicapped children. Many were excluded from school and many who were attending were forced to do programs inappropriately suited to their needs. Over the past two decades, however, the emphasis has shifted to include students with special needs. Their rights have been challenged and confirmed in the courts.

While Section 12 of The Schools Act speaks of the responsibility of school boards to provide educational programs and services to children generally, an amendment to this section of the Act addressed the question of the provision of special services and programs for handicapped children. Section 12 (a.1) of the Act states that school boards shall:

organize the means of instructing children who for any physical or mental cause require special classes, either by the establishment of special classes in its school or by making arrangements with another school board or with any educational body or authority within Canada for the education of such children.

Section 15 of the Charter also addresses the question of equality.

Recently, the Newfoundland Department of Education has issued a policy statement dealing with the education of students with special needs. The main features of that statement are as follows:

1. Each school district should establish, at the school level, program planning teams responsible for programming, placement, and evaluation.
2. Early identification and intervention strategies carried out by classroom teachers.
3. Referral for detailed assessment by appropriate professionals.
4. Parental involvement at each stage of the process.
5. Preparation of an individual program plan.
6. Implementation of the individual program plan and its regular review.

Principals must become familiar with the complete policy and ensure that students with special needs are provided those services.

The courts have been used to test the right to equality of educational opportunity. With Section 15 of the Charter, the number of such cases in Canada may increase significantly in the future. Perhaps, even the threat of court action may encourage school boards to focus on equality of opportunity for all students. In

Nova Scotia, a historic agreement was reached between a school board and parents in the Elwood v. Halifax County-Bedford District School Board (1987) case. The parents of a mentally disabled nine-year-old boy won an out-of-court settlement which will allow their child to continue attending a regular school among non-handicapped children his own age. Lawyers for the Elwoods argued that there is a constitutional right to education implicit in the Charter. This right, they argued, is guaranteed in Section 7 of the Charter which states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

McKay (1987) maintains that the final Elwood Agreement provides for the following:

1. An educational team, comprised of professionals, delivering services for the regular classroom teacher as part of the child's Individual Educational Plan (I.E.P.).
2. Access to all records by his parents.
3. Regular I.E.P. meeting of the team which must include the parents.
4. The right to arbitration with various preliminary steps before a hearing.
5. Cost of arbitration borne by the school board.
6. No change of placement for the child without the consent of parents.

Those major terms of the court-approved agreement placed many direct responsibilities on the principal. Some of these are: directing and supervising the day-to-day implementation of the program, determining who shall be the members of the educational support team, setting the time and place of team meetings, and deciding if other persons should attend a team meeting.

The right to due process: It is generally accepted that disciplinary action, for example, should be accompanied by some procedural due process to ensure even the rudiments of fundamental fairness and to prevent mistakes in discipline. Principals should be aware of the fact that lawsuits challenging disciplinary action have more often focused on the procedural process rather than on the disciplinary rules or sanctions imposed. Guidelines often suggested to protect the rights of students include the following:

- (1) The student must be given adequate notice of the charges against him or her.
- (2) The school must present evidence to support these charges.
- (3) The student must be given a fair hearing--an opportunity to present his or her side of the case.
- (4) The decision reached must be supported by evidence.

- (5) The student must have the right to appeal the decision.

The right to due process may also become an issue in student classification and program development for individual students, as shown in the Elwood agreement.

The right to be protected from cruel and unusual punishment: Punishment must be "reasonable". The interpretation of "reasonable" is especially important to principals who are acting "in loco parentis" and often discipline their pupils in a reasonable and humane manner. Section 12 of the Charter may be used to ensure "reasonable" punishment. As indicated earlier, principals, when considering whether a punishment is reasonable, should take into account the following guidelines: (1) the nature and extent of the penalty in relation to the offense, (2) age, (3) gender, (4) mental and physical condition, and (5) past behavior.

The right to security of the person: Precedent court cases have established the duty of care expected of educators in the educational setting. In Thornton v. Board of School Trustees of School District No. 57, (1978), the physical education teacher was found negligent and a substantial award resulted because his standard of care was not what it should have been. School principals have a duty to exercise the same standard of care over the children in their charge as would be exercised by a reasonably careful parent.

Option rights relate to the exercise of free will and autonomy on the part of the student (Mackay, 1984: 299). They include, as indicated earlier: (1) freedom of expression, written or symbolic, and personal appearance, (2) freedom of association and peaceful assembly, and (3) privacy in one's person and property. Although Canadian students have acquired some of these rights, they do not possess the rights enjoyed by United States' students. Mackay (1982: 294) contends that Canada will remain conservative in this area. He states that: "Canadian political and social tradition is more conservative and deferential than that of the United States".

Without test cases, it is difficult to speculate what Canadian courts will decide with regard to the constitutionality of student rights in Canada. However, in the past, courts in their rulings generally tried to balance the rights of the students to freedom with the need for an orderly school environment.

Freedom of expression: Section 2(b) of the Charter of Rights guarantees freedom of expression. Perhaps, the wearing of various buttons and T-shirts, the carrying of posters and the distribution of literature are rights that Canadian students will enjoy under the Charter. This, however, was not the case in the past. Courts have upheld student suspensions for the wearing of blue jeans and T-shirts and where hair length was considered excessive by school authorities (Ward v. Blaine Lake School, 1971).

Perhaps a case in Canada similar to Tinker v. Des Moines (1969) will establish guidelines regarding freedom of expression and guarantee basic rights for Canadian students.

Association and peaceful assembly: Canadian citizens are guaranteed freedom of association and peaceful assembly under Section 2(c) and (d) of the Charter. Mackay (1984: 306) points out "There are very few cases if any that have surfaced since the Charter and in those cases which occurred before the Charter, decisions were made in the best interest of the school". Although Canada has been less liberal than the United States in tolerating student protest, there is no doubt that the Charter will influence future court decisions.

Privacy: Privacy has become an area of increasing concern for today's school principals. The two major areas of concern in privacy are: (1) access to student records, and (2) freedom from unreasonable search.

Although it is generally acknowledged by principals in Newfoundland that student records should be adequately stored and safeguarded from the eyes of the public, there is no law which makes provisions for this. The only reference to school records in The Schools Act is contained in Section 79 dealing with the responsibilities of teachers. Subsection (e) states that:

Every teacher in a school shall keep records of the admission of new pupils, the withdrawal of pupils, examinations, promotions and the conduct of pupils.

However, it does not specify who should or should not have access to the records. Such is not the case in the United States. Mackay (1984: 308) points out that there is legislation relating directly to access to educational records and the student's position is clearer and better protected than in Canada. School boards will no doubt have to ensure that their policy on student records provides for privacy, and principals must ensure that this policy is adhered to. The Charter, Section 8, states, "Everyone has the right to be secure against unreasonable search or seizure". Mackay (1984: 219) contends that the issue of search in school has increased in importance because of the increasing presence of alcohol and drugs among the student population. Many principals in Canada consider it their right to initiate a search of a student or property if they deem it necessary by virtue of being "in loco parentis". The only stipulation made by the Charter regarding searching is that the search be "reasonable". Therefore, if the principal acts on what he/she considers reasonable under the circumstances to maintain order, safety and discipline, his/her actions are less likely to involve court action.

In R. v. Jones (1986), a fourteen-year old was convicted under the Young Offenders Act of possession of the narcotic marijuana and fined \$25.00. The charge was laid as a result of the principal searching the student and taking the drugs from the accused's right sock or



pantleg. The accused then appealed the decision and alleged breaches of Sections 8 and 10(b) of the Charter.

8. Everyone has the right to be secure against unreasonable search or seizure.
10. Everyone has the right on arrest or detention
  - (b) to retain and instruct counsel without delay and to be informed of that right.

The judge found that the search of the accused although not justified was indeed dictated by the circumstances. The principal was acting on the duty imposed by the Education Act, R.S.O. (1980) to maintain proper order and discipline in the school. Having a student remove his/her socks in order to prove or disprove the allegation was not considered excessively intrusive. Furthermore, the judge found that Section 10(b) of the Charter was not violated, since the accused was not detained in accordance with this section. The search was only an extension of normal discipline.

However, the judge recommended that depending upon the nature of the infraction, there may be circumstances where principals should turn the whole matter over to police upon initial receipt of a report.

In Regina v. H. (1985), a teacher had \$65.00 stolen from her purse. The incident was reported to the principal who then conducted an investigation and interrogation. Several students then made confessions concerning the theft. The principal telephoned the police

and a theft charge was laid. The court found that the teacher and the principal had violated Section 56 of the Young Offenders Act, that is both the teacher and principal did not advise the boys, including H, of any rights they may or may not have under this Act.

Judith Anderson (1986) maintains that although this decision is under appeal and may be reversed by a higher court, it signals to administrators the need to observe new rights for students when dealing with criminal law. Both the Young Offenders Act and the Charter provide legal rights for students that protect them against arbitrary and unfair action by persons in positions of authority.

#### Summary

Student rights are generally classified into two types, welfare rights and option rights. Although opinions vary as to what rights students have, the right to an education, due process, equal educational opportunity, and reasonable treatment, are rights which if not protected by legislation are generally accepted by most progressive thinking educators. On the other hand, the option rights, freedom of expression, association and peaceful assembly, and privacy are not so widely accepted by school personnel. However, this may change with the Charter and the changing attitudes it has helped to create. For instance, some school boards in Newfoundland have already devised policies and regulations which are in

keeping with the Charter requirements. This action could be interpreted as more rights for students and a better situation for principals in general.

V. The Law Relating to the Principal and Tort Liability

Recently, the responsibility of teachers and principals to provide a safe environment for students has received increasing concern. For various reasons, accidents do occur where students are injured and educators are being sued and found liable for damages. Therefore, it is the principal's legal and personal responsibility to safeguard against such incidents.

The Nature of Tort Liability and Negligence

W.L. Prosser defines tort as:

a term applied to a miscellaneous and more or less unconnected group of civil wrongs, other than breach of contract, for which a court of law will afford a remedy in the form of an action for damages. The law of torts is connected with the compensation of losses suffered by private individuals in their legally protected interest, through conduct of others which is socially unreasonable. (Mackay, 1984, p. 108)

In her article entitled "The Concept and Scope of Liability", Anderson (1982) defined negligence as "the omission to do something which a reasonable man, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a

reasonable and prudent man would not do". It is generally assumed that principals, as professionals, have a duty to be responsible for the safety and welfare of students under their care.

#### Foreseeability and Reasonableness

In determining negligence, foreseeability is an important factor. The question to be answered is whether the principals and teachers should have foreseen the possibility that an accident might have occurred or should they have known that their action or lack of action could have resulted in the injury sustained? Did they then act as a reasonably prudent person?

What, then, is a reasonably prudent person? A reasonably prudent person is an individual who would have foreseen the danger of an accident and taken the necessary steps to prevent it. Generally speaking, the standard of care imposed on educators is to act reasonably in the circumstances prevailing. It is difficult to determine, however, what a "reasonably prudent person" would do in supervising students under different circumstances that may arise in the gymnasium, on the playground, or in the laboratory. Principals and teachers, as humans, are not omnipresent, and it is not reasonable to expect supervisory personnel to keep a watchful eye on every student every moment of the day.

A major factor which has resulted in raising the standard of care for teachers beyond the 'reasonable parent' test is that a teacher is supposed to be a professional. In the case of McKay v. Board of Govan School of Saskatchewan (1968), the judge found the physical education teacher negligent. The test used was that the physical education teacher was a "competent instructor in the field". The judge concluded that the standard to be applied to a person possessing special training or expertise should be higher than that of a careful parent.

In the case of Thornton v. Board of School Trustees District #57 Prince George (1978), the judge decided that in high risk areas such as gymnastics, the standard of care extends beyond that of a careful parent to the "supra parental" care test where specialists are involved. Presumably, all specialists, including shop and science teachers, should meet this "supra parental" test when teaching in their special fields to avoid litigation suits. In the case of Dziwenda v. Queen (1972), where an accident occurred involving a deaf student using a power saw, the Supreme Court of Canada ruled that with handicapped students a higher order of care is expected than normal because the risks are higher. The Court found that teacher negligent in that he did not closely and directly supervise the particular operation of using a power saw until it was completed.

In the James et al. v. River East School Division #9 (1976), a student was injured during an explosion in the chemistry laboratory. Although the teacher distributed instructional materials in a previous class, provided verbal and written instructions, including writing additional instructions on the board on the day of the experiment which was the common practice in other schools, the teacher was found negligent. The court held that the test is not what ordinarily is done but what ought ordinarily to be done. Thus, it is not enough to adhere to common practices in other schools. Principals must devise safety procedures to be followed which are pertinent to their own situation.

Further, it seems that courts are gradually raising the standard of care in all actions for negligence in schools, as was evidenced in the case of Lyes v. Middlesex County Council (1962). In this case, the student's hand went through the glass door when he was holding it. The defendants were found negligent for having too thin a glass in the door. One further case indicating this trend of gradual increase in the standard of care required by courts is found in Beaumont v. Surrey County Council (1968), where a fifteen-year-old boy was hit in the eye by a piece of elastic from the school trampoline, causing him to lose the sight in his eye. The defendants were found negligent for leaving the elastic in the garbage container where it could be accessed by a student.

It should be noted that in the Thornton case mentioned earlier, the teacher and the school board were found liable. On the other hand, the principal who had been sued in the case was found not liable. The judge found that there was no suggestion nor evidence that led to any causal connection between the accident and any acts or omissions on the principal's part.

In summary, it may be stated that four conditions have to be met before principals and teachers are found liable for student injuries. These are:

- (1) the student must suffer a genuine loss or injury which could be property loss or damage, or physical or psychological injury or death;
- (2) the person alleged to be negligent must have a legal duty to maintain a standard of conduct that will protect others against hazards;
- (3) the teacher did what a prudent and reasonable person would not do or did not do what a prudent and reasonable person would do;
- (4) there must be a definite causal connection between the teacher's failure to maintain a proper standard of conduct and the loss or injury suffered by the student.

#### Student Supervision

One area of special concern for principals is student supervision. In Newfoundland, principals are responsible

for arranging the supervision of student activities in school, or on school grounds, under their jurisdiction. Section 80 (2)(r) of The Schools Act states that every principal shall arrange for the regular supervision of pupils on the premises of his school. Principals may be held liable, therefore, for injuries sustained to students while under their supervision. They should become acutely aware of their responsibilities in this regard.

In Newfoundland, The Schools Act does not place direct supervisory duty on teachers. Instead, school boards are given the responsibility to develop policies regarding this. Section 12 of The Schools Act states that every school board shall:

- (t) with respect to every school operated by it, cause sufficient classrooms or other rooms at the school to be made available under proper supervision
  - (i) for the use of students at least fifteen minutes before the commencement of each school session,
  - (ii) for the use of students during lunch hour, where it is necessary for students to take their lunch at the school,
  - (iii) for the use of students who travel from the school to their homes by bus or other vehicle until the arrival of the bus or vehicle, even though the session has been concluded.

Furthermore, Section 13 of the Act states that every school board may:



- (o) subject to the approval of the Minister make regulations, rules and by-laws
  - (ii) providing for all things necessary for or incidental to the carrying out of its objects and the exercise and performance of its powers and duties.

Since principals, according to statutes and school board policies and regulations, are legally responsible for organizing the supervision of pupils in their school, they must delegate to their teachers supervisory duties on a planned, organized basis including instructions concerning what teachers must do while on supervisory duty. Parry (1975) contends that in order to fulfil the legal duty of providing adequate pupil supervision, principals must not only construct a schedule of supervisory duties but must also provide instructions to teachers regarding their supervisory role.

#### Summary

Principals and teachers need to be cognizant of their legal responsibilities. Educators are expected to supervise as "a reasonable and prudent parent" in order to protect students from injury and to avoid a charge of negligence. Furthermore, this standard of care has been increased because of the professional nature of school principals and teachers, particularly for specialists.

Since principals supervise a large number of people, and can be held liable for tort damages, it is imperative

that they ensure that conscientious supervision is practised. They must never assume that all teachers are aware of and conscientious about their supervisory responsibilities. Failure to arrange proper and adequate supervision of students may result in the principal being held liable for any accident that might occur.

VI. The Law Relating to the Principal and Other Responsibilities

Included in the many legal duties of principals are those concerning their responsibility for the total operation and maintenance of the school property and the safety of students, teachers, and other school personnel. Under this general heading are areas such as preventive safety measures with regard to school equipment, the building, and its surrounding property. In implementing a comprehensive safety program, the principal's responsibility also extends to non-professional personnel and to non-school groups using the premises.

Property

The Schools Act, 1970, Section 12 (a), imposes a mandatory duty on school authorities to maintain and keep in a state of repair school facilities and equipment. Parry (1975: 48) contends that courts demand of educators the duty of care to ensure that facilities in the school are "as safe as reasonable care and skill can make them".

Therefore, principals are obligated to make safety checks of the school and report in writing to the school board the need for repairs. In providing safe conditions, principals must enlist the cooperation and support of building janitors and other non-professional employees both in locating and eliminating potentially dangerous conditions. If a school board permits the use of school property by non-school groups, principals are responsible for ensuring the safety and preservation from injury requirement extends also to these groups.

#### Fire Safety

Fire prevention and safety are fundamental areas of concern to school principals, while carrying out the duty required in The Schools Act. The Act states that the principal must "arrange for regular fire drills in his school" as one way in which the principal can prepare students and teachers for emergency situations while placing emphasis on emergency procedures. The principal is also required to arrange for regular and compulsory inspection of fire alarm systems, fire extinguishers, fire hoses, as well as storage areas and heating systems where a high risk of combustion is possible.

