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## Illinois Administrator's Perception of the Existence and Implementation of School Policies and Practices in Teacher Classroom Supervision in Schools Having Kindergarten to Fifth Grade

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LOYOLA UNIVERSITY CHICAGO

ILLINOIS ADMINISTRATORS' PERCEPTION OF THE EXISTENCE  
AND IMPLEMENTATION OF SCHOOL POLICIES AND PRACTICES  
IN TEACHER CLASSROOM SUPERVISION IN SCHOOLS HAVING  
KINDERGARTEN TO FIFTH GRADE

A DISSERTATION SUBMITTED TO  
THE FACULTY OF THE GRADUATE SCHOOL OF EDUCATION  
IN CANDIDACY FOR THE DEGREE OF  
DOCTOR OF EDUCATION

PROGRAM IN ADMINISTRATION AND SUPERVISION

BY

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CHICAGO, ILLINOIS

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made it where I am today. Their unfailing good sense, great humor, and unparalleled companionship make me a very lucky mother indeed.

## DEDICATION

I dedicate this dissertation to the memory of my dear friend and parent, my father,

Miguel Angel Martínez, Ph.D.

Papí, ¡Lo hice!

“Education comes from within; you get it by struggle and effort and thought.”

*Napoleon Hill*

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## ABSTRACT

Negligence in the school setting is one legal issue that exists and, if case law is any reflection, is a pervasive problem in the educational system. Although negligence affects students, parents, teachers, and staff, the issue has the most impact on administrators' legal responsibility role.

Using a quantitative approach, the researcher surveyed Illinois principals working in Illinois public schools in schools having Kindergarten to Fifth grades. This study was designed to examine Illinois administrators' perception of the existence and implementation of school policies and practices with regard to teacher classroom supervision in elementary public schools having Kindergarten through Fifth grade. In addition, this study asked related questions regarding the perception of school administrators about the existence and implementation of policy and practices of teacher classroom supervision: where would a teacher obtain a copy of the school building's policy regarding teacher classroom supervision; what percent of the time do school leader think the policy regarding teacher classroom supervision is successfully being implemented in their building; how often do they review the policy and procedures regarding teacher classroom supervision with their teachers; how often do they walk around their building checking for teacher classroom supervision, and if they do, how often do they do so; how important do they believe the practice of checking for teacher classroom supervision to be; do they have an opportunity to obtain information about

school law related to negligence relating to teacher classroom supervision; what are the most common sources of information available to them regarding the law of negligence relating to teacher classroom supervision; and, how important do they believe knowledge related to negligence about teacher classroom supervision is. Teacher classroom supervision for this study is defined as the supervision of students.

This survey results showed that an overwhelming majority of school administrators are confident that teachers can find the policy and procedure in the Board of Education Policy Manual and/or the Teacher Handbook. The survey also showed less than half of all school administrators obtain information about negligence relating to teacher classroom supervision on an annual basis.

## CHAPTER ONE

### INTRODUCTION

From the late eighteenth century to the present, law and the legal system have played a major role in the shaping of public education in America (Yudof, 2002). The law is increasingly affecting the practice of education, therefore, it is of great importance that school administrators are aware of how the law of negligence operates and what are considered acceptable and unacceptable procedures. With the Supreme Court's 1954 ruling in *Brown v. Board of Education* that state-mandated racial segregation was unconstitutional, the courts have become central players in shaping educational policy.

As Alexander and Alexander (1984) noted:

During the last generation Americans have witnessed an explosion of litigation affecting education. Courts have become much more actively involved in aspects of education that were heretofore left entirely to the discretion of school administrators and school boards. Teachers', students' and parents' rights have been asserted in legal actions against school authority producing a vastly expanded field of judicial precedents which have tended to reshape American education.

Alexander and Alexander (1984) tell us that as litigation increases within the education sector and society in general, it is the responsibility of schools and school administrators to reduce the risk of harm to students through a greater awareness of potential hazards, as well as through knowledge of how the law of negligence operates. Negligence in the school setting is one legal issue that exists and, if case law is any reflection, is a pervasive problem in the educational system. Although negligence affects

students, parents, teachers, and staff, the issue has the most impact on administrators' legal responsibility role, when they should be focusing on the well being of students in their care.