#### School Patrols

Traffic safety on school property and on streets travelled by students is of great concern to school

authorities. If the provision of school patrols were mandatory, the school authorities would appear to be liable for negligent action in this regard. However, in most instances, establishing a school patrol is a discretionary power of school boards. In Newfoundland, according to The Schools Act, 1970, Section 13 (h), school boards are permitted to operate school patrols with prior written permission of parents or guardians. This Section speculates that no action will be brought against a school board or its employees in respect of personal or other injuries sustained by any person arising out of the operation of such patrols. However, it would be unwise for principals to rely on this legislation to absolve them of the responsibility to exercise adequate supervision and care in the operation of school patrols. Principals should take the initiative to establish school patrols where possible danger exists. Perhaps only a test case will establish the legal rights of children who serve as members of the school patrol.

#### Field Trips and School-Sponsored Activities

The responsibility of principals in providing adequate supervision for pupils on school premises has already been dealt with. Seitz (1961) contends that the supervision responsibility which extends to occasions when pupils, under sponsorship of the school, leave the school premises is much greater since the possibility of

encountering dangerous situations, coupled with the insecurity of unfamiliar surroundings, place extra supervisory duties on the school authorities. When pupils are taking part in field trips, athletic contests, musical performances and similar events, principals are obligated to provide adequate and qualified supervision in keeping with the number of pupils involved and the nature of the activity.

#### Cleanliness and Health

School authorities have statutory responsibility to provide a healthful environment for pupils. The Schools Act, 1970, Section 12 (d), states that school boards have to:

provide safe drinking water, adequate sanitary facilities and proper lighting, heat, ventilation and cleaning for the schools under its control.

They must also provide an adequately furnished cafeteria or other suitable room for the use of lunch pupils. The Act states that this space must be always kept in a clean and sanitary condition.

Under The Schools Act, the principal's obligations, in the area of sanitation, are to report to the school board any lack of suitable arrangements for proper cleaning and sanitary facilities and to supervise such arrangements once they are made. Another mandatory duty according to The Schools Act is to encourage pupils to take an interest in the cleanliness and tidiness of school

grounds. Furthermore, teachers are required to provide for the regular and proper ventilation of their classroom.

Repeated references to cleanliness and sanitation obviously emphasize the responsibility principals and teachers have in providing students with the same care as would a reasonable and prudent parent.

Reference is also made in The Schools Act to the absolute duty teachers and principals have to report suspected outbreaks of infections or contagious disease among the pupils in their schools. The school board may arrange for the appointment of a school nurse and have a medical practitioner examine any pupil suspected to be suffering from a communicable disease. On confirmation of such suspicion, the pupil may be excluded from school until the doctor certifies he/she is able to return.

#### First Aid and Medication

Principals often have accepted responsibility for providing first-aid to injured or ill pupils. This has included ensuring that the school is equipped with first-aid supplies. However, caution is suggested in rendering first-aid beyond what is necessary to protect the child until the parents can be contacted or expert medical care obtained. Principals should provide for teacher training in first-aid and ensure that proper guidelines for handling emergencies are communicated and followed. Included in such guidelines would be the warning that

injury or illness should be treated only in an emergency and that only limited treatment is permitted. Seitz (1961) stresses that a child who is ill should never be sent home without proper escort or without contacting the parent.

For the protection of the child and themselves, principals should become familiar with any unique or serious health problems of students under their care. Furthermore, they should urge teachers to become aware of such health problems.

Certainly, the personal record of each student should contain such vital information as the name of the family doctor and an alternate person to call in the event that the parent cannot be reached and the safety of the child is in danger. Principals are responsible for arranging medical assistance if necessary.

The Newfoundland Teachers' Association has adopted a policy on the administering of medical treatment to students. It recommends that teachers "should not be expected to perform health support services unless an emergency situation arises and failure to act before qualified medical health arrives may prove injurious or life threatening to the child or other children placed in the teacher's care" (N.T.A. Policy Statement, 1986). Principals are requested to ensure that medical drugs be kept in a safe place, records kept on both the child and the administering of the drugs. Consent forms containing

the signature of parents, and the physician prescribing the medication, should be completed.

The Newfoundland Teachers' Association further maintains that health services should be provided by local health professionals. Although it has adopted strict guidelines concerning the administering of oral medication to students when teachers are required and agree to do so, the Association acknowledges that teachers and principals may still be potentially liable should the health of the child be detrimentally affected by the teacher's involvement in administering prescribed oral medication.

#### Summary

This section and the previous one have dealt, in a limited way, with the role of the principal in protecting students, teachers, and other school officials from injury, and school buildings and facilities from damage. Although there is no simple answer to the question of when principals and/or school board personnel can be sued for a breach of duty leading to liability for damages, MacKay (1984) pointed out that the range of litigious issues is as varied as human experience itself. Children are highly inventive in finding ways to be injured, and principals and teachers, like parents, are infinitely varied in their responses to situations of risk. Although provincial Education Acts do not answer the question of when schools



can be sued, the Acts do set out certain relevant duties and standards to be followed.

VII. Principals' Knowledge of the Law:  
Related Studies

During the past decade, a number of studies have been conducted in the United States in an effort to ascertain the level and value of knowledge in school law. However, very few such studies have been conducted in Canada. Some of the research studies have dealt with specific areas of school law and others with areas involving the principals' rights and responsibilities. A review of the relevant literature is divided accordingly.

Studies Involving Specific Areas of School Law

With respect to specific areas, Boivin (1981) conducted a study to determine whether local school administrators were complying with the legal provisions of "due process" for students which were established in the Goss v. Lopez (1975) decision. Data were collected and analyzed to determine if a significant relationship existed between administrators' compliance with due process requirements in disciplinary cases and their personal beliefs and knowledge of law relative to due process. Boivin's study found positive correlations between their compliance with due process requirements in disciplinary cases and their personal beliefs about due

process, as well as between their compliance and their knowledge of the law related to due process.

When Boivin classified administrators according to demographic characteristics, he found a positive correlation between compliance and beliefs for administrators with less than four years of experience, for administrators with graduate degrees in Administration, for administrators of schools with enrolments of 301-600, and for the administrators whose students were located in urban areas. He also found a positive correlation between compliance and knowledge of law for administrators who held a Master of Education in Administration, for those whose school enrolment was between 901-1200, and for those whose schools were located in suburban communities.

A similar study conducted by Gascue (1982) examined Nevada's public high school administrators' level of knowledge regarding emerging requirements of "due process" for students as mandated in the United States' Supreme Court Case, Goss v. Lopez. Gascue found that a gap existed in the level of knowledge of school administrators in regard to the case. He concluded that secondary administrators in Nevada continued to rely upon the "in loco parentis" doctrine and upon individual school district procedures as opposed to relying upon knowledge of the law as it related to due process for students.

Shula (1986) studied the legal principles applicable to short-term suspensions and the extent to which they were understood by elementary principals throughout the United States. He concluded that basic procedural safeguards have not changed since the Goss v. Lopez decision in 1975. Shula further found that federal courts determined that a student facing a possible short-term suspension was entitled to: (1) a notice of charges, (2) an opportunity for a hearing, (3) an opportunity to deny charges, and (4) an explanation of the factual basis of the charges. He also found that federal courts held that a student facing a possible short-term suspension did not have a right to: (1) confront and cross-examine witnesses, (2) invoke the Fifth Amendment to avoid self-incrimination, (3) get representation by an attorney, (4) make up missed work, (5) procedural due process for in-school suspension, (6) have parents present during a hearing, and (7) have increased procedural requirements when the potential loss is greater.

Shula's findings with respect to principals' knowledge of procedural safeguards indicated that principals did not have a clear understanding of those safeguards necessary to protect students facing possible short-term suspension. However, the cross-tabulation statistics did not indicate that the amount of professional experience, the level of professional training, the date of completion of formal law study, and

-the primary method of achieving law knowledge had a relationship to how well elementary principals understood procedural due process safeguards.

Abegglen (1986) studied the knowledge which public school teachers, principals, superintendents and board members possessed regarding a number of Supreme Court decisions affecting education, including the Goss v. Lopez case. The instrument measured respondents' knowledge of the decisions in five areas: (1) student rights, (2) employee rights, (3) church-state relationships, (4) race, language and sex discrimination, and (5) school finance and organization. Abegglen's data revealed that there was a general lack of knowledge of Supreme Court decisions affecting education. Also, significant differences were found between all four groups in all areas except that of race, language and sex discrimination. Furthermore, the level of education beyond undergraduate degrees and additional course work seemed to be a significant factor affecting their knowledge of those decisions.

Another study dealing with a specific area of school law was conducted by Dunklee (1985). He attempted to assess both teacher and principal knowledge of tort liability law for negligence in the following areas: (1) duty and standard of care, (2) proper instruction, (3) proper supervision, (4) proper maintenance, (5) field trip safety, and (6) post injury treatment.

Through a series of hypothesis testing, Dunklee found that there was a significant difference between knowledge of tort law for negligence and exposure to education law courses. He also found that teachers and principals did not have a working knowledge of tort liability for negligence. Therefore, He concluded that programs should be implemented to remedy this situation.

Warren (1986) conducted a study of teacher knowledge of school law in Newfoundland and Labrador. He included both teachers and principals in his survey. The instrument used contained 40 items on education law, covering areas such as sources of law, school discipline, student rights, teacher rights, and tort liability. He concluded from the results of his study that Newfoundland teachers and principals needed to improve their knowledge of school law. There was also evidence that many had only limited knowledge of recent legal developments involving education. While respondents were interested in and concerned about these developments, they appeared uncertain about how to react to legal situations occurring in the classroom and the school.

#### Studies Involving Principals' Rights and Responsibilities

A number of researchers have taken a broader perspective of school law, similar to that of this study. They, too, tried to ascertain the level and value of knowledge possessed by school principals in school law.

Johnson (1976) studied principals' perceptions as they related to their knowledge and skills necessary in school law. The study investigated the differences in principals' perceptions of their need for knowledge and skills necessary in complying with school laws, in relationship to certain demographic factors, such as type of school locale of school, and size of student enrolment of the school.

Johnson found that principals did perceive a need for knowledge of school law, and for mastery of skills necessary to comply with school laws. He also found that secondary school principals perceived their needs as being significantly greater than those of elementary school principals. Similarly, urban school principals' perceptions of their need were greater than those of rural school principals. Again, principals of schools with large student enrolments perceived their need to be greater than that of principals of schools with small student enrolments.

Johnson concluded that because of the needs perceived by principals in her study, courses in school law for prospective principals were needed. She determined that: (1) the curriculum of such courses in school law should be different for each group of principals, (2) no group could afford not to have a sufficient knowledge of and skills necessary to comply with school laws, and (3) school districts should provide professional growth courses to

their personnel in order to strengthen their knowledge and skills in this area.

Bangser (1977) conducted a study to assess the aggregate knowledge of fifty randomly selected Illinois public school principals concerning the legal rights of Illinois public school students. These rights included symbolic speech, freedom of association, freedom of the press, religion in the schools, length of hair, search and seizure of students' possessions, and due process of law. Bangser found that (1) principals offered one hundred more misinformed responses than informed responses, (2) principals quite often were able to offer an administrative response which was legally acceptable, but they generally did not know why the answer was correct, or from what legal source the correct answer could be found, (3) principals' lack of knowledge or misinformed answers if translated into administrative actions, could have extended rights to students which they did not deserve, and also withhold other rights which they were entitled to, and (4) principals rarely admitted that they did not know the answer to the question.

Furthermore, Bangser found that in approximately one-fifth of the answers, principals misapplied a legal doctrine or constructed a non-existent one. This indicated that they generally knew something about the law but not enough to offer a correct response. With respect to school law courses, those principals with recent

courses appeared more knowledgeable on certain issues but students in law classes at Illinois universities generally did not have a significantly greater knowledge of student rights. He also found that principals of larger schools tended to be more knowledgeable, and participants in recent school law conferences, or subscribers to regular and formal school law publications, were more knowledgeable. However, experienced principals were not more knowledgeable than inexperienced principals.

In an effort to provide principals with information concerning major court rulings on student rights and teacher rights under the First Amendment, Henderson (1981) found that generally First Amendment rights were upheld by the courts when student conduct did not "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school". However, conduct which "materially disrupts classwork or involves substantial disorder or invasion of the rights of others" was not immunized by constitutional guarantees of freedom of speech. Circuit courts of appeal were divided in rulings with respect to personal appearance codes for students.

Henderson also found that the United States' Supreme Court held that the state had a "countervailing interest" in the maintenance of order sufficient to sustain the right of teachers and school officials to "administer



reasonable punishment for disciplinary purposes", without requirement for prior notice and a hearing.

Again, in search incidents, most courts held that while the Fourth Amendment applied to school searches, the "in loco parentis" doctrine lowered standards applied to determine reasonableness of search to that of "reasonable suspicion". However, as searches became more intrusive, the standards rose.

With regard to attendance, courts established the principle that students could not be prohibited from school attendance on a permanent basis solely because of marriage; school board rules prohibiting school attendance by unwed mothers or pregnant, unwed girls had been invalidated; and courts had found school board rules barring participation of married students in extracurricular activities unconstitutional. Courts also established that among the rights belonging to handicapped children were the rights to equality of educational opportunity and due process.

Furthermore, Section 1983 of the United States' Civil Rights Act (1871) and actions of the courts provided that school officials who deprived teachers and students of constitutional rights could be personally liable. Areas involved in tort litigation against principals included lack of supervision, improper or inadequate instruction, failure to exercise responsibilities properly, field trips, and accountability. Tests used in determining

liability on the part of school administrators were the "reasonable and prudent" and "foreseeability" tests.

In the area of tenure, the courts ruled that school public employment was a benefit which could not be conditioned upon denial of constitutional rights. A plaintiff's claim under the First Amendment could not be defeated by the fact that an employee did not have tenure. The courts made it clear that personnel decisions could not violate the constitution. Due process claims in public employment were governed by "property" and "liberty" interests. Finally, teachers' constitutional rights to freedom of speech had been recognized by the courts, although such rights could be limited due to the unique nature of a school.

Henderson also identified legal precedents and trends related to each area, and principals were provided with recommended guidelines.

Swikard (1983) investigated the impact that knowledge of those First Amendment decisions had upon the personal decisions made by three randomly assigned groups of high school principals. Her most significant finding was that fewer than 10 percent of each group made lawful responses to 80 percent or more of the ten items representing speech, which is generally constitutionally protected. Furthermore, the mean scores of each group were approximately 40 percent lawful responses. Swikard's explanation regarding this was that either principals

lacked sufficient knowledge to affect their personal decisions, and could not relate legal concepts to fact situations, or they perceived legal requirements as contrary to the best interest of their school districts.

Stephens (1983) sought to determine whether relationships existed among legal competencies of selected school principals and type, sponsor, duration and recency of their school law training. Included in her findings were:

- (1) A majority of the principals answered more than half of the questions correctly.
- (2) More than seventy-five percent answered correctly questions related to corporal punishment, school prayer, the flag ceremony, and symbolic expression.
- (3) Less than twenty-five percent responded correctly to questions related to teacher tenure, maternity leave, single-sex high schools, and English instruction for non-English-speaking students.
- (4) There was a significant difference in the legal competencies of selected secondary school principals in relation to the recency of their school law training (p. 5). It was found that the less recent the training the higher the score on the legal competency instrument.

- (5) The survey revealed that as of March, 1980, only 12 states required a course in school law for the certification of secondary school principals and two states required two courses in school law.
- (6) The power and scope of the Supreme Court has significantly grown in the past decade based on the number of documented education cases between 1971-80. No other significant differences were found among the groups with respect to type, sponsor or duration of school law training.

On the basis of the findings, Stephens recommended that greater emphasis should be placed on training the secondary school administrator in areas of school law outside the scope of their direct daily responsibilities, and that research should be replicated using "years of experience as an administrator" as a variable.

The preceding review of studies all indicate that there is an apparent lack of knowledge among principals with regard to their legal rights and responsibilities. There is a further lack of knowledge of principles established by precedent cases and court rulings.

Although most of those studies were done in the United States, one might hypothesize that similar findings would result from comparable studies in Canada.

All researchers were in agreement with and recommended that more studies should be carried out, and

that more instruction in legal issues pertaining to education be provided to principals. Such studies and instruction would enable principals to become more knowledgeable of those laws which regulate their daily activities; hence, ensuring that they carry out their duties and responsibilities within the legal requirements of provincial statutes, case law, and their particular school board by-laws.

#### VIII. Summary

In this Chapter, a review of selected literature related to this study was presented. It included a review of the nature and sources of school law, and the law relating to the principal and school boards, the principal and teachers, the principal and students, tort liability, and other responsibilities. The Chapter concluded with a brief summary of the findings of similar studies conducted in the United States. Few Canadian studies were identified for review.

## CHAPTER III

### RESEARCH METHODOLOGY

#### I. Introduction

This Chapter describes the methodology employed to determine the level of principals' knowledge of their legal rights and responsibilities in Newfoundland. It describes (1) the data sources and the instrument, (2) the development, validation, and reliability testing of the instrument, (3) the administration of the instrument, (4) the sample selection, and (5) the treatment of the data to answer the questions developed in accordance with the purpose of the study.

#### II. Data Sources and the Instrument

Data concerning the level of knowledge were collected by means of a questionnaire. The questionnaire of 45 items was divided into two main sections. The first section consisted of 30 true-false items, the second section contained 15 multiple-choice items. A checklist regarding information about the respondent was also included.

### III. Development of the Instrument

#### Sources of Questions

The questions included in the instrument designed for the study were derived from a variety of sources. Some were taken from a pool of questions compiled previously by students in Educational Administration 6720 at Memorial University, while others were taken from similar surveys conducted elsewhere in Canada and the United States. Included in the surveys reviewed were: Johnson (1976), Bangser (1977), Bates (1981), Boivin (1981), Henderson (1981), Gascue (1982), Swikard (1983), Stephens (1983), Durklee (1985), Shula (1986), and Abaglen (1986). Still other questions were developed by the researcher.

#### Validity

To ensure that the instrument measured principals' knowledge of the school law in accordance with the purposes and hypotheses of the study, the draft of the questionnaire was piloted with a sample of ten principals who scrutinized the questionnaire for ambiguity of questions, relevancy of issues examined and possible omissions of some important issues. Also, interviews were conducted with each principal to obtain their general impressions of the survey.

Further validation of content in the instrument involved submitting the second draft to four University professors at Memorial University, three school board

superintendents, a lawyer, a member of the N.T.A. Executive, and several principals, who critiqued the questionnaire. They analyzed each of the 45 items, according to five criteria. First, should principals possess the knowledge necessary to identify the appropriate response. Second, they were asked to indicate the correct item response. Thirdly, they were asked to identify any ambiguous questions and suggest ways to improve them. Fourthly, they were asked to identify inconsistencies, and, finally, they were asked to examine and make suggestions about the range of coverage. Their suggestions and comments were used in further revising the instrument.

#### Reliability

To ensure reliability of the instrument, a third draft of the questionnaire was piloted with 30 principals attending the Memorial University Summer Session, 1987. As a result of their comments, several small changes were made to the questionnaire to ensure that the preliminary information was recorded appropriately.

From their comments and discussions, most principals believed that the results of the survey could be very valuable for further training and in-service. They also found that by working through a questionnaire such as this, they became acutely aware of their legal rights and responsibilities. Many of them then spent some time going



through The Schools Act and the Collective Agreement for further enlightenment.

The reliability of the questionnaire was also determined by re-testing the first 20 respondents two weeks after their initial return was received. Fourteen of these instruments were returned, and the Pearson product-moment correlation coefficient was calculated to confirm the reliability of each item. Table I presents these correlation coefficients. Most items in both sections (A and B) scored relatively high. There were 21 items which had perfect correlations of one. The lowest correlation (.3778) was on Item A18, which dealt with search warrants. Only two others, A17 and A29, scored under .5.

Table II displays the correlation coefficients for the total test and each subtest. Again, the correlations were relatively high. The range was from a low of .6279 to a high of .8977.

In order to further confirm the reliability of the instrument, a Spearman-Brown split-half was used to compute the internal consistency reliability. The correlation coefficient with equal length was .3373 and with unequal-length the correlation coefficient was .3374 at the .05 level of significance.

TABLE I  
RELIABILITY OF QUESTIONNAIRE ITEMS

ITEM	r	<p	ITEM	r	<p
A1	.8660	.000	A24	1.0000	.000
A2	1.0000	.000	A25	1.0000	.000
A3	.6455	.013	A26	1.0000	.000
A4	1.0000	.000	A27	1.0000	.000
A5	.6889	.003	A28	.7817	.001
A6	.7303	.002	A29	.4404	.119
A7	.8607	.000	A30	.5556	.042
A8	1.0000	.000	B1	1.0000	.000
A9	1.0000	.000	B2	1.0000	.000
A10	1.0000	.000	B3	.9595	.000
A11	.7006	.002	B4	.7006	.002
A12	.7817	.001	B5	.7303	.002
A13	.7303	.002	B6	.6794	.004
A14	1.0000	.000	B7	1.0000	.000
A15	1.0000	.000	B8	.8789	.000
A16	.6794	.004	B9	1.0000	.000
A17	.4167	.146	B10	.8660	.000
A18	.3778	.187	B11	1.0000	.000
A19	1.0000	.000	B12	.7817	.001
A20	1.0000	.000	B13	1.0000	.000
A21	.6794	.004	B14	1.0000	.000
A22	.8660	.000	B15	.6138	.020
A23	1.0000	.000			

TABLE II  
RELIABILITY OF QUESTIONNAIRE ITEMS FOR  
TOTAL TEST AND SUBTESTS

TEST	r	p
Total test	.8412	<.000
Subtest 1	.8076	<.001
Subtest 2	.8273	<.000
Subtest 3	.6279	<.017
Subtest 4	.7854	<.001
Subtest 5	.8977	<.000
Subtest 6	.8463	<.000

Note: For those correlation coefficients, N = 14.

#### IV. The Sample

A random sample of 300 Newfoundland school principals was generated. Each school principal listed in the Newfoundland and Labrador Department of Education Directory was assigned an ordinal number, and participating principals were selected by using a table of random numbers.

There were, according to the Department of Education Directory, 566 principals in the Province. Eighty one percent were males and 19 percent were females. The random sample of 300 represented approximately 53 percent of the total population. It contained 80 percent males and 20 percent females.

When classified according to administrative level, the population contained approximately 21 percent senior high (grades 7 - Level III), three percent junior high (grades 7-9), 40 percent elementary (grades K-6), and 36 percent all grade (grades K - Level III or portion). The sample had very similar percentages in each administrative level. It contained 19 percent senior high (grades 7 - Level III), three percent junior high (grades 7-9), 46 percent elementary (grades K-6), and 31 percent all grade (grades K - Level III or portion).

It was concluded, therefore, that the sample was truly random and did represent the population of Newfoundland school principals.

#### V. Administering the Instrument

The questionnaire was mailed to the random sample of 300 school principals throughout Newfoundland. Included with the questionnaire was a covering letter and an addressed, postage-paid, return envelope.

Principals were instructed not to discuss the questionnaire with colleagues, or look up the answers in The Schools Act or any other documents. They were also asked to restrict the time of completion to a maximum of 30 minutes. These instructions, along with the integrity of the subjects, should have minimized the effect of contaminating variables, which could have distorted the results of the survey.

Follow-up procedures were taken to ensure that a maximum number of questionnaires were returned. Each questionnaire was coded to enable the researcher to identify principals who had not responded. After four weeks, principals who had not returned their questionnaires were again contacted as originally. Furthermore, principals were requested to cooperate and support the study through extensive use of the telephone, and through a letter from the President of the Newfoundland Teachers' Association, Ms. Patricia A. Cowan, reminding principals of the importance of such a study. The result was a return of 72.7 percent.

VI. Analysis of Data

All returned instruments were carefully examined to ascertain that each question was fully answered. The data were next converted to numeric representation, keypunched into the computer, and verified. The data were statistically treated at the Computer Research Department of Memorial University of Newfoundland by using the Statistical Package for the Social Sciences (SPSS) computer program.

The dependent variable in this study was Newfoundland school principals' knowledge of their rights and responsibilities. Principals' gender, age, number of years experience in the teaching profession, teaching certificate level, school size defined by enrolment, in-service training in school law, years of principalship experience, Master's degree in Educational administration, courses in school law, and administrative level were the independent variables. The dependent variable was examined in relationship to each independent variable.

Rights and responsibilities were treated as one item and not analyzed individually. For a right to exist, a responsibility must be owed. If a responsibility is owed, a right exists. In the principalship position, one cannot exist without the other.

To test the hypotheses, the principal criterion groupings (independent variables) were related to the dependent variable (principals' mean raw score) by means

of Pearson product-moment correlation coefficients. Prior to the calculation of the coefficients, scattergrams and cross-tabulations were examined to verify that the assumption of linearity underlying  $r$  was met. Hence, inappropriate variables could be transformed or deleted if necessary.

For further testing of the hypotheses, the data were analyzed by the use of stepwise multiple correlation. This procedure uses the principles of correlation and regression to help "explain" the variance of a dependent variable by estimating the contributions of two or more independent variables to this variance (Kerlinger and Pedhazur, 1973: 4). Multiple correlation was used to determine the order of importance for each of the variables under study. The predictors were ranked in the order in which they contributed to the explained variance. All tests were conducted at the .05 level of significance.

In order to determine trend answers of specific questions, a frequency analysis was used to obtain descriptive measures on the respondents for each major area of school law or subtest. This analysis revealed the strengths and weaknesses of principals' knowledge of school law.

## VII. Summary

This Chapter described the methods and procedures that were used in collecting and processing the data in the study of Newfoundland principals' knowledge of their legal rights and responsibilities. Procedures concerning the design and development of the instrument, the sample to be selected, the distribution and collection of questionnaires, and the statistical analysis of the data were included.



CHAPTER IV  
ANALYSIS OF DATA

The purpose of the present study was to assess the current knowledge of school principals in Newfoundland concerning their legal rights and responsibilities. The level of knowledge was measured by using an instrument designed specifically for this purpose. The data were statistically analyzed by the Statistical Package for the Social Sciences (SPSS) computer program at Memorial University of Newfoundland.

The purpose of this Chapter is to provide a detailed analysis of the collected data. More specifically, it addresses the issue of external validity, tests the hypotheses of the study, and examines other relevant findings emanating from information supplied by respondents. Also discussed are the major weaknesses and strengths of principals' knowledge as revealed through an item-by-item analysis, for each subtest.

I. External Validity

The external validity or generalizability of research findings is affected by the extent to which the sample respondents are homogeneous to the population being studied. In the present study, the sample consisted of 300 randomly selected school principals throughout the

Province of Newfoundland. Two hundred eighteen or 72.7 percent of the 300 survey instruments mailed to the principals were returned.

Table III presents the classification of the sample respondents of principals by gender compared to the total population of principals in Newfoundland. The study sample contained 80.7 percent males and 19.3 percent females, and according to the Newfoundland Department of Education Evaluation and Research Division, the Province contained 81 percent male and 19 percent females. Chi-square analysis revealed no significant differences among respondents according to gender.

Table III  
DISTRIBUTION OF SAMPLE RESPONDENTS  
BY GENDER COMPARED TO POPULATION

<u>Gender</u>	<u>Final Sample</u>		<u>Population</u>	
	N	Percent	N	Percent
Males	176	80.7	458	80.9
Females	42	19.3	108	19.1
Total	218	100	566	100

Note:  $\chi^2 = .0009; p > .05$

Further chi-square analysis showed no significant differences in the classification of respondents according to each of the following administrative levels: senior high (regional or central, grades 7 - Level III), junior high (grades 7-9), elementary (including primary, K-6), and all grades including others which did not fall into any of the above classifications.

When the study sample was categorized in this manner and compared to the population, similar percentages of respondents were found at each level. Table IV shows the greatest difference was in elementary where the sample was 7.4 percent greater than that of the population. All grade was 5.3 percent less and senior high was 2.6 percent less. The junior high was .5 percent higher than that of the population. These discrepancies are fairly minor and would, therefore, have no negative impact in determining the outcome of the present study.

When respondents were classified according to age, results indicate that the average age of the sample was 40.4 years, whereas that of the population was 42 years. The average years teaching/administrative experience of the sample was 19.41 and of the population 19.50 years.

A comparison of teaching certificate level between the respondents and the total population is presented in Table V. Results indicate that 92 percent of all principals, both sample and population, had at least a level 5 teaching certificate. The most noteworthy

TABLE IV  
 DISTRIBUTION OF RESPONDENTS BY ADMINISTRATION  
 LEVEL COMPARED TO POPULATION

Administration Level	Returned		Population	
	N	Percent	N	Percent
Senior High 7 - Level III	41	18.8	121	21.4
Junior High 7 - 9	7	3.2	15	2.7
Elementary	103	47.3	226	39.9
All Grade K - Level III or Portion	67	30.7	204	36.0
Total	218	100	566	100

Note:  $\chi^2 = 5.5611$ ;  $p > .05$

TABLE V

COMPARISON OF SAMPLE TO POPULATION BY  
TEACHING CERTIFICATE LEVEL

Certificate Level	Sample		Population		Difference in percentage
	N	Percent	N	Percent	
1	0	0	0	.0	0
2	0	0	3	.5	.5
3	4	1.8	5	.8	1.0
4	13	6.0	30	5.3	.7
5	42	19.3	99	17.5	1.8
6	73	33.5	192	33.9	0.4
7	86	39.4	237	42.0	2.6
Total	218	100	566	100	

Note:  $\chi^2 = .00135$ ;  $p > .05$

difference between the sample and the population was detected on the level 7 teaching certificate. The sample contained 2.6 percent fewer principals with level 7 than did the total population.

Another interesting similarity between the respondents and population was the enrolment in the various schools. The average enrolment for the sample schools was 231 students and that of the total population was 241 students.

It is evident from the foregoing statistical analysis and discussion that no significant differences were detected among respondents and total population according to gender, age, teaching certificate level, teaching/administrative experience and school enrolment. A thorough inspection of the returned questionnaires by the researcher did not reveal any obvious differences in response rate from various areas of the Province and various school boards. The assumption can be made with some degree of certainty that the respondents for the study are truly representative of the population of principals for the entire Province. The study, therefore, has external validity.

## II. Testing the Hypotheses

The purpose of this section is to present each hypothesis and to examine the results of the statistical procedures used to test it.

Prior to examining individual hypotheses, it must be noted that Hypotheses 2, 3, 4 and 5 and the six null hypotheses were formulated by utilizing ten principal criterion groupings, and the relationship of these groupings to principals' knowledge of their legal rights and responsibilities, as represented by their mean raw scores. These hypotheses were analyzed chiefly by relating the independent variables to the dependent variable by means of Pearson product-moment correlation coefficients and then comparing them through stepwise multiple correlation. All tests were conducted at the .05 level of significance. Prior to the calculation of the coefficients, scattergrams and cross-tabulations were examined to verify that the assumption of linearity underlying  $r$  was met, so that inappropriate variables could be transformed or deleted if necessary. However, the data did not provide any information indicating a clear violation of this assumption. One variable, principalship experience, produced a slight tendency towards curvilinearity, which means that the Pearson product-moment correlation coefficient understates the relationship between principalship experience and knowledge of school law.

The ten principal criterion groupings were gender, age, number of years experience in the teaching profession, teaching certificate level, school size defined by enrolment, in-service training in school law, years of principalship experience, Master's degree in Educational Administration, courses in school law, and administrative level.

To determine areas of weakness or strengths in principals' knowledge, the data were divided into six subtests, representing six major areas of school law. The major areas were:

Subtest 1: Sources of law.

Subtest 2: The law relating to the principal and school boards.

Subtest 3: The law relating to the principal and teachers.

Subtest 4: The law relating to the principal and students.

Subtest 5: The law relating to the principal and tort liability.

Subtest 6: The law relating to the principal and other responsibilities.



Principals' Knowledge of School Law

Hypothesis 1 predicted that:

Principals in Newfoundland lack sufficient knowledge of school law concerning their legal rights and responsibilities. (Note: Sufficient is defined as having an overall score on the survey of at least 75 percent. The level of sufficient performance was determined by a panel of experts in this area, who participated in the validating of the questionnaire.)

Table VI displays the mean scores for each of the six major areas of school law, as well as the total test score. These data showed the mean score for the entire sample was 67.50 percent. This is some 7.50 percent below the 75 percent required to indicate sufficient knowledge of their legal rights and responsibilities.

To determine whether this difference was significant, a one-tailed, one-sample Z test was carried out on the sample mean. The calculated Z score at  $p = .0000$  was 31.73 standard errors less than the desired mean (Table VI). Therefore, we are unable to reject hypothesis one. Thus, from data collected in the sample, it can be concluded that in general Newfoundland principals do lack sufficient knowledge of school law concerning their legal rights and responsibilities.

When the overall score was subdivided into each of the six major areas, principals scored a low of 52.00 percent on subtest 3, 64 percent on subtest 4, and 64.40 percent on subtest 2. This indicates that principals lack knowledge of legal issues related to principals and teachers, principals and students, and principals and

TABLE VI

## MEAN SCORES AND PERCENTAGES CORRECT BY SUBTEST

Subtest	Possible Score	Mean Score	Percent Correct	Z-Score	p
1. Sources of Law	7	5.53	78.96	4.16	<.0000
2. The Principal and School Boards	10	6.44	64.40	-11.61	<.0000
3. The Principal and Teachers	5	2.61	52.20	-18.41	<.0000
4. The Principal and Students	9	5.76	64.00	-11.10	<.0000
5. The Principal and Tort Liability	8	5.83	72.88	-2.24	.0125
6. The Principal and Other Responsibilities	6	4.37	72.83	-1.95	.0258
Total Test	45	30.37	67.50	-31.73	<.0000

school boards. The results indicate that principals are more knowledgeable on the sources of law (subtest 1), general legal responsibilities (subtest 6), and tort liability (subtest 5). Principals' mean scores on these subtests were 78.96, 72.83 and 72.88 percent, respectively.

It is evident from the previous subtest scores that the only area where principals possessed sufficient knowledge of school law was in sources of law where the subtest mean score was 78.96 percent.

#### Master's Degree in Educational Administration

Hypothesis 2 stated that:

Principals in Newfoundland who have completed a Master's degree in Educational Administration are more knowledgeable of their legal rights and responsibilities than those who have not completed a Master's degree in Educational Administration.