School administrators and teachers owe a legal duty of care to pupils under their care through the state's establishment of schools and compulsory attendance statutes. All 50 states have compulsory attendance statutes. These statutes require children of certain ages to attend school. In the landmark case of *Pierce v. Society of Sisters of the Holy Name of Jesus and Mary*, 1924, the courts affirmed the doctrine of compulsory school attendance. Public schools are created, organized, funded and governed by legislative action and therefore are subject to legislative and judicial control. Each state creates its system of public education through statutes known as the state's school code. The school premises must be kept as safe as reasonable care and skill can make them, and teachers must supervise pupils in the manner of a careful and prudent parent. Whenever students or parents find that their rights have been threatened by schoolhouse decisions or actions, they can turn to the federal courts for appropriate judicial remedies. The rights, duties and responsibilities of the teachers are shaped by the interaction of law and schooling in diverse and occasionally complex ways (Hazard, 1979).

The relationship of a public school teacher to students with regard to discipline is in contexts *in loco parentis*. *In loco parentis* is a legal doctrine describing a relationship similar to that of a parent to a child. It allows educational institutions such as colleges and schools to act in the best interests of the students as they see fit, although not allowing what would be considered violations of the students' civil liberties (Garner, 2002).

Having the right to control and supervise the pupil, schools have a correlative duty to act as a reasonable and prudent parent would in like circumstances (Standler, 1999/2000).

The rationale of *in loco parentis* does not, however, apply in determining liability for a negligent tort against the pupil. In most jurisdictions, the parent is not liable for negligent tort against his child, but the public school may be.

One of the largest issues that a school needs to address when it comes to liability of negligence is whether there is adequate supervision. Through the development and implementation of policies and practices that address teacher classroom supervision, educational leaders can make schools both safer and more impervious to liability (Gordon, 2006). This study will use the term teacher classroom supervision and supervision interchangeable to mean the actual supervision of the students not the instructional supervision. School administrators must also educate their teachers and staff about the necessity of supervising students constantly. When a large number of children are gathered together in a single classroom, without any supervision, it may reasonably be anticipated that certain children may act in a manner as to inflict an unintentional injury upon themselves or their classmates. Children have a known proclivity to act impulsively without thought of the possibilities of danger. It is precisely this lack of mature judgment in school aged children which makes supervision so vital. For example, (*Ohman v. Board of Education of City of New York*, 300 N.Y. 306, 90 N.E.2d 474), Judge Conway wrote a telling report to the majority's holding that the teacher's 75 minute absence from the classroom was the proximate cause of the pupil losing his eye. Parents do not send their children to school to be returned to them maimed because of the



absence of proper supervision or the abandonment of supervision (*Ohman v. Board of Education of City of New York*, 300 N.Y. 306, 90 N.E.2d 474). McKinstry (1997) states “The school has the duty of general supervision when students are engaged in normal school activities. Apart from special activities such as shop or labs, which require a higher degree of supervision, the highest level of supervision is needed for students in the classroom.”

The duty of a school to adequately supervise students may not be limited to just the school day; it may be extended in certain situations. Schools may have a duty to supervise students on school grounds before and after school when they have caused them to be there, for example, when the bus drops them off. A duty can be extended if a person assumes additional responsibilities, such as assuming the duty to supervise students before and after school. Schools may have a duty to supervise when they have, by their previous actions, assumed the duty to supervise at this time such as when some staff has supervised intermittently or consistently before the official time to arrive (Underwood, 2000). The courts have found that schools and their employees have the duty to supervise students, provide adequate and appropriate instruction prior to commencing an activity that may pose a risk of harm, and provide a safe environment (Underwood, 2000). The term teacher classroom supervision being used in this content means the supervision of students by a teacher.

Negligence is only one of a number of torts, but is by far the most important one in the educational system. A tort is a private wrong, not including a breach of contract, that causes damage and for which courts will award compensation. A person who

commits a tort is known as a tortfeasor, and the party whose person, property, or reputation is damaged is called a victim. Negligence is the failure to do something that a reasonable and prudent person would do or the commission of an act that such a person would not commit. According to Bigelow, (1907), it should be noticed that negligence may be predicated on acts as well as in omissions. Like fraud and malice, negligence is a cause of action under tort, it is a wrongful action.