Table VII displays mean raw scores of principals' knowledge of school law according to the completion of a Master's degree in Educational Administration. Returns indicated that 57 respondents had completed a Master's degree, while 161 had not.

When a correlation coefficient between having a Master's degree in Educational Administration and knowledge of school law was calculated, a significant relationship was found. The correlation coefficient was .2832 at  $p = .000$ . Therefore, Hypothesis 2 was accepted.

TABLE VII

DIFFERENCES BETWEEN PRINCIPALS WITH A MASTER'S DEGREE  
AND OTHER PRINCIPALS

Principals	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
Master's Degree	57	31.95	5.84	6.63	2.82	6.12	5.95	4.77
No Master's Degree	161	29.81	5.42	6.37	2.54	5.62	5.79	4.23
Total	218	30.37	5.53	6.44	2.61	5.76	5.83	4.37
Correlation r		.2832	.1870	.0853	.1376	.1677	.0625	.2494
Coefficient p		.000	.003	.105	.021	.007	.179	.000

The mean scores obtained by principals in each category clearly indicate that principals with a Master's degree were more knowledgeable of their legal rights and responsibilities in all areas examined by the questionnaire. Their overall score was 2.14 points higher than other principals on the complete survey.

#### Courses in School Law

Hypothesis 3 predicted that :

Principals who have completed university course(s) in school law possess a higher level of knowledge concerning their legal rights and responsibilities than principals who have not completed such course(s).

Table VIII displays school principals' mean scores according to the number of courses completed in school law. One hundred and thirty-two had completed no course, and only 10 had completed both Education 3420 and Education A6720. These two courses deal specifically with school law.

Principals who had completed Education 3420, the undergraduate course in school law, were assigned a score of 1; those who had completed graduate course Education A6720, the Legal Foundations of Education, were assigned a score of 2; those who had completed both courses were assigned 3. The other 19 who had taken out-of-province courses in school law were assigned a number from 1 to 3, according to the above criteria. Those with no course were assigned 0.

TABLE VIII

## MEAN KNOWLEDGE SCORES OF PRINCIPALS WITH VARIOUS COURSES IN SCHOOL LAW

Courses in School Law	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
Both Ed. Admin. 6720 & Ed. 3420	10	31.70	5.80	6.60	3.10	6.30	5.20	4.90
Ed. Admin 6720	53	31.64	5.75	6.53	2.83	6.02	6.04	4.68
Ed. 3420	23	28.83	5.90	6.57	2.39	4.96	5.65	4.22
No Course	132	30.03	5.45	6.37	2.53	5.74	5.83	4.23
Total	218	30.37	5.53	6.44	2.61	5.75	5.83	4.37
Correlation r		.1966	.1270	.0597	.1665	.0940	-.0043	.2203
Coefficient p		.002	.031	.190	.007	.083	.525	.001

Hypothesis 3 was accepted. As shown in Table VIII, the correlation coefficient between courses in school law and knowledge of school law was .1966 at  $p = .002$ . Therefore, a significant relationship exists. Principals with both Educational Administration 6720 and Education 3420 were more knowledgeable overall than those with only one course or no course. Their mean score, 31.70, was 1.33 points higher than the total mean score for the total sample (30.37). Principals with both school law courses demonstrated greater knowledge than all other groups on each of the subtests, except for subtest 5. Hence, their main weakness was in the area of tort liability. On the other hand, principals having only Education 3420 obtained the lowest score (28.83).

#### In-service Training in School Law

Hypothesis 4 predicted that:

Principals who have participated in in-service training (at least half-day workshop) in school law possess a higher level of knowledge concerning their legal rights and responsibilities than those who have not so participated.

Examination of the returns by respondents reveals that 93 principals participated in in-service training in school law, 125 did not. Table IX presents the mean raw scores obtained by principals according to the level of in-service training.

When a Pearson correlation coefficient was calculated between in-service in school law and knowledge of school

TABLE IX

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY IN-SERVICE  
TRAINING IN SCHOOL LAW

Principals	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
In-Service	93	30.95	5.59	6.47	2.70	6.01	5.85	4.40
No In-Service	125	29.94	5.48	6.42	2.55	5.56	5.74	4.35
Total	218	30.37	5.53	6.44	2.61	5.75	5.83	4.37
Correlation r		.1525	.0551	.0212	.0801	.1696	.0898	.0237
Probability p		.012	.209	.378	.120	.006	.093	.364



law, a significant relationship was found. As shown in Table IX, the correlation coefficient was .1525 at  $p = .012$ . Hypothesis 4 was accepted. The mean score for principals participating in in-service, 30.95, was significantly higher than that of the non-participants, 29.94. This same trend was observed in each of the subtests.

#### Principalship Experience

Hypothesis 5 predicted that:

The greater the number of years of principalship experience the higher the principals' level of knowledge of school law concerning their legal rights and responsibilities.

Principalship experience ranged from a low of 0 years to a high of 30, with the majority having less than 10 and only 17 having more than 25 years. For the purpose of reporting the mean knowledge scores, principals were grouped according to experience in categories of 0-4, 5-9, 10-14, 15-19, 20-24, and 25 plus. This information is displayed in Table X.

The correlation coefficient between exact years of principalship experience and knowledge of school law was .1488 at  $p = .014$ . Hence, a significant relationship was found. Principals with the greatest number of years experience had the highest level of knowledge. Therefore, Hypothesis 5 was accepted.

When principals were grouped, the data revealed an increase from 29.69 for principals with 0-4 years

TABLE X

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY YEARS OF  
PRINCIPALSHIP EXPERIENCE

Years of Experience	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
0 - 4	58	29.69	5.43	6.33	2.60	5.40	5.84	4.22
5 - 9	53	30.60	5.53	6.36	2.68	5.96	5.70	4.57
10 - 14	38	30.21	5.53	6.47	2.59	5.71	5.82	4.24
15 - 19	32	30.09	5.69	6.09	2.47	5.81	6.00	4.25
20 - 24	20	31.15	5.40	6.80	2.80	6.05	5.90	4.40
25+	17	31.94	5.71	7.24	2.58	5.94	5.82	4.76
Total	218	30.37	5.53	6.44	2.61	5.75	5.83	4.37
Correlation r		.1488	.0590	.1338	-.0023	.1188	.0345	.0735
Coefficient p		.014	.193	.024	.514	.040	.306	.140

experience to 30.60 for those with 5-9 years experience. However, this trend is reversed for principals with 10-14 years and 15-19 years of experience. Their overall mean scores dropped slightly to 30.21 and 30.09, respectively. However, principals with 20-24 and 25 or more years experience scored higher, 31.15 and 31.94, respectively, than all other groups. The score of these groups was also higher than the sample mean of 30.37.

Six null hypotheses were also tested. These null hypotheses maintained that there is no significant correlation between principals' knowledge of their legal rights and responsibilities and their:

- HO1 Age.
- HO2 Gender.
- HO3 Total years of experience in the teaching profession.
- HO4 Administrative level: Senior High, Junior High, Elementary, All Grade, or other.
- HO5 School size, defined by enrolment.
- HO6 Teaching certificate.

Age

Null hypothesis 1:

There is no significant correlation between principals' age and principals' knowledge of their legal rights and responsibilities.

This null hypothesis was rejected. When a Pearson's correlation coefficient was calculated on the exact age of

principals and knowledge of their legal rights and responsibilities, a significant relationship was found. The correlation was .164 at  $p = .013$ . Therefore, knowledge of school law is related to age. It indicates that as age increases, knowledge of school law also increases.

To report the mean knowledge scores, principals were categorized by age levels 20-29, 30-39, 40-49, and 50 plus. The majority of principals were between ages 30-49. Table XI displays the mean knowledge scores of principals by each age category.

The data in Table XI show principals in age group 30-39 years had scored 29.72, which is lower than all other groups in the overall test. The scores of respondents in this age group were also lower in subtests 1 and 6, and tied with the mean score for subtest 3 for respondents 20-29 years. Subtest 2 dealt with principals and school board related legal issues, and subtest 4 covered principal and student related legal issues.

Principals in the 50 and up age group scored higher (32.59) than those in the lower age group of 40-49 years. The latter group achieved a mean score of 30.66. This trend is also evident in all subtests.

TABLE XI

## MEAN KNOWLEDGE SCORES OF PRINCIPALS BY AGE

Age Range	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
20 - 29	10	30.07	5.88	6.13	2.54	5.13	5.94	4.38
30 - 39	88	29.72	5.38	6.19	2.54	5.67	5.82	4.24
40 - 49	99	30.66	5.55	6.64	2.64	5.89	5.79	4.43
50+	21	32.59	6.17	7.22	2.67	6.04	6.33	4.85
Total	218	30.37	5.53	6.44	2.61	5.76	5.83	4.37
Correlation r		.1640	.0888	.1706	.0745	.0854	.0038	.1141
Coefficient p		.013	.191	.012	.273	.209	.955	.093

## Gender

### Null hypothesis 2:

There is no significant correlation between principals' gender and principals' knowledge of their rights and responsibilities.

When principals were grouped by gender and Pearson's correlation coefficient was calculated on their knowledge of their legal rights and responsibilities, no significant relationship was found. The Pearson correlation coefficient was .0900 at  $p = .186$ . Therefore, the null hypothesis was accepted.

Table XII displays the mean knowledge scores for principals by gender. The males' mean overall score was 30.52. This was slightly higher than 29.76, which was achieved by the female principals.

## Experience in the Teaching Profession

### Null hypothesis 3:

There is no significant correlation between the number of years in the teaching profession and principals' knowledge of their legal rights and responsibilities.

This null hypothesis was rejected. When a Pearson correlation coefficient was calculated on the exact experience of principals and knowledge of their legal rights and responsibilities, a significant relationship was found. The correlation coefficient was .1745 at  $p = .010$ . Principals' knowledge did increase with increased experience in the teaching profession.

TABLE XII

## MEAN KNOWLEDGE SCORES OF PRINCIPALS BY GENDER

Sex	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
Male	176	30.52	5.58	6.43	2.65	5.81	5.90	4.32
Female	42	29.76	5.31	6.50	2.48	5.52	5.55	4.57
Total	218	30.37	5.53	6.44	2.61	5.76	5.83	4.37
Correlation r		.0900	.1064	-.0218	.0745	.0849	.1239	-.1022
Coefficient p		.186	.117	.748	.273	.212	.068	.132

Table XIII shows the mean knowledge scores of principals when grouped by years of experience. The intervals used were 0-4, 5-9, 10-14, 15-19, 20-24 and 25 plus. More principals (66) fell within the 25 years or more group than in any other.

The data in Table XIII reveal that principals with less than five years of teaching experience scored lower than all other groups. This was evident in both the overall test and all subtests. The overall mean score for this group, 0-4 years experience, was 26.63 or 3.74 points below the sample mean of 30.37. This difference was the greatest discrepancy found within any criterion group.

#### Administrative Level

Null hypothesis 4:

There is no significant correlation between administrative level and principals' knowledge of their legal rights and responsibilities.

Principals were grouped according to administrative level and assigned the following values: Elementary (including Primary) were assigned a score of 0, Junior High and All-Grade were assigned a score of 1, Senior High School (Regional or Central) 2, a combination of Junior High and Senior High 3, and the other category (i.e. schools which did not fall into any of the established categories) was judged according to the above criteria.

When a Pearson correlation coefficient was calculated between administrative level and knowledge of school law,



TABLE XIII

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY YEARS OF  
EXPERIENCE IN THE TEACHING PROFESSION

Years of Experience	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
0 - 4	8	26.63	5.13	5.75	2.38	4.13	5.25	3.25
5 - 9	14	30.64	5.64	6.29	3.00	5.50	6.07	4.50
10 - 14	43	30.26	5.33	6.26	2.56	5.91	5.91	4.44
15 - 19	45	29.71	5.62	5.93	2.47	5.62	5.78	4.42
20 - 24	42	31.05	5.50	6.86	2.74	5.93	5.93	4.31
25+	66	30.86	5.64	6.76	2.62	5.88	5.77	4.44
Total	218	30.37	5.53	6.44	2.61	5.76	5.83	4.37
Correlation r		.1745	.0905	.2116	.0121	.1547	.0012	.0892
Coefficient p		.010	.183	.002	.859	.022	.986	.189

no significant relationship was found. The correlation coefficient was  $-.0082$  at  $p = .904$ . The null hypothesis was, therefore, accepted.

Principals' mean knowledge scores by administrative level are displayed in Table XIV. It is evident from the table that there were only slight insignificant differences between each category. This confirms the results of the Pearson correlation coefficient which showed that principals' knowledge of their legal rights and responsibilities is unrelated to administrative level.

#### School Size

##### Null hypothesis 5:

There is no significant correlation between principals' school size, (defined by enrolment of students), and principals' knowledge of their legal rights and responsibilities.

A Pearson's correlation coefficient was used to evaluate the relationship between actual school size and principals' knowledge of their legal rights and responsibilities. A significant relationship was found. The correlation coefficient was  $.1814$  at  $p = .007$ . This indicates that principals of larger schools tend to score higher on the instrument designed to evaluate their knowledge of legal rights and responsibilities than those of smaller schools. As a result, the null hypothesis was rejected.

The relationship between school size, defined by enrolment, and principals' mean raw scores is presented in

TABLE XIV

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY  
ADMINISTRATIVE LEVEL

Administrative Level	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
Elementary (including Primary)	103	30.39	5.43	6.58	2.60	5.79	5.77	4.41
Junior High	7	30.15	5.68	6.40	2.55	5.53	5.48	4.19
Senior High	41	30.88	5.54	6.20	2.83	5.90	5.90	4.54
All Grade	55	30.15	5.69	6.40	2.56	5.53	6.00	4.15
Other	12	29.67	5.58	6.25	2.33	6.08	5.33	4.42
Total	218	30.37	5.53	6.44	2.61	5.75	5.83	4.37
Correlation r		-.0082	.0545	-.1016	-.0001	.0476	-.0324	.0209
Coefficient p		.904	.423	.135	.999	.485	.634	.758

Table XV. The table reveals that principals in school size with enrolments from 0-199 scored lower (29.47) than the sample mean score of 30.37. This same trend for this school size was also evident in all subtests, with the weakest areas being subtest 1, subtest 3, and subtest 6, with mean scores of 5.32, 2.45, and 4.07, respectively. These subtest areas cover items relating to sources of law, principals and teacher related legal issues, as well as the items concerning principals and other general legal issues.

#### Teaching Certificate Level

Null hypothesis 6:

There is no significant correlation between principals' teaching certificate level and principals' knowledge of their legal rights and responsibilities.

This null hypothesis was rejected. When principals' knowledge of their legal rights and responsibilities was evaluated in relation to their teaching certificate level, a significant relationship was found to exist. The correlation coefficient was .274 at  $p = .000$ . It appears, therefore, that principals' knowledge of school law increases with an increase in their teaching certificate level.

Table XVI displays principals' mean knowledge scores according to their teaching certificate level. As can be seen from the table, the majority of principals (159), had

TABLE XV

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY  
SCHOOL SIZE DEFINED BY ENROLMENT

School Size Enrolment	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
0 - 199	97	29.47	5.32	6.45	2.45	5.55	5.73	4.07
200 - 399	79	31.14	5.10	6.48	2.67	5.99	5.94	4.62
400 - 599	28	31.17	5.68	6.36	2.79	6.14	5.89	4.57
600 - 799	9	31.00	5.89	7.00	2.78	5.44	5.67	4.22
800 - 1000	5	31.00	5.40	5.60	3.60	4.40	6.00	5.40
Total	218	30.37	5.53	6.44	2.61	5.76	5.83	4.37
Correlation r		.1814	.1387	-.0544	.2011	.0185	.0468	.2375
Coefficient p		.007	.041	.424	.003	.786	.492	.000

TABLE XVI

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY  
TEACHING CERTIFICATE LEVEL

Teaching Certificate Level	N	Mean Score Overall (Max: 45)	Mean Score For Subtest					
			1 (Max:7)	2 (Max:10)	3 (Max:5)	4 (Max:9)	5 (Max:8)	6 (Max:6)
3	4	29.75	5.25	6.50	2.25	5.25	6.00	4.25
4	13	28.69	4.69	6.85	2.08	5.77	5.92	3.54
5	42	28.88	5.35	6.12	2.57	5.55	5.36	4.10
6	73	30.42	5.59	6.23	2.63	5.74	6.01	4.41
7	86	31.34	5.70	6.72	2.72	5.88	5.89	4.60
Total	218	30.37	5.53	6.44	2.61	5.75	5.83	4.37
Correlation r		.2740	.2154	.0911	.1489	.0894	.0828	.2643
Coefficient p		.000	.001	.180	.028	.189	.223	.000

at least a level 6 certificate. Only four principals had a level 3 teaching certificate.

This table shows that as the level of training increased, so did the mean score obtained. The only exception to this trend were the principals who held a level 3 teaching certificate. These principals, for reasons which are not apparent and are outside the scope of the present study, scored higher than principals who had achieved a level 4 teaching certificate.

The mean overall score ranged from a low of 28.69 at certificate 4 to a high of 31.34 at level 7. Results of the present investigation would support the contention that principals' knowledge of school law does increase with an increase of certificate level.

#### Summary

The hypotheses and null hypotheses of the present study were evaluated through an analysis of the data collected. The Pearson product-moment correlation was the chief means of evaluation used. Results indicate that hypotheses 2, 3, 4, 5 and null hypotheses 2 and 4 were accepted. Null hypotheses 1, 3, 5 and 6 were rejected. Hypothesis 1 was accepted as a result of a one-tailed, one sample Z, test. All tests were carried out at  $\alpha = .05$  significance level.

Results indicate that principals do lack sufficient knowledge of their legal rights and responsibilities.

Results, as evident from Table XVII, suggest that their level of knowledge is directly related to the following: (1) a Master's degree in Educational Administration, (2) courses in school law, (3) in-service training in school law, (4) principalship experience, (5) age, (6) experience in the teaching profession, (7) school size, and (8) teaching certificate level. Only the variables of administrative level and gender failed to influence knowledge performance.

To determine the strength of the relationships between principals' knowledge of their legal rights and responsibilities and the aforementioned variables, a multiple regression (stepwise selection) was carried out. Such a statistical procedure ranks the importance of the various variables on knowledge performance.

#### Multiple Regression Analysis

The results obtained by comparing the independent variables through stepwise multiple regression indicate that only two variables contributed a significant amount of the variance and remained in the equation. These two variables were Master's degree in Educational Administration and level of teaching certificate.

Table XVIII shows that the Master's degree with a multiple R of .283 contributed 8.02 percent to the variance. When level of teaching certificate was added to the equation, the multiple R .274 increased the amount of



TABLE XVII

## CORRELATION BETWEEN DEPENDENT VARIABLE PRINCIPALS' KNOWLEDGE AND INDEPENDENT VARIABLES

Independent Variable	Knowledge	
	r	p
1. Master's degree in Educational Administration	.2832	.000
2. Courses in School Law	.1966	.002
3. In-service Training in School Law	.1525	.012
4. Principalship Experience	.1488	.014
5. Age	.1640	.013
6. Gender	.0900	.186
7. Experience in the Teaching Profession	.1745	.010
8. Administrative Level	-.0082	.904
9. School Size	.1814	.007
10. Teaching Certificate	.2740	.000

N = 218

explained variance from 8.02 percent to 10.31 percent. All other variables, when added to the equation, did not significantly increase the amount of explained variance at the .05 level.

TABLE XVIII  
SUMMARY OF REGRESSION ANALYSIS FOR  
PRINCIPALS ON OVERALL KNOWLEDGE

Independent Variable	Step	R <sup>2</sup>	p
Master's degree in Educational Administration	1	.0802	<.000
Teaching Certificate	2	.1031	<.0103

The results suggest that having a Master's degree in Educational Administration would increase principals' knowledge of their legal rights and responsibilities. In addition, a higher certificate level would also seem to contribute significantly to an increase in principals' level of knowledge.

To further determine the major contributors to principals' knowledge in each area of school law, a multiple regression (stepwise selection) was carried out for each of the six subtests. However, when interpreting the results, consideration must be given to the limitation

that some of the items did not strictly pertain to any one area only:

The results, displayed in Table XIX, indicate that in sources of law (subtest 1), the only major contributor was teaching certificate level. It explained 4.67 percent of the variance at  $p < .0014$ .

In principal and school board-related issues (subtest 2), experience in the teaching profession remained in the equation. It explained 4.48 percent of the variance at  $p < .0017$ .

Courses in school law and in-service training in school law were the variables that remained in the equation in principal and teacher-related issues (subtest 3). In step one, courses in school law explained 4.05 percent of the variance at  $p < .0029$ , and when in-service training was added (step 2), it increased the amount to 5.79 percent at  $p < .0093$ .

Principal and student-related issues (subtest 4) had principalship experience explaining 2.88 percent of the variance at  $p < .0121$  (step one). In step two, the graduate diploma further increased the amount to 5.18 percent at  $p < .0215$ .

However, in principal and tort liability (subtest 5), no one variable remained in the equation at  $p < .05$ . Hence, no one variable explained a significant amount of variance in this area of school law.

TABLE XIX

SUMMARY OF REGRESSION FOR PRINCIPALS ON  
KNOWLEDGE IN EACH SUBTEST

	Independent Variable	Step	R <sup>2</sup>	p
Subtest 1	Teaching Certificate	1	.0467	< .0014
Subtest 2	Experience in the Teaching Profession	1	.0448	< .0017
Subtest 3	Courses in School Law	1	.0405	< .0029
	In-service Training in School Law	2	.0579	< .0093
Subtest 4	Principalship Experience	1	.0288	< .0121
	Graduate Diploma	2	.0518	< .0215
Subtest 5	No Variables Entered	-	-	-
Subtest 6	Teaching Certificate	1	.0699	< .0001
	In-service Training in School Law	2	.10214	< .0004

In principals and other responsibilities (subtest 6) two variables contributed to the amount of explained variance. In step one, teaching certificate level contributed approximately 6.99 percent at  $p < .0001$ . In step two, in-service training further increased it to 10.21 percent at  $p < .0004$ .

The results seem to support those of the overall regression analysis. That is, a higher teaching certificate level does contribute significantly to principals' level of knowledge in school law. They further suggest that courses and in-service training, as well as experience, are important contributors in specific areas.

### III. Other Relevant Findings

Several significant findings that were not hypotheses emanated from the present study. These findings related to differences among principals by denomination, differences among principals with or without a Graduate Diploma in Educational Administration, and the results of a question of recommendations for a course in school law.

#### Religious Denomination

The results of the analysis of variance for significant differences in scores among principals of the Roman Catholic, Pentecostal, Seventh Day Adventist and

Integrated school boards are presented in Tables XX and XXI.

The F ratio was .1207, with F probability being 0.9479. This was greater than the .05 level of significance. As a result, no significant difference was found to exist among principals employed by different religious denominations throughout the Province.

TABLE XX  
SUMMARY OF MEAN RAW SCORES BY DENOMINATION

School Boards	N	Mean Raw Score
Roman Catholic	56	30.50
Pentecostal	18	30.11
Seventh Day Adventist	1	29.00
Integrated	143	30.36
Total	218	30.37

TABLE XXI

## ANALYSIS OF VARIANCE FOR RESPONDENTS' KNOWLEDGE OF SCHOOL LAW BY DENOMINATIONS

Sources of Variation	Degrees of Freedom	Sum of Squares	Mean Squares	F Ratio	F Probability
Between Groups	3	4.0350	1.3450	.1207	.9479
Within Groups	214	2384.8687	11.1442		
Total	217	2388.9037			

### Graduate Diploma in Educational Administration

To test for a significant difference between the mean score obtained by principals with a Graduate Diploma in Educational Administration and the mean score obtained by principals without such a Diploma, an analysis of variance was used. The results of the analysis are displayed in Table XXII.

The  $F$  ratio was 1.0188 with the  $F$  probability being .3139. This was greater than the .05 level of significance. Therefore, no significant difference was found, indicating that the two groups do not differ in level of knowledge of school law. Table XXIII shows that the mean raw scores for principals with a diploma scored higher than those without such a diploma.

### Recommendation for Courses in School Law

When asked whether or not they would recommend that all principals do a course in school law before being appointed or at least during their first year as an administrator, 91.7 percent answered in the affirmative, 7.8 percent responded in the negative, and .5 percent were neutral concerning this issue. A summary of responses with the mean raw score for each group is displayed in Table XXIV.



TABLE XXII

ANALYSIS OF VARIANCE FOR RESPONDENTS' KNOWLEDGE OF SCHOOL LAW BY GRADUATE DIPLOMA  
IN EDUCATIONAL ADMINISTRATION

Sources of Variation	Degrees of Freedom	Sum of Squares	Mean Squares	F Ratio	F Probability
Between Groups	1	11.2402	11.2402	1.0188	.3139
Within Groups	215	2372.0132	11.0326		
Total	216	2383.2534			

TABLE XXIII

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY GRADUATE DIPLOMA  
IN EDUCATIONAL ADMINISTRATION

Diploma	N	Mean Score
Graduate Diploma	23	31.04
No Graduate Diploma	194	30.30
Total	218	30.37

TABLE XXIV

MEAN KNOWLEDGE SCORES OF PRINCIPALS BY RECOMMENDATIONS  
FOR A COURSE IN SCHOOL LAW

Recommendation	N	Percent	Mean Score
Yes	200	91.7	30.43
No	17	7.8	29.71
No Response	1	0.5	29.83
Total	218	100	30.37

An analysis of variance was used to test for significant differences in knowledge among the "yes" or "no" groups of principals. The results are presented in Table XXV. The F ratio was .7420 with the F probability

TABLE XXV

ANALYSIS OF VARIANCE FOR RESPONDENTS' KNOWLEDGE OF SCHOOL LAW BY RECOMMENDATION  
FOR A COURSE IN SCHOOL LAW

Sources of Variation	Degrees of Freedom	Sum of Squares	Mean Squares	F Ratio	F Probability
Between Groups	1	8.2156	8.2156	.7420	.3900
Within Groups	215	2380.5494	11.0723		
Total	216	2388.7650			

being .3900. This was greater than the .05 level of significance. Therefore, no significant difference was found between the two groups at the .05 level.

#### IV. Item-By-Item Analysis For Each Subtest

In order to determine the types of issues on which principals were most competent, as well as those on which principals had the most difficulty, an item-by-item analysis was used. For this purpose, the forty-five items on the instrument were organized into six areas:

1. Sources of Law.  
Items; A1, A2, A5, A8, A10, A23, A24.
2. The law relating to the principal and school boards.  
Items; A6, A11, A16, A17, A21, A26, A30, B2, B3, B4.
3. The law relating to the principal and teachers.  
Items; A19, A29, B1, B5, B6.
4. The law relating to the principal and students.  
Items; A7, A9, A12, A13, A14, A18, A20, A25, A28.
5. The law relating to the principal and tort liability.  
Items; B7, B8, B9, B10, B12, B13, B14, B15.
6. The law relating to the principal and other responsibilities.  
Items; A3, A4, A15, A22, A27, B11.

Sources of law is the only area where principals possessed sufficient knowledge of school law. The mean score was 5.53 (78.96 percent) out of a possible score of seven.

Principals were least knowledgeable on this subtest in items dealing with by-laws governing principals' employment qualifications. Only 42.7 percent (See Table XXVI) knew that school board by-laws governing their employment qualifications must be approved by the Minister of Education before they are legal. Furthermore, less than 64 percent knew that principals were required by The Schools Act to hold monthly staff meetings with a view to developing uniform policies concerning discipline and instruction.

In a more positive light, 97.7 percent of the principals knew that The Schools Act required them to report suspected child abuse cases, and 94.5 percent knew The Schools Act specified their responsibilities for exercising supervision over teaching, exams and student promotions.

In the law relating to the principal and school boards (subtest 2), the principals' mean score was 6.44 (64.4 percent) out of a possible score of 10. The areas where principals had the most difficulty were elements of procedural "due process", principalship incompetence, demotion procedures, and principalship probationary period. Only 25.2 percent (See Table XXVII) knew that

TABLE XXVI

SOURCES OF LAW: SUBTEST 1:  
PERCENTAGE OF CORRECT RESPONSES FOR EACH ITEM

Item Number	Item	Percentage Correct
1	Principals are required by <u>The Schools Act</u> to convene a staff meeting every month with a view to developing uniform policies concerning discipline and instruction.	63.8
2	According to <u>The Schools Act</u> , principals are required, in conjunction with board supervisors, to exercise supervision over teaching, timetables, examinations, and student promotions.	94.5
5	School board by-laws governing the employment qualifications of principals must be approved by the Minister of Education before they are legal.	42.7
8	The <u>Criminal Code of Canada</u> contains a provision that prevents a principal from being convicted of assault when disciplining students.	87.6
10	According to <u>The Schools Act</u> , the authority to suspend a student from school rests with the school principal, subject to school board regulations.	91.7
23	There is a law which requires principals and teachers to report cases of suspected child abuse.	97.7
24	It is unlawful for principals to be a member of the Communist Party of Canada.	74.3

TABLE XXVII

THE PRINCIPAL AND SCHOOL BOARDS: SUBTEST 2  
PERCENTAGE OF CORRECT RESPONSES FOR EACH ITEM

Item Number	Item	Percentage Correct
A6	The <u>Collective Agreement</u> specifies that if a principal, because of incompetence, is to be demoted from the principalship to a regular teaching position, the school board must follow the procedures set down in Article 12.01.	36.7
A11	According to the Mayo Case, if a principalship position becomes redundant, seniority in that position guarantees appointment to a vacant principalship in that school district.	64.7
A16	The <u>Collective Agreement</u> sets down the criteria that school boards must follow in determining competency, suitability, and qualifications of applicants for a principalship position.	76.6
A17	Principals are protected against libel or slander suits by students because everything they say or write about students is privileged.	92.2
A21	According to the Short Case, where two schools in a school district are combined, the principal of the school absorbing pupils from the other, subject to qualification and capability, retains his position and the principal of the other loses his administrative position.	64.7

TABLE XXVII (Cont'd)

Item Number	Item	Percentage Correct
A26	Where qualifications and suitability are comparable, preference in the appointment of a teacher to the position of principalship shall be given to one who has tenure with the school board.	64.7
A30	The principal's allowance may be calculated on the school's annual general return.	61.9
B2	A tenured teacher who has been appointed to the position of principal, but does not successfully complete the probationary period stated by Article 16.01 of the <u>Collective Agreement</u> , is required to: <ol style="list-style-type: none"> <li>resign from the position and reapply to the board for another position</li> <li>return to the former position without tenure and be subject to evaluation</li> <li>retain his tenure and return to his former teaching position</li> <li>have his contract with the school board terminated because of incompetency</li> </ol>	84.4
B3	The probationary period for a principal with no principalship experience in Newfoundland and Labrador, according to the <u>Collective Agreement</u> , is: <ol style="list-style-type: none"> <li>one year</li> <li>two years</li> <li>three years</li> <li>more than three years</li> </ol>	56.9
B4	In the case where a principal is dismissed from a school board, the following are elements of procedural "due process" except: <ol style="list-style-type: none"> <li>observance of time limits</li> <li>the right to a hearing</li> <li>a statement of exact reasons</li> <li>just cause must be shown</li> </ol>	25



"just cause must be shown" was not an element of procedural "due process" during principal dismissal cases. A mere 36.7 percent knew that the Collective Agreement does not specify that if a principal is to be demoted to a regular teaching position because of principalship incompetence, school boards must follow Article 12.01. Furthermore, less than 57 percent knew that according to the Collective Agreement, principals with no principalship experience may be placed on probation for one year.

However, 22.2 percent of the principals knew that everything they said or wrote about students was not privileged and they could be sued for libel or slander.

Principals demonstrated a relative lack of knowledge in the area of teacher-related issues (subtest 3), where the mean score was 2.61 out of 5 or 52.5 percent. The most frequent incorrect responses were found in items dealing with termination of teachers' contracts and assignments of co-curricular activities. As can be seen from Table XXVIII, 43.1 percent of the principals knew that teachers' contracts could be terminated without notice for gross misconduct, and 61.9 percent knew that the contracts could be terminated without notice for insubordination and/or neglect of duty. Only 66.1 percent knew that the Collective Agreement did not give principals the authority to assign co-curricular activities to teachers. On the other hand, 77 percent of the principals

TABLE XXVIII  
 THE PRINCIPAL AND TEACHERS: SUBTEST 3  
 PERCENTAGE OF CORRECT RESPONSES FOR EACH ITEM

Item Number	Item	Percentage Correct
A19	Principals may be considered vicariously liable for the negligent action of their teachers.	77.1
A29	According to the Collective Agreement, a principal has the authority to assign co-curricular activities to teachers.	66.1
B1	According to the Collective Agreement, the first criterion to be used in determining teacher layoffs, assuming suitability, is: a. level of certification b. seniority with the school board c. total years of teaching experience d. seniority in a given school	75.2
B5	According to the Collective Agreement, teachers' contracts in Newfoundland and Labrador may be terminated without notice for: a. incompetence b. gross misconduct c. both a and b d. no reason, whatsoever	43.1
B6	The Collective Agreement also states that a teacher's contract may be terminated without notice for: a. insubordination b. incompetence c. neglect of duty d. both a and c	61.9

knew that they may be considered vicariously liable for the negligent action of their teachers.

Another area dealt with the law as it related to the principal and students (subtest 4). Principals scored considerably better on this subtest than on subtest 3. However, they did not possess a sufficient (75 percent) level of knowledge. The mean score was 5.76 out of 9 or 64.0 percent. Principals were least knowledgeable in items dealing with Religion courses and the Charter, corporal punishment, and student discipline. Table XXIX shows that only 16.5 percent knew that the Charter does not guarantee students the option to refuse to take a Religion course. Less than 52 percent knew that principals do not have the authority to forbid the use of corporal punishment in their schools. Again, less than 52 percent knew that they had the authority to discipline pupils for misconduct on their way to and from school. On the other hand, 92.2 percent knew that The Schools Act forbids depriving students of any part of a recess period.