Generally, for a party to be found liable of negligence, the four elements of the cause of action must be met: (1) the existence of a legal duty to conform one's conduct to a specific standard to protect others from unreasonable risks of injury; (2) a breach of that duty; (3) the breach must be the direct cause of an injury; and (4) the plaintiff suffered damages as a result. A court must find that all four elements are met in order to award damages to the plaintiff. In a school setting, these elements are even more specific: (1) the teacher or staff member must have a duty to protect students from unreasonable risks; (2) the teacher or staff member must have failed in that duty by not exercising a reasonable standard of care; (3) there must be a causal connection between the breach of the duty to care and the resulting injury; and (4) there must be an actual physical or mental injury resulting from the negligence.

Negligence consists of harm that includes loss or damage caused by a breach of a duty to take care. The duties that the parties to the contract owe to each other arise out of the agreement between them. The duty of care owed to a student by a teacher is that of a "reasonable" individual. This means that the duty of care owed is the duty one would expect from a hypothetical teacher or staff member with normal skills and attributes. This

requires a teacher to take reasonable care and to avoid injuries to students which could reasonably be foreseen as potentially occurring. The reasonable and prudent teacher or staff member is a fictitious person who sets an objective standard of behavior. What is “reasonable” and reasonably foreseeable will depend on the particular circumstances. Negligence is the failure to do something that a reasonable and prudent person would do or the commission of an act that such a person would not commit.

School administrators and teachers owe a legal duty of care to pupils under their care. If a volunteer at a school saw students throwing snow balls at each other on the playground, ignoring the students would not generally fall below the required standard of care. However, if a teacher assigned to supervision on the playground ignored the snow ball fight, the staff member’s behavior would breach the duty of care and if a student’s injury is a result of the snow ball fight, it would be considered negligence (Imber, 2009).

The most common impact this legal issue has on the classroom is the issue of supervision. As teachers are inserviced on negligence, they begin to re-examine the practice of certain policies and practices that they previously implemented in their classroom. As a result, through the changes in policies and practices there is some evidence that student’s education may be affected by teacher’s fear of litigation. Best practice directs that teachers and school administrator should be constantly and proactively working to make schools secure and safe, well supervised places. Safety and security should be a core value of a school; it should be the beginning point for all educational activities in a school building.

Principals must also be acquainted with the most common areas of negligence in order to avoid potential lawsuits. The role of the administrator should include the administrator compelling their staffs to become more aware of negligence during supervision so that administrators do not have to spend valuable time reacting to accusations of negligence. The provision of supervision for pupils is one of the primary roles of a school. Negligence is not an issue that is going to fade away, and it is imperative that awareness is established in every school building across the United States. The lack of proper teacher classroom supervision, unfortunately, is not a lone case in the legal archives. Supervision is an integral part of a school's operation. Principals should take it upon themselves to educate their staffs about the necessity of constantly supervising students.

Legal experts agree that a major responsibility of today's educational leaders is to provide a healthy, safe, and hazard free school environment that lessens the likelihood of injury to students (Bosher et al., 2004). Principals have the legislative responsibility for keeping schools safe and maintaining a positive learning environment. What makes it difficult to carry out this responsibility is the fact that school personnel at all levels of education are faced on a daily basis with the potential for accidents, or more accurately, unforeseen occurrences involving students. As our society becomes more litigious, school administrators are spending less time working as instructional leaders and more time working on prevention of any litigation.

The 1997 Virginia General Assembly passed HB 1851 directing school boards to require all schools to conduct safety audits. As part of the written safety audits school

administrators are asked to verify “Specific policies and/or procedures are in place that detail staff members’ responsibilities for monitoring and supervising students inside and outside the classroom, such as in hallways, rest rooms, etc” (DeMary, 2000).

Negligence is only one aspect of how the law impacts on the practice of teachers and their responsibilities to students. Knowledge of the elements of negligence is insufficient in an increasing litigious society. It is up to the school administrator to provide teachers with knowledge of the standard of care demanded by the law and to be informed of developments in common and statutory law that affect the practice of education. The best protection from lawsuits lies within the control of educators and how they consistently discharge their professional duties. Teachers and educational institutes need to be cognizant of their legal responsibilities to students.

The law and its impact on education cannot be ignored and should not only be part of undergraduate programs, but also part of ongoing professional development. At the top of a school administrator’s list of duties relating to student safety is supervision. As administrative leader of the school, the climate, policy development and promulgation of rules fall within their jurisdiction. The vitality of new rules can and should reflect the importance and gravity of the issues which, in turn, falls within the parameters of the effective principal. A policy is a set of mechanisms by means of which the school’s information security objectives can be defined and attained.