Principals were more knowledgeable in the area of tort liability (subtest 5) than in all the other areas, except for sources of law. However, their mean score of 5.83 (72.88 percent), out of a possible score of eight, was not at the sufficient level of 75 percent. Few principals, 17.0 percent, knew that a principal's best defense when a student is injured after unnecessarily exposing herself/himself to a dangerous situation is

TABLE XXIX  
 THE PRINCIPAL AND STUDENTS: SUBTEST 4  
 PERCENTAGE OF CORRECT RESPONSES FOR EACH ITEM

Item Number	Item	Percentage Correct
A7	According to The Schools Act, principals have the legal authority to forbid the use of corporal punishment in their schools.	51.8
A9	The Schools Act states that principals and teachers must refrain from depriving pupils of any part of recess period.	92.2
A12	The Schools Act states that principals and teachers are required to keep a record of all offenses and the punishment administered to any student.	76.1
A13	Students have the legal right to a written warning from the principal before they are expelled from school.	67.0
A14	The Schools Act states that principals may discipline pupils for misconduct on their way to school and/or on their way home from school.	51.8
A18	Principals must obtain a search warrant before they can search student lockers without student permission.	70.2
A20	Susan refused to take the religion course in her school. Her principal informed her parents that religious education was mandatory and that lack of compliance would necessitate her being transferred to another school district. The Charter of Rights and Freedoms prohibits this action by the principal.	16.5
A25	The Schools Act required that principals give students access to their student records.	70.2
A28	Principals have the responsibility to inform students of their legal rights before searching them for drugs.	79.4

contributory negligence (See Table XXX). Only 56 percent of principals knew at what time and where the lowest level of supervision owed to students by teachers exists.

Principals were most knowledgeable concerning items dealing with negligence. Approximately 95 percent knew that the most common basis for the finding of negligence against teachers and principals was the lack of proper supervision. In addition, 95.9 percent also knew that if an injury occurs at school, a principal will not likely be found negligent if it can be shown that increased supervision would not have prevented the injury.

Principals' level of knowledge for the area of other responsibilities was almost identical to that of tort liability. The mean score was 4.37 (72.83 percent), out of a possible score of 6. Table XXXI shows that their main weaknesses related to items dealing with school closures and student dress codes. Approximately 42.2 percent knew that The Schools Act does not grant principals the authority to decide whether a school should be closed due to inclement weather. In addition, less than 46 percent knew that The Schools Act grants principals the right to require a dress code of students.

The items about which principals were most knowledgeable dealt with submission of school records and reporting the need for repairs. Ninety-five percent knew that they were required to submit at any time to the Minister or his designate, or the superintendent, school

TABLE XXX  
 THE PRINCIPAL AND TORT LIABILITY: SURTEST 5  
 PERCENTAGE OF CORRECT RESPONSES FOR EACH ITEM

Item Number	Item	Percentage Correct
B7	<p>Which of the following is a principal's best defense when a student is injured after unnecessarily exposing himself/herself to a dangerous situation:</p> <p>a. an act of commission with no breach of a legal duty            b. voluntary assumption of risk            c. contributory negligence            d. proximate cause</p>	17.0
B8	<p>To prove that a given act by a school principal constitutes negligent conduct, the following must be established:</p> <p>a. that a legal duty or obligation existed            b. that a legal duty was breached            c. that the injury sustained was an approximate result of the duty being breached            d. all of the above</p>	88.5
B9	<p>When negligence of the plaintiff is combined with the negligence of the principal, the result is known as:</p> <p>a. vicarious liability            b. contributory negligence            c. criminal negligence            d. malpractice</p>	61.9
B10	<p>The KEY element used by the courts to determine if a principal is negligent is:</p> <p>a. foreseeability of injury            b. training and experience of the principal            c. skill level of the injured student            d. age and experience of the injured student</p>	86.2

TABLE XXX (Cont'd)

Item Number	Item	Percentage Correct
B12	<p>The most common basis for the finding of negligence against teachers and principals is:</p> <ul style="list-style-type: none"> <li>a. inadequate instruction</li> <li>b. faulty equipment</li> <li>c. transporting students in faulty vehicles</li> <li>d. lack of proper supervision</li> </ul>	95.9
B13	<p>The level of supervision owed to students by teachers and principals is very low:</p> <ul style="list-style-type: none"> <li>a. before and after school hours on school premises</li> <li>b. during school hours off school premises</li> <li>c. in gymnasiums, laboratories, and home economics rooms</li> </ul>	56.4
B14	<p>When an injury occurs at school, a principal will NOT likely be found negligent if:</p> <ul style="list-style-type: none"> <li>a. there is no school board regulation making the principal responsible for supervising the student or students involved</li> <li>b. the injury occurs in the classroom</li> <li>c. the injury occurs to high school students</li> <li>d. it can be shown that increased supervision would not have prevented the injury</li> </ul>	95.9
B15	<p>The major reason why principals should have parents sign a consent form for students undertaking a field trip is that:</p> <ul style="list-style-type: none"> <li>a. it waives the right of parents to sue for negligence</li> <li>b. it contracts teachers out of criminal responsibility</li> <li>c. it provides parents and teachers with an opportunity to consider risks</li> <li>d. it prevents students themselves from initiating legal action against school authorities</li> </ul>	81.2

TABLE XXXI

THE PRINCIPAL AND OTHER RESPONSIBILITIES: SUBTEST 6  
 PERCENTAGE OF CORRECT RESPONSES FOR EACH ITEM

Item Number	Item	Percentage Correct
A3	According to <u>The Schools Act</u> , principals are responsible for deciding whether a school should be closed due to inclement weather.	42.2
A4	Principals may be required at any time to submit to the Minister or his designate, or the superintendent, school records or other information connected with the operation of the school.	95.9
A15	Principals are required to report in writing to their school boards the need for repairs to the school buildings.	92.7
A22	<u>The Schools Act</u> grants principals the right to require a dress code of students.	45.9
A27	According to <u>The Schools Act</u> , principals must arrange for the supervision of students fifteen minutes before school opens and supervision must continue until the last bus or vehicle has departed at the end of the day.	92.2
B11	The major responsibility for preschool supervision of students when they are on school grounds generally rests with: <ul style="list-style-type: none"> <li>a. the students' parents</li> <li>b. school janitors</li> <li>c. teachers</li> <li>d. principals</li> </ul>	68.3



records or other information connected with the operation of the school. Ninety-two percent knew that they were required to submit in writing to their school boards the need for repairs to the school buildings.

In summary, it may be stated that principals were least knowledgeable in legal issues relating to principals and teachers (subtest 3), followed by principals and students (subtest 4), and principals and school boards (subtest 2). The only area in which principals possessed sufficient knowledge of school law (as defined for the purposes of this study) was in sources of law (subtest 1).

When all subtests were evaluated, there were three items to which 25 percent or less of the principals responded correctly. They were questions relating to Religion courses and the Charter, negligence, and elements of procedural "due process". There were another six items where less than 50 percent of the principals responded correctly. They were questions related to principal incompetence, demotion procedures, school closure due to inclement weather, by-laws governing principals' employment qualifications, teacher dismissal, and student dress codes.

Results also indicated that there were four items where 95 percent of the principals responded correctly. They were questions related to submission of school records, reporting child abuse, and proper supervision of students (two items). In addition, a 90-94 percent

correct response was obtained for six other items. They included questions related to supervision over teaching, timetables, examinations and student promotions; depriving students of recess periods; authority to suspend a student; reporting in writing school building repairs; libel or slander of students; and assignment of supervision of students before school opens and after it closes.

#### V. Summary

The purpose of this study was to assess the current knowledge of school principals in Newfoundland concerning their legal rights and responsibilities, and to determine if their level of knowledge of school law varies according to certain personal, professional and situational characteristics. Another purpose was to determine areas of weakness and strengths of principals' knowledge among six major areas of school law.

The information collected from the survey was presented and analyzed and the 11 hypotheses, six of which were null, were tested. Hypothesis 1 was accepted: principals do lack sufficient knowledge of their legal rights and responsibilities. Hypotheses 2, 3, 4 and 5 were also accepted: principals' knowledge is related to possession of a Master's degree in Educational

Administration, courses in school law, in-service training and principalship experience.

Of the six null hypotheses, four were rejected and two were accepted. The four principal criterion groupings that were significantly correlated to principals' knowledge of their legal rights and responsibilities were: age, experience in the teaching profession, school size and teaching certificate level. Administrative level and gender were not significantly correlated to principals' knowledge.

A stepwise multiple regression analysis was then applied to the data to determine which of the variables contributed greatest to the amount of explained variance. Of the ten criterion groupings, only two remained in the equation. They were Master's degree and level of teaching certificate. The remaining eight were considered insignificant.

An item-by-item analysis of individual responses revealed that a high percentage of principals were knowledgeable about some legal rights and responsibilities, such as submission of school records to the appropriate authority, reporting suspected child abuse and the most common bases for negligence. However, a high percentage of the sample did not have a thorough knowledge of the areas relating to termination of teacher contracts, the Charter, negligence, elements of procedural "due

process", principals' contract rights, school closures and student dress codes.

## CHAPTER V

## SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The purpose of this Chapter is to present a summary of the findings of the study, and offer some conclusions and recommendations.

I. Summary

The purposes of this study were to assess the current knowledge of school principals in Newfoundland concerning their legal rights and responsibilities, and to determine what, if any, relationship(s) exist between principal criterion groupings (age, gender, training, etc.) and principals' knowledge of their rights and responsibilities.

Eleven hypotheses were tested, six stated as null hypotheses. The first hypothesis was stated as follows:

Principals in Newfoundland lack sufficient knowledge of school law concerning their legal rights and responsibilities. (Note: Sufficient is defined as having an overall score on the survey of at least 75 percent. The level of sufficient performance was determined by a panel of experts in this area, who participated in the validating of the questionnaire.)

This hypothesis was tested by calculating the mean from the raw scores, and testing to determine whether it was less than 75 percent, by using a one-tailed, sample 2 test.

Hypotheses 2, 3, 4 and 5 and the six null hypotheses were based on ten identifiable principal criterion groupings and the relationship of those groupings to principals' knowledge of their legal rights and responsibilities. The ten criteria for groupings were age, gender, number of years experience in the teaching profession, teaching certificate level, school size defined by enrolment, in-service training in school law, years of principalship experience, Master's degree in Educational Administration, courses in school law, and administrative level.

Hypotheses 2, 3, 4, and 5 were:

H2: Principals in Newfoundland who have completed a Master's degree in Educational Administration are more knowledgeable of their legal rights and responsibilities than those who have not completed a Master's degree in Educational Administration.

H3: Principals who have completed university course(s) in school law possess a higher level of knowledge concerning their legal rights and responsibilities than those who have not completed such course(s).

H4: Principals who have participated in in-service training (at least half-day workshop) in school law possess a higher level of knowledge concerning their legal rights and responsibilities than those who have not so participated.

H5: The greater the number of years of principalship experience, the higher the principals' level of knowledge of school law concerning their legal rights and responsibilities.

The six null hypotheses were:

H01: There is no significant correlation between principals' age and principals' knowledge of their legal rights and responsibilities.

H02: There is no significant correlation between principals' gender and principals' knowledge of their legal rights and responsibilities.

H03: There is no significant correlation between the number of years in the teaching profession and principals' knowledge of their legal rights and responsibilities.

H04: There is no significant correlation between principals' administration level and principals' knowledge of their legal rights and responsibilities.

H05: There is no significant correlation between principals' school size (defined by enrolment of students) and principals' knowledge of their legal rights and responsibilities.

H06: There is no significant correlation between principals' teaching certificate level and principals' knowledge of their legal rights and responsibilities.

All of the above tests were conducted at the .05 level of significance.

#### Methods and Procedures

A random sample of 300 school principals throughout the Province of Newfoundland was generated. The questionnaire, a covering letter, and an addressed, postage-paid, return envelope were mailed to each of the principals. Two hundred and eighteen, 72.7 percent of the questionnaires, were returned and used in the study.

The questionnaire developed for this study, consisted of 30 true-false, and 15 multiple-choice items. It was revised and validated by a panel of experts in the educational field in Newfoundland, including four university professors at Memorial University, three school-board superintendents, the Deputy Minister of Education, a member of the NTA Executive, and 30 school principals. The questions and statements were based on federal and provincial statutory law, departmental and school board regulations, the teachers' Collective Agreement, and principles established in case law relating to education.

The data collected from 218 principals were analyzed by computer at Memorial University of Newfoundland. The Statistical Package for the Social Sciences (SPSS) program was used for frequency of response, percentage computations, chi-square analyses, Z tests, Pearson product-moment correlation coefficients, analysis of variances and stepwise multiple regression. These tests were conducted at the .05 level of significance.

#### Summary of Results

Hypothesis 1 was accepted. Principals lacked sufficient knowledge of their legal rights and responsibilities, where sufficient was defined as having an overall mean score of at least 75 percent. The overall mean score for the entire sample was 30.37 (67.5 percent),



out of a possible score of 45. The calculated Z score at  $p = .0000$  was -37.73 standard errors less than the desired mean.

Hypotheses 2, 3, 4, and 5 were also accepted. Principals who had completed a Master's degree in Educational Administration, courses in school law, or in-service training in school law, were more knowledgeable of their legal rights and responsibilities. The greater the number of years of principalship experience, the higher the principals' level of knowledge of school law concerning their legal rights and responsibilities.

Null hypotheses 1, 3, 5 and 6 were rejected. Pearson's product-moment correlation coefficients indicated that significant differences in principals' knowledge of their legal rights and responsibilities existed among those four principal criterion groupings. That is, principals' knowledge of their legal rights and responsibilities was positively related to principals' age, number of years in the teaching profession, school size, and teaching certificate level.

Null hypotheses 2 and 4 were accepted. According to the data, the criteria of gender and administrative level had no significant correlation with principals' knowledge of their legal rights and responsibilities.

However, most of the differences among principals' criterion groupings were relatively small and through the stepwise multiple regression, only two criteria

contributed significantly to the variance and remained in the equation. These two variables were Master's degree in Educational Administration and level of teaching certificate. Results indicated that having a Master's degree in Educational Administration and/or a higher teacher certificate level increased principals' level of knowledge concerning their legal rights and responsibilities.

In addition, an item-by-item analysis for each subtest revealed that principals were least knowledgeable in legal issues relating to the following areas:

- (1) The principal and teachers, subtest 3, where principals' mean score was 2.61 (52.2 percent) out of a possible score of 5.
- (2) The principal and students, subtest 4 was next, where respondents' mean score was 5.76 (64.0 percent) out of a possible score of 9.
- (3) The principal and the school boards, subtest 2, where principals' mean score was 6.44 (64.4 percent) out of 10.

On the other hand, principals were more knowledgeable, but not sufficient (at least 75 percent) as defined in hypothesis 1, in the following areas:

- (1) The law relating to the principal and other responsibilities, subtest 6, where respondents' mean score was 4.37 (72.8 percent) out of a possible score of 6.

- (2), The law relating to the principal and tort liability, subtest 5, where principals' mean score was 5.83 (72.9 percent) out of 8.

The only area in which principals possessed sufficient (at least 75 percent) knowledge of school law was in sources of law (subtest 1), where the mean score was 5.53 (78.96 percent) out of a possible score of seven.

With regard to more specific areas of principals' legal rights and responsibilities, the following groupings of principal responses were recorded:

- (1) There were three items where less than 26 percent of the principals responded correctly. They were questions related to: (1) religion courses and the Charter, (2) contributory negligence, and (3) elements of procedural due process.
- (2) There were another six items where less than 50 percent of the principals responded correctly. They were questions related to: (1) principalship incompetence and demotion procedures, (2) school closure due to inclement weather, (3) by-laws governing principals' employment qualifications, (4) teacher dismissal, and (5) student dress codes.
- (3) A further 17 items were answered correctly by 50-75 percent of the principals. They were questions related to: (1) regularity of staff.

- meetings, (2) procedures for school boards when principals are demoted, (3) principalship position redundancies, (4) student expulsions, (5) student discipline, (6) student search and seizures, (7) principals' political affiliations, (8) access to student records, (9) co-curricular assignments, (10) principals' allowances, (11) layoffs, (12) probationary periods for principals, (13) negligence (three items) and (14) level of supervision (two items).
- (4) On a more positive note, there were six items where 90-94 percent of the principals responded correctly. They included questions related to: (1) supervision over teaching, timetables, examinations, and student promotions, (2) depriving students of recess periods, (3) the authority to suspend a student, (4) reporting in writing the need for school repairs, (5) libel or slander of students, and (6) the arrangement of supervision of students before school opens and after it closes.
- (5) For another four items, 95-97 percent of the principals responded correctly. They were questions related to: (1) submission of school records to the appropriate authority, (2)

reporting child abuse; and (3) proper supervision of students (two items).

The following are other relevant findings emanating from Section C of the returned questionnaire:

- (1) School principals perceive the need for school law training. A total of 200 (92 percent) out of 218 recommended that principals take courses in school law before being appointed to a principalship position.
- (2) Only 39 percent of the principals had taken a school law course for credit and less than 5 percent had taken two courses in school law for credit.
- (3) Less than 50 percent of the principals had in-service training (at least half-day workshop) in school law.
- (4) Only 26 percent of the principals had a Master's degree in Educational Administration. This is very significant when we consider that a Master's degree was the most important contributor to principals' knowledge of school law, according to the results of the multiple regression analysis.
- (5) Less than 40 percent of the principals had certificate level VII. Again, certificate level was the second most important contributor to principals' knowledge of school law, according

to the results of the multiple regression analysis.

## II. Conclusions

The evidence indicated that the respondents did not have a thorough knowledge of their legal rights and responsibilities. It was observed that principals knew only bits and pieces about this very important subject, and probably not as much as they should have known. Results of the analysis of data showed that there were significant correlations between principals' knowledge of their legal rights and responsibilities and principals':

- (1) age,
- (2) teaching experience,
- (3) school size (defined by enrolment),
- (4) teaching certificate level,
- (5) Master's degree in Educational Administration,
- (6) course(s) in school law,
- (7) in-service training in school law, and
- (8) principalship experience.

The most significant of these variables, according to the multiple regression, were a Master's degree in Educational Administration and teaching certificate level.

On the other hand, administrative level and gender were not significantly correlated with principals' knowledge of school law.

The results of the study suggest that all school principals need to acquire more knowledge of their legal rights and responsibilities. That is, they should undertake studies in school law to gain knowledge in this area and to acquire the necessary behavioral skills to enable them to comply with legal requirements. Knowledge and skills in school law can be a very valuable tool for future school principals.

As indicated throughout, the litigiousness of our changing society has been recognized by the findings of this study. Therefore, assuming that the instrument used in this study was valid, and the panel of school law experts was correct in the belief that the instrument items assessed the knowledge that principals should possess, the following recommendations for principals, adapted from Hudgins (1975), have merit:

- (1) Know what is contained in the law. While principals cannot be expected to be lawyers, they should be familiar with legislation, regulations, and court decisions affecting education.
- (2) Follow procedures. Failure to do so could result in losing a court case that might have otherwise been in their favour.
- (3) Exercise sound judgment. If a good reason is given for actions taken, the courts may uphold the principal.

- (4) Look ahead. To avoid many problems, principals should anticipate what might happen and implement preventive measures.
- (5) Seek counsel. To follow correctly established statutes and procedures, principals should seek the advice of school board lawyers or other available legal sources.
- (6) Respect the Charter and other human rights legislation. School policies and regulations will not be upheld if they violate an individual's rights guaranteed by statutes.
- (7) Communicate with the public. To help explain administrative actions, principals should inform the public about the current status of the law.
- (8) Assume leadership. Since principals' rights and responsibilities to be a leader are recognized and reaffirmed by courts, principals should exercise their duties in the light and context of law.

The following are some practical recommendations for the Department of Education, the Faculty of Education at Memorial University of Newfoundland, and school boards:

- (1) Based on the results of the hypotheses and principals' perceived need for school law training, the Department of Education should take the lead in requiring a minimum of one



- course in school law for principals before being assigned to a principalship position.
- (2) The Faculty of Education at Memorial University of Newfoundland should prescribe a course in school law as a requirement for a graduate degree in Educational Administration.
  - (3) Instruments like the one developed for this study should be utilized by school boards to determine specific areas of school law where in-service training is needed for both principals and teachers.
  - (4) School boards should take the initiative in setting aside time and money for in-service training in school law for principals of their schools.

In conclusion, changing societal conditions, recognition of student and parent rights, legal precedents, mass media influences, insurance settlements (from suits), and the Canadian Charter of Rights and Freedoms are producing a more litigious society. Therefore, in the future, principals must be fully aware of their rights and responsibilities as stated in the statutes and in subsidiary legislation. They must be knowledgeable about case law in areas such as school discipline, teacher employment and dismissal, and legal liability for student injury. Such awareness and understanding can be a tool for the promotion of student,

teacher, and parent rights, and a catalyst for positive reform. The courts will hold principals responsible for knowing the law. Ignorance is no defense!

### III. Recommendations for Further Research

Related literature and the results of this study suggest the following for future research and study:

- (1) Research should be conducted to determine the best type of school law training for school principals. An evaluation of the content as well as the format of such training should be undertaken.
- (2) New instruments like the one developed for this study should be devised and utilized by school boards to further determine areas of weakness for both principals and teachers.
- (3) An in-service package should be developed, containing methods and techniques to help principals avoid legal pitfalls and prevent potential litigation.

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**APPENDICES**



## APPENDIX A

Questionnaire and Instrument Key

---

A SURVEY OF PRINCIPALS' KNOWLEDGE OF THEIR LEGAL  
RIGHTS AND RESPONSIBILITIES IN  
NEWFOUNDLAND AND LABRADOR

---

(For Office Use Only)

Questionnaire Number

---

The following questions and statements relate to the legal rights and responsibilities of principals in Newfoundland and Labrador schools. The purpose of this instrument is to help determine principals' knowledge and understanding of these rights and responsibilities.

NOTE:

This title page bears an identifying number. The sole purpose of this number is to provide a means to avoid sending follow-up letters to those who have already returned their questionnaire. This page will be detached from the questionnaire and stored separately when it is returned, so that no answers can be identified with any individual. All results of this survey will be reported anonymously.

IMPORTANT:

IN ORDER FOR THIS STUDY TO HAVE ANY VALIDITY, IT IS ABSOLUTELY ESSENTIAL THAT RESPONDENTS NOT DISCUSS THE QUESTIONS WITH COLLEAGUES OR CHECK THE ANSWERS WITH OTHER SOURCES. NOBODY, INCLUDING THE RESEARCHER, WILL BE ABLE TO IDENTIFY RESPONDENTS.

Please Begin Here

## Section A:

After you have read each statement carefully, decide whether the statement is True or False. If you believe it is true, place T in the blank opposite the question and if you consider it false, place F in the blank.

1. Principals are required by The Schools Act to convene a staff meeting every month with a view to developing uniform policies concerning discipline and instruction.
2. According to The Schools Act, principals are required, in conjunction with board supervisors, to exercise supervision over teaching, timetables, examinations, and student promotions.
3. According to The Schools Act, principals are responsible for deciding whether a school should be closed due to inclement weather.
4. Principals may be required at any time to submit to the Minister or his designate, or the superintendent, school records or other information connected with the operation of the school.
5. School board by-laws governing the employment qualifications of principals must be approved by the Minister of Education before they are legal.
6. The Collective Agreement specifies that if a principal, because of incompetence, is to be demoted from the principalship to a regular teaching position, the school board must follow the procedures set down in Article 12:01.
7. According to The Schools Act, principals have the legal authority to forbid the use of corporal punishment in their schools.
8. The Criminal Code of Canada contains a provision that prevents a principal from being convicted of assault when disciplining students.

9. The Schools Act states that principals and teachers must refrain from depriving pupils of any part of a recess period..
10. According to The Schools Act, the authority to suspend a student from school rests with the school principal, subject to school board regulations.
11. According to the Mayo Case, if a principalship position becomes redundant, seniority in that position guarantees appointment to a vacant principalship in that school district.
12. The Schools Act states that principals and teachers are required to keep a record of all offences and the punishment administered to any student.
13. Students have the legal right to a written warning from the principal before they are expelled from school.
14. The Schools Act states that principals may discipline pupils for misconduct on their way to school and/or on their way home from school.
15. Principals are required to report in writing to their school boards the need for repairs to the school buildings.
16. The Collective Agreement sets down the criteria that school boards must follow in determining competency, suitability, and qualifications of applicants for a principalship position.
17. Principals are protected against libel or slander suits by students because everything they say or write about students is privileged.
18. Principals must obtain a search warrant before they can search student lockers without student permission.
19. Principals may be considered vicariously liable for the negligent action of their teachers.

20. Susan refused to take the religion course in her school. Her principal informed her parents that religious education was mandatory and that lack of compliance would necessitate her being transferred to another school district. The Charter of Rights and Freedoms prohibits this action by the principal.
21. According to the Short Case, where two schools in a school district are combined, the principal of the school absorbing pupils from the other, subject to qualification and capability, retains his position and the principal of the other loses his administrative position.
22. The Schools Act grants principals the right to require a dress code of students.
23. There is a law which requires principals and teachers to report cases of suspected child abuse.
24. It is unlawful for a principal to be a member of the Communist Party of Canada.
25. The Schools Act requires that principals give students access to their student records.
26. Where qualifications and suitability are comparable, preference in the appointment of a teacher to the position of principalship shall be given to one who has tenure with the school board.
27. According to The Schools Act, principals must arrange for the supervision of students fifteen minutes before school opens and supervision must continue until the last bus or vehicle has departed at the end of the day.
28. Principals have the responsibility to inform students of their legal rights before searching them for drugs.
29. According to the Collective Agreement, a principal has the authority to assign co-curricular activities to teachers.

30. The principal's allowance may be calculated on the school's enrolment from the previous year as reported in Part II of the annual general return.

Section B: Multiple Choice

Please select the most appropriate response for each item and place the corresponding letter in the blank space at the right of that item.

Please read all responses before selecting the most appropriate one.

1. According to the Collective Agreement, the first criterion to be used in determining teacher layoffs, assuming suitability, is:
  - a. level of certification
  - b. seniority with the school board
  - c. total years of teaching experience
  - d. seniority in a given school
  
2. A tenured teacher who has been appointed to the position of principal, but does not successfully complete the probationary period stated by Article 36:01 of the Collective Agreement, is required to:
  - a. resign from the position and reapply to the board for another position
  - b. return to the former position without tenure and be subject to evaluation
  - c. retain his tenure and return to his former teaching position
  - d. have his contract with the school board terminated because of incompetency

3. The probationary period for a principal with no principalship experience in Newfoundland and Labrador, according to the Collective Agreement, is:
- one year
  - two years
  - three years
  - more than three years
4. In the case where a principal is dismissed from a school board, the following are elements of procedural "due process" except:
- observance of time limits
  - the right to a hearing
  - a statement of exact reasons
  - just cause must be shown
5. According to the Collective Agreement, teachers' contracts in Newfoundland and Labrador may be terminated without notice for:
- incompetence
  - gross misconduct
  - both a and b
  - no reason, whatsoever
6. The Collective Agreement also states that a teacher's contract may be terminated without notice for:
- insubordination
  - incompetence
  - neglect of duty
  - both a and c
7. Which of the following is a principal's best defense when a student is injured after unnecessarily exposing himself/herself to a dangerous situation:
- an act of commission with no breach of a legal duty
  - voluntary assumption of risk
  - contributory negligence
  - proximate cause

8. To prove that a given act by a school principal constitutes negligent conduct, the following must be established:
- that a legal duty or obligation existed
  - that a legal duty was breached
  - that the injury sustained was an approximate result of the duty being breached
  - all of the above
9. When negligence of the plaintiff is combined with the negligence of the principal, the result is known as:
- vicarious liability
  - contributory negligence
  - criminal negligence
  - malpractice
10. The KEY element used by the courts to determine if a principal is negligent is:
- foreseeability of injury
  - training and experience of the principal
  - skill level of the injured student
  - age and experience of the injured student
11. The major responsibility for preschool supervision of students when they are on school grounds generally rests with:
- the students' parents
  - school janitors
  - teachers
  - principals
12. The most common basis for the finding of negligence against teachers and principals is:
- inadequate instruction
  - faulty equipment
  - transporting students in faulty vehicles
  - lack of proper supervision



13. The level of supervision owed to students by teachers and principals is very low:
- before and after school hours on school premises
  - on school excursions
  - during school hours off school premises
  - in gymnasiums, laboratories, and home economics rooms
14. When an injury occurs at school, a principal will NOT likely be found negligent if:
- there is no school board regulation making the principal responsible for supervising the student or students involved
  - the injury occurs in the classroom
  - the injury occurs to high school students
  - it can be shown that increased supervision would not have prevented the injury
15. The major reason why principals should have parents sign a consent form for students undertaking a field trip is that:
- it waives the right of parents to sue for negligence
  - it contracts teachers out of criminal responsibility
  - it provides parents and teachers with an opportunity to consider risks
  - it prevents students themselves from initiating legal action against school authorities

## Section C:

Please place the appropriate letter or information in the space at the right of each question.

1. Your gender:
  - a. male \_\_\_\_\_
  - b. female \_\_\_\_\_
  
2. Your age in years (last birthday). \_\_\_\_\_
  
3. Your total years in the teaching profession (counting this one). \_\_\_\_\_
  
4. Your teaching certificate: I, II, III, IV, V, VI, VII, other. \_\_\_\_\_
  
5. Which is your School Board?  
 \_\_\_\_\_
  
6. Your school size -- enrolment as of September 1987: \_\_\_\_\_
  
7. Have you completed any of the following courses in school law offered at Memorial University?
  - a. Education 3420
  - b. Educational Administration 6720
  - c. both a and b
  - d. other (Please specify course number and university)  
 \_\_\_\_\_
  - e. no course
  
8. Have you ever had in-service training (at least a half-day workshop) in school Law? \_\_\_\_\_
  - a. Yes
  - b. No

9. Your years of experience as a school principal (counting this year: \_\_\_\_\_)
10. Have you completed a Master's degree in Educational Administration? \_\_\_\_\_
- a. Yes  
b. No
11. Have you completed a Graduate Diploma in Educational Administration? \_\_\_\_\_
- a. Yes  
b. No
12. Would you recommend that all administrators do a course in school law before being appointed or at least during their first year as administrator? \_\_\_\_\_
- a. Yes  
b. No
13. Which of the following best describes your school? \_\_\_\_\_
- a. senior high school (regional or central)  
b. junior high  
c. elementary (including primary)  
d. all grade  
e. other (please specify grades)

Please feel free to make any comments on the preceding on the next page.

## INSTRUMENT KEY

## Section A

Item	Key
1.	T
2.	T
3.	F
4.	T
5.	T
6.	F
7.	F
8.	F
9.	T
10.	T
11.	F
12.	T
13.	T
14.	T
15.	T
16.	F
17.	F
18.	F
19.	T
20.	F
21.	T
22.	T
23.	T
24.	F
25.	F
26.	T
27.	T
28.	T
29.	F
30.	T

## Section B

Item	Key
1.	b
2.	c
3.	a
4.	d
5.	b
6.	d
7.	c
8.	d
9.	b
10.	a
11.	d
12.	d
13.	a
14.	d
15.	c

**APPENDIX B**  
**Correspondence**

Mr. Cecil J. Penney  
General Delivery  
Robert's Arm, NF  
AOJ 1R0

March 18, 1987

Form letter to Provincial  
Department of Education

Dear Sir/Madam:

I am currently writing a thesis as part of the program requirements for the M.Ed. degree in Educational Administration at Memorial University of Newfoundland. The study entitled, Principals' Knowledge of Their Legal Rights and Responsibilities in Newfoundland and Labrador, involves reviewing the statutes or Schools Acts of each province. — Therefore, I would greatly appreciate you sending me a copy of your Schools Act and any other relevant information which you have available on this subject.

Thanking you in advance for your prompt consideration in this matter.

Yours truly,

Cecil J. Penney



## PUBLICATION AND REFERENCE

TRADE MART BUILDING  
P. O. BOX 578  
HALIFAX, NOVA SCOTIA  
B3J 2S9  
April 10, 1987

Mr. Cecil J. Penney  
General Delivery  
Robert's Arm  
Newfoundland  
A0J 1R0

Dear Mr. Penney:

This is in response to your letter of March 18, 1987.

The Sections from the Education Act and Regulations Under the Education Act related to the principal's responsibilities are enclosed.

If you wish to purchase a copy of the Education Act and Regulations, they are available from the Nova Scotia Government Bookstore, P. O. Box 637, Halifax, N. S. B3J 2T3. A money order or certified cheque made payable to the Minister, Finance, Nova Scotia, should accompany your order. The Bookstore does not accept C.O.D. orders. The price of the Education Act is \$2.25 and the Regulations are \$2.50.

I hope this will help you with your study.

Yours sincerely,

A handwritten signature in cursive script that reads "Barbara M. Corkum".

Barbara M. Corkum,  
Publication and Reference Clerk

Encl.  
-/bc



Ontario

199

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April 22, 1987

Mr. Cecil J. Penney  
General Delivery  
Robert's Arm, Newfoundland  
AOJ LRO

Dear Mr. Penney:

In response to your request of March 18, 1987, for legislation that is relevant to identifying the legal duties and responsibilities of the principal, I am happy to enclose the following:

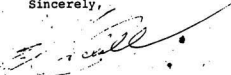
Education Act and Regulations 262, 268, 269, 271, and 272; Ontario Regulations 554/81 and 532/83;

School Boards and Teachers Collective  
Negotiations Act;

Teaching Profession Act and the Regulation made under it.

I trust that this information will be helpful to you. I wish you well in your endeavour.

Sincerely,



W. T. Mitchell  
Director  
Legislation Branch



Saskatchewan  
Education

Program Services Division

2220 College Avenue  
Regina, Canada  
S4P 3V7

April 23, 1987.

Mr. Cecil J. Penney  
General Delivery  
ROBERT'S ARM, Newfoundland  
A0J 1R0

D ar Mr. Penney:

This will acknowledge receipt of your recent letter in which you requested a copy of The Education Act from the province of Saskatchewan. I have attached for your information, a copy of the Act. You will want to begin at section 175 of the Act in your review of the duties and responsibilities of a school principal in Saskatchewan.

I trust that this material will be of assistance. In the event that you have further questions, please do not hesitate to contact the writer at (306)787-6043.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Bill Wells", written over a horizontal line.

Bill Wells  
Consultant  
School Administration

BW:d1m

# Manitoba



Education

Administration and  
Teacher CertificationRoom 507  
Robert Fletcher Building  
1181 Portage Avenue  
Winnipeg, Manitoba, CANADA  
R3G 0T3

(204) 945-6899

April 16, 1987

Mr. Cecil J. Penney  
General Delivery  
Robert's Arm, NF  
AQJ 1R0

Dear Mr. Penney:

Please find enclosed a copy of the Manitoba Public Schools Act and Regulation 250/80.

You will note that the Act has very little direct reference to school principal's duties, and most duties are outlined in regulations.