School districts have been involved with many cases related to negligence in the court system throughout the country. Injuries that resulted from negligence in schools have ranged from students being burned in a classroom to loss of limbs with regard to

accidents in a classroom. For example, in Vermont, a pivotal case was *Eastman vs. Williams*, 207 A. 2d, 146 (Vt. Sup. Ct. 1965). In this case, the court held that a teacher owes his pupils the duty of supervision, and if a failure to use due care in such supervision results in injury to the pupil in his charge, he is liable to such pupil. Between 2004 and 2007, the District of Columbia government settled more than seventy negligence suits involving the school system. Some of the complaints involved injuries and even death, and the settlements cost the city about \$3 million (Muhlhausen & Lips,). The city paid \$250,000 to settle a lawsuit in the February 2004 shooting death of 17-year-old James Richardson in a school hallway. The suit claimed the school system should have prevented the gun from being smuggled into the school (*Richardson v. District of Columbia*, 484 F. 2d 828 (App. Div., 2005)). In another case, a 12-year-old student had to have part of his finger amputated after another student slammed the door shut on him (*Washburn et al v. Puyallup School District No. 3*, 2008). According to the claim, no medical staff was at the school, treatment was delayed, and the parents were not properly notified.

Cases such as the ones listed above show the importance of professional development on legal issues such as negligence for all staff. Courts are generally unwilling to hold a principal personally responsible for the intentional acts of the staff member. However, if it can be proven that the principal was negligent in the instruction of supervision to the staff member, the plaintiff is far more likely to be able to establish liability on the part of the principal.

Within most educational systems, the principal has the primary responsibility of providing a safe environment where students can learn to the best of their abilities (Bogle, 2003). Therefore, it is important for administrators to be aware of what constitutes negligence so that they can establish a safe building, teach their staff awareness and practice safe habits and routines at all times and provide elements of policies and procedures mitigating liability and overseeing student safety and health. Citizens and patrons of a school district expect principals to have the knowledge, preparation, and skills necessary to maintain a safe learning environment (Bogle, 2003). This is of vital importance because few educators are knowledgeable on education law and therefore do not understand the actions they can take to avoid a lawsuit. Taking this into account, a school administrator should be continually instructing and leading their staff on proper supervision from the first day of school until the last day of the school year.

Goldammer (2001) of the Missouri School Boards Association (MSBA) stressed the importance of administrator's knowledge of tort liability:

I believe in today's litigious society that school principal's need more training in tort liability. They are the administrators with the most direct contact with school buildings and equipment and are often the direct supervisors of bus drivers, maintenance personnel, teachers, coaches and other staff members. If principals were thoroughly trained in tort liability, I believe they would more easily recognize and remedy dangerous conditions and potentially negligent personnel practices that the average layperson overlooks, but plaintiff's attorneys do not. Principals are in the best position to prevent injuries in the school system, and yet they are often the administrators who have received the least training in the school district's legal obligation.

I conduct training sessions for administrators on school law as well as field questions regarding school law on MSBA's Legal Hotline.

Principals crave information about school district liability issues, and often worry needlessly about liability simply because they have not received the necessary training for them to make intelligent decisions regarding the liability risks of certain activities. Ultimately, students and staff suffer because an administrator prohibits or limits activities with the misguided assumption that the activity might unduly put the district at risk of additional liability.

Alternatively, some principals fail to direct their staff members to take actions, maintain school grounds, or to take the precautions necessary to prevent injuries. Many accidents are preventable, if only the supervisor was trained to adequately assess risk and correct unknown dangerous conditions.

Thus, the knowledge that administrators have about the elements of negligence is very important in avoiding any future litigation for the school district. Preventive practices would increase or begin with education provided to the school administrator. Teachers will benefit in their knowledge of tort negligence as their administrators are taught the aspects of negligence. Principals must understand the concept of negligence, in anticipating and responding both to situations that could lead to injuries to students, and to lawsuits against them as agents of the school and the school system.

Policies and procedures must be established so that everyone in the school building can ensure a safe and productive learning environment for every student. Although principals have little control over what is happening in a classroom, staff can and should be educated about negligence and the expectations of the school and the school district. Everyone in a school building is responsible for protecting students while they are on school property.