There is some consideration being given to revising this regulation to make the right of the school board to instruct the principal more explicit, but there is unlikely to be any major change in the responsibilities of the principal.

If I can be of further assistance to you, please do not hesitate to contact me.

Yours truly,

  
Roy Purvis

Enclosure



Province of  
British Columbia

Division of Legislative Services

Ministry of  
Education

MANAGEMENT OPERATIONS  
DEPARTMENT

Parliament Buildings  
Victoria  
British Columbia  
VBV 2M4  
Telephone: (604) 387-4611

202

April 22, 1987

Mr. Cecilo J. Penny  
General Delivery  
Robert's Arm, Newfoundland  
A0J 1R0

Dear Mr. Penny:

Your March 18, 1987 letter to the Ministry of Education has been referred to me for reply.

I am attaching copies of the relevant sections of our School Act (s. 16, 118, 119, 120, 121 and 148) and the School Act Regulation (s. 9, 29, 56, 89, 91-95) dealing with school principals.

Also attached for your information is a copy of Bill 20 (first reading April 2, 1987) - see sections 42 and 55 of the Bill in particular. Under the proposed Bill, principals would cease being "teachers" and become "management".

A complete copy of our existing School Act can be obtained for \$6.25 from:

Queen's Printer Publications  
506 Government Street  
Victoria, B.C.  
VBV 4R6

Alternatively, Mr. G. Hatcher of the Newfoundland Department of Education has a copy of our Manual of School Law inside which is a copy of our up to date School Act.

Yours truly,

*R. C. May*  
Robert C. May  
Coordinator

RCM:ypd



GOVERNMENT OF NEWFOUNDLAND AND LABRADOR  
DEPARTMENT OF EDUCATION

P. O. BOX 4750  
ST. JOHN'S, NFLD.  
A1C 5T7

February 5, 1988

Mr. Cecil Penney  
General Delivery  
Robert's Arm, Nfld.  
AOJ 1R0

Dear Mr. Penney:

Enclosed are the following statistics for 1987-88 as per your request:

1. Number of Schools by Category (Table B)
2. Average enrolment in public schools (Table B)
3. Number of Principals by Certificate Level by Years of Experience (Table A)
4. Average age of principals (Table A)
5. Number of principals by sex (Table A)
6. Average experience of principals (Table A)

Also enclosed for your information is the Department of Education Directory for 1987-88.

If you have any questions, please call me at 576-2992.

Sincerely

*Jill Andrews*

Jill Andrews  
Statistician  
Evaluation and Research Division

JA:PRJ  
Encls.



## MEMORIAL UNIVERSITY OF NEWFOUNDLAND

St. John's, Newfoundland, Canada A1B 3X8

Department of Educational Administration

Telex: 016-4101

Tel.: (709) 737-7647-X

1987 05 08

Form letter to Expert Panel

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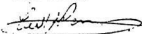
Dear Sir/Madam:

I am a graduate student in the Department of Educational Administration at Memorial University of Newfoundland. I am in the process of developing an instrument to assist in determining principals' knowledge of their legal rights and responsibilities as defined by The Schools Act (1970), the Collective Agreement and court decisions, as part of my thesis.

In order to have some expert input and assistance in the development of this instrument, I am asking for help from recognized authorities in school law in Newfoundland. Your comments on the enclosed formal draft, and an estimate of the percentage principals should know, would be invaluable in the revision process.

Would you please agree to serve as a member of my expert panel, and return the enclosed instrument at your earliest convenience.

Sincerely,

  
 Cecil J. Penney

3 KENMOUNT ROAD, ST. JOHN'S, NFLD. A1B 1W1  
PHONE 736-3223 FAX 736-3223

Newfoundland

Teachers' Association

November 10, 1987

Mr. C. Penney  
General Delivery  
Robert's Arm, NF  
A0G 1R0

Dear Cec:

Please find attached the letter that I have prepared for you to attach to your proposal if you should wish to use it. Good luck to you as you pursue this particular topic. I would be interested in receiving a copy of your study once your work has been done.

All the best.

Sincerely yours,

*Patt*

Patricia A. Cowan  
President

PAC:gm

3 KENMOUNT ROAD, ST. JOHN'S, N.F.L.D. A 1 B 1 W 1  
PHONE 726-3223 AREA CODE 709

Newfoundland

Teachers' Association

November 10, 1987

Dear Colleague:

We live in a time when litigation is encroaching on educational decision making at a steadily increasing rate. It is important for principals to know their legal rights and responsibilities. Mr. Penney's study should prove useful in ascertaining the principals' current awareness.

I am keenly aware of the many demands on your time, but do try to find some space to respond to Mr. Penney's questionnaire. Mr. Penney has assured me that the information you provide will be kept confidential and be only used for the purposes he has outlined. His study looks most promising and may very well prove valuable to all of us.

Sincerely yours,

*Patt*

Patricia A. Cowan  
President

PAC:gmc



## MEMORIAL UNIVERSITY OF NEWFOUNDLAND

St. John's, Newfoundland, Canada A1B 3X8

Department of Educational Administration

Telex: 016-4101

Tel.: (709) 737-7647 x

Dear Colleague:

I am conducting a study of principals' knowledge of their legal rights and responsibilities in Newfoundland and Labrador as part of the requirements of my Master's degree program at Memorial University.

Please assist me by completing and returning the attached questionnaire in the envelope provided.

At the end of the questionnaire are questions asking for certain personal and situational information vital to the study. Please be assured that all responses will be kept in strictest confidence and tabulated in an anonymous manner. In fact, nobody, including the researcher, will be able to identify respondents.

In order for the study to have any validity it is absolutely essential that respondents not discuss the questions with colleagues or check the answers with other sources.

I believe, and I am sure you will agree, that the results of this study may prove to be very valuable to principals, when we consider the enormous responsibility principals have in carrying out their duties in today's litigious society.

This study has the support of Dr. Fradsham, Assistant Deputy Minister of Education; Patricia Cowan, President of N.T.A.; Dr. P.J. Warren, Dr. V. Snelgrove and Dr. H. Kitchen; Memorial University of Newfoundland.

Yours truly,

Cecil J. Penney





## MEMORIAL UNIVERSITY OF NEWFOUNDLAND

St. John's, Newfoundland, Canada A1B 3X8

Department of Educational Administration

Telex: 016-4101

Tel: (709) 737-7647 8

1988 01 03

Dear Colleague:

Recently you received a questionnaire related to principals' knowledge of their legal rights and responsibilities in Newfoundland and Labrador. To date, I have received only approximately 50 percent. I must have a minimum of 75 percent returns in order to begin doing any kind of analysis. If you have not yet sent back your questionnaire, please complete it and drop it in the mail as soon as possible.

If you have already responded, please disregard this letter. Also, if you know someone who has not responded, would you kindly remind them to do so.

Thank you for your participation in this study. Perhaps some day I will be able to return the favour.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cecil J. Penney".

Cecil J. Penney  
Graduate Student



## MEMORIAL UNIVERSITY OF NEWFOUNDLAND

St. John's, Newfoundland, Canada A1B 3X8

Department of Educational Administration

Telex: 016-4101

Tel.: (709) 737-7647/8

1987 12 02

Dear Sir or Madam:

First of all, please accept my thanks for being so prompt in returning the questionnaire I recently sent to you, related to principals' knowledge of their legal rights and responsibilities in Newfoundland and Labrador.

Now I would appreciate your further assistance by completing the enclosed questionnaire once more, in order to enable me to test the reliability of this instrument. This will be done by retesting the first twenty respondents and then using Spearman's product-moment correlation for this purpose.

If you could go through this exercise once more and return the questionnaire at your convenience, I promise you won't hear from me again in this regard!

Thank you very much!

Sincerely,



Cecil J. Penney  
Graduate Student

**APPENDIX C**

**Duties of Principal**

**Duties of Teacher**

The Schools Act, R.S.N. 1970Duties of Principals

80. (1) For the purposes of this section and Section 81,
- (a) "principal" includes the principal of a school, the vice-principal of a school when he is carrying out the duties of a principal and a teacher in a sole-charge school; and
  - (b) "teacher" includes every teacher in a school and the principal or vice-principal of a school when is acting as a teacher.
- (2) Every principal in a school shall
- (a) convene, at least one day before the commencement of school for a school year, a meeting of the teachers in his school to discuss matters affecting the organization and management of the school;
  - (b) convene, at least once a month, a meeting of the teachers in his school with a view to developing uniform policies on discipline and efficiency in instruction, to discuss newer methods of instruction and to ensure that religious instruction is being given in accordance with law and the directions of the appropriate denominational authority;
  - (c) report in writing to his School Board the need of apparatus, materials, repair and fuel;
  - (d) report in writing to his School Board any lack of suitable arrangements for proper cleaning and for sanitary facilities and supervise and carrying out of any such arrangements in force or cause such supervision to be made;
  - (e) when directed by his School Board, and as an agent of such School Board, cause all assessments imposed under this Act to be collected and a careful and accurate account of such collections to be kept;

- (f) transmit to the appropriate Superintendent, as directed from time to time by such Superintendent and on such form or forms as he may prescribe or as may be prescribed under any of the other provisions of this Act, such information relating to students and teachers and such other educational matters as the Superintendent may request and keep copies of all such information in the records of his school;
- (g) supply to his School Board such information on the operation of his school as may be requested by such School Board from time to time;
- (h) submit to the Department an annual report in respect of his school, containing such information and submitted at such time as the Minister may prescribe, and at the same time furnish the appropriate Education Committee with a copy of such report;
- (i) encourage the pupils of his school to take an interest in the cleanliness and tidiness of the grounds of the school;
- (j) order and distribute school books from the Department and promptly collect and transmit to the Department all moneys payable on account of such books;
- (k) subject to this Act, approve the admission of beginners to his school under such conditions as are prescribed by his School Board;
- (l) suspend from school any pupil in accordance with the regulations, rules and by-laws of his School Board and report forthwith in writing the facts of such suspension to his School Board;
- (m) attend, when requested by the appropriate Superintendent, meetings relating to school matters;
- (n) report promptly to his School Board the apparent outbreak of any infectious or contagious disease in his school or any unsanitary condition of the buildings or surroundings thereof;

- (o) arrange for regular fire drills, in his school;
- (p) subject to paragraph (i) of Section 19, exercise responsible supervision over teaching, time-tables, examinations and promotions, methods and general discipline pursued in all the classes and over the conduct of all pupils in his school;
- (q) deliver to the Minister, or to such person as may be designated by him, when requested, deliver to the appropriate Superintendent, when requested, or deliver to any other person on the written order of that Superintendent, when requested, any school register and other school records and furnish any information which it may be in his power to give respecting anything connected with the operation of his school or in anywise affecting its interests or condition;
- (r) arrange for the regular supervision of pupils on the premises of his school; and
- (s) subject to Section 84, maintain proper order and discipline in carrying out his duties, avoiding corporal punishment except when all other methods of enforcing discipline have failed, and then keep a record of all offences and the punishment administered, which records shall be open to inspection by the appropriate Superintendent.

#### Duties of Teachers

81. Every teacher in a school shall
- (a) hold school regularly in each school day in accordance with this Act;
  - (b) teach diligently and faithfully all subjects he is required to teach;
  - (c) subject to The Department of Education and Youth Act, teach the courses in religious instruction directed by the appropriate denominational authority to be so taught, provided that pupils

whose parents or guardians object in writing to such instruction shall be excused therefrom;

- (d) subject to Section 84, maintain proper order and discipline in carrying out his duties, avoiding corporal punishment except when all other methods of enforcing discipline have failed, and then keep a record of all offences and the punishment administered, which records shall be open to inspection by his principal and the appropriate Superintendent.
- (e) see that the premises and other property of the school are, as far as possible, preserved from damage and injury;
- (f) refrain from depriving pupils of any part of a recess period;
- (g) arrange for the regular and proper ventilation of his classroom;
- (h) conduct examinations according to a schedule determined by his principal;
- (i) subject to the approval of his principal, arrange for the promotion of students qualified for promotion;
- (j) at the conclusion of the examinations referred to in paragraph (h), and at other time when directed by his School Board, send to the parents or guardians of each pupil a report of the pupil's attendance, conduct and progress;
- (k) keep records of the admission of new pupils, the withdrawal of pupils, examinations, promotions and the conduct of pupils;
- (l) keep a school register in the form prescribed by the Minister;
- (m) process the record of attendance transferred from another school according to instructions issued by the Minister;
- (n) comply with all applicable provisions of The School Attendance Act;
- (o) report to the Regional Director of Family Allowances the absence from school of all pupils whose ages are between fifteen and eighteen years;

- (p) attend, when requested by his principal or the appropriate Superintendent, all meetings relating to school matters;
- (q) report to his principal all children affected by or exposed to contagious diseases;
- (r) if directed by his School Board through the appropriate Superintendent and subject to the agreement referred to in paragraph (p) of Section 12 and to all other provisions of that paragraph, admit to his classroom for the purpose of observation and practice-teaching any student enrolled in the faculty of Education at the Memorial University of Newfoundland and render to such student such assistance as such Superintendent may direct;
- (s) give notice of resignation in writing, in accordance with Section 77, when he intends to terminate a contract with a School Board;
- (t) deliver up any school register or other school property in his possession, on the written request of the chairman of his School Board and to a person named in such request, or, in the absence of such chairman, on the written request of a majority of the members of that School Board and to a person named in such request, and, if he wilfully refuses to comply with any such request, he may be suspended by the School Board without pay until he complies with such request;
- (u) deliver to the appropriate Superintendent, when requested, or to any other person on the written order of that Superintendent, the school register and other school records and furnish any information which it may be in his power to give respecting anything connected with the operation of his school or in anywise affecting its interests or condition; and
- (v) perform such other duties as are prescribed in the regulations, rules or by-laws of his School Board.



**APPENDIX D****The Canadian Charter of Rights and Freedoms**

# Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law

## Guarantee of Rights and Freedoms

Applies and binds all of Canada

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

## Fundamental Freedoms

Fundamental freedoms

2. Everyone has the following fundamental freedoms:  
 (a) freedom of conscience and religion;  
 (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;  
 (c) freedom of peaceful assembly; and  
 (d) freedom of association.

## Democratic Rights

Democratic rights of citizens

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Maximum duration of legislative bodies

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writ at a general election of its members.

Continuation in special circumstances

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

Annual sitting of legislative bodies

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

## Mobility Rights

Mobility of citizens

(1) Every citizen of Canada has the right to enter, remain in and leave Canada.

Right to move and gain livelihood

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right  
 (a) to move to and take up residence in any province; and  
 (b) to pursue the gaining of a livelihood in any province.

Limitation

(3) The rights specified in subsection (2) are subject to  
 (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and  
 (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

Applicable to all persons in the province

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Free liberty and security of person

## Legal Rights

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Security of person

8. Everyone has the right to be secure against unreasonable search or seizure.

Detention or imprisonment

9. Everyone has the right not to be arbitrarily detained or imprisoned.

Arrest or detention

10. Everyone has the right on arrest or detention  
 (a) to be informed promptly of the reasons therefor;  
 (b) to retain and instruct counsel without delay and to be informed of that right; and  
 (c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Proceedings in criminal and penal matters

11. Any person charged with an offence has the right  
 (a) to be informed without unreasonable delay of the specific offence;  
 (b) to be tried within a reasonable time;  
 (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;  
 (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;  
 (e) not to be denied reasonable bail without just cause;  
 (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;  
 (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;  
 (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and  
 (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or punishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self-incrimination

13. A witness who testifies in any proceedings has the right not to have an incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Interpreter

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

### Equality Rights

Equality before and under the law and equal protection and benefits of the law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Minorities and their rights

(2) Subsection (1) does not preclude a law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Language of minority educational institutions

11. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

Right and privilege provided

12. Nothing in Sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

### Official languages of Canada

Official language of Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Official language of New Brunswick

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

Advancement of rights and use

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Proceedings of Parliament

17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Proceedings of New Brunswick legislature

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

Parliamentary records and records

18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

New Brunswick records and records

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

Proceedings in court established by Parliament

19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Proceedings in New Brunswick courts

(2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick.

Communications by public with federal institutions

20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

- (a) there is a significant demand for communications with and services from that office in such language; or  
(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communications by public with New Brunswick institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Language of instruction

### Minority Language Educational Rights

13. (1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or  
(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

Citizens of language minorities

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application where mother tongue

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and  
(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

### Enforcement

Enforcement of paramount rights and freedoms

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedies as the court considers appropriate and just in the circumstances.

Exclusion of evidence brought in manner that infringed or denied any rights or freedoms

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

### General

Aboriginal rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including  
(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763, and

(b) any rights or freedoms that now exist by way of and claims agreements or may be so acquired.

#### Charter

Clause 34. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

Other rights and freedoms not altered by Charter

36. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

Multicultural heritage

37. The Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Rights guaranteed equally to both sexes

38. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights respecting certain schools preserved

39. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissenting schools.

Application to territories and territorial authorities

36. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

Legislative powers not extended

31. Nothing in this Charter extends the legislative powers of any body or authority.

#### Application of Charter

Application of Charter

32. (1) This Charter applies  
(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

Exception

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

Exception where express declaration

33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or section 7 to 15 of this Charter.

Operation of exception

(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.

Five year limitation

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

Re-enactment

(4) Parliament or a legislature of a province may re-enact a declaration made under subsection (1).

Five year limitation

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).