Many educators become involved in court battles due to lack of knowledge concerning their responsibility for maintaining a safe school environment (Bogle, 2003).



Legal duty is defined as a duty to take reasonable care so as not to injure others. The school community must analyze problem times, places, and students requiring staff supervision. A functional analysis may be needed to determine supervision strategies. After reviewing the functional analysis, specific times such as a half hour before and after school, recess, transitions between classes, and lunch times should be targeted. Supervision should be focused in problematic areas such as bathrooms, lunchroom, hallways, and buses.

Litigation has become a common occurrence in today's society and negligence cases are a part of that. Strickland, Phillips and Phillips (1976) noted that Americans are probably the most litigious people in the history of modern civilization and would rather sue than fight. Citizens of most Western democracies live in what has become to be called a "litigious society." Persons who have been wronged, or believe that they have been wronged, have the right to sue those who have done them harm and recover the damages awarded by the courts (Kelly, 2006).

Since we do live in such a litigious society, administrators should protect the students, staff, and themselves by making themselves aware of what to do with regard to supervision and then making their staff aware of the correct ways and the necessary aspects of supervision of students. The administrator of a school is expected to be knowledgeable in all areas of school management. Thus the principal has the responsibility to establish and enforce policies that will ensure student safety.

### **Role of the School Leader**

The school principal is the highest-ranking administrator in an elementary, middle, or high school. Principals typically report directly to the school superintendent, but may report to the superintendent's designee, usually an associate superintendent, in larger school districts. Principals are often called school leaders or a recent title has been the “Educational Leader”.

Schools have not always had principals. Around the beginning of the twentieth century, as schools grew from one-room schoolhouses into schools with multiple grades and classrooms, the need arose for someone to manage these more complex organizations (Pitre & Smith, 2004). This need was filled initially by teachers, who continued to teach while also dealing with their school's management needs. These teachers were called principal teachers. As schools continued to grow, principal teachers became full-time administrators in most schools. Most principals soon stopped teaching because of the many demands their management responsibilities placed on their time. As managers, principals were responsible for financial operations, building maintenance, student scheduling, personnel, public relations, school policy regarding discipline, coordination of the instructional program, and other overall school matters. The management role included some curriculum and instruction supervision, but overall school management was the primary role principals played until the early 1980s. As the accountability movement gained momentum, the role of the principal changed from school manager to school instructional leader (Pitre & Smith, 2004).

Principals continue to be responsible for the management of their schools even though their primary responsibility has shifted. One major management responsibility is school safety (Pitre & Smith, 2004). This responsibility has become part of the assignment of supervisory responsibilities among school personnel. At the elementary level, principals are cognizant of their responsibility to ensure constant supervision of the very young children in the school. As students advance into the higher grades, the needs for supervision changes as students mature. The responsibility for supervision remains high for older students who are handicapped, who are in areas where the potential for injury is greater such as labs, shops, and athletic facilities, and who are in situations, such as field trips and athletic events, where additional caution is required.

Courts have found that principals have a legal duty to provide for the health and welfare of their students. Doverspike and Cone (1992) have said that duty is defined by an objective “reasonableness” standard; that is, what would the “reasonable principal” have done in the same circumstances. As stated, administrators must know that if your behavior falls below that of the hypothetical “reasonable principal” in the same situation, a breach of duty has occurred. To collect damages, the plaintiff must prove that an injury resulted from the principal’s breach of duty. Finally, the breach of duty must be the proximate cause of the plaintiff’s injury. This means that the plaintiff must show that the principal did not act in a reasonable way or that another person in the same situation would have acted differently.

There is probably no aspect of school law that arouses as much interest or concern as that of tort liability (Kelly, 1998). The average school system faces one lawsuit each

year according to the findings a nation-wide survey (Underwood, 1990). This affects school district financially as well as litigiously. School districts now must provide school administrators with professional development with school attorneys leading to added time away from the school building by administrators, monies spent on attorney fees, and time away from staff and students. The literature to date is replete with broad overviews of tort liability in education and with practical syntheses of its application in particular sectors, such as physical education, lab sciences, school busing, and school facilities, including school playgrounds. Yet, scholarly analyses are largely limited to dissertations and, less frequently law journal articles, that provide legal, rather than empirical, analyses of negligence liability of educators generally or of specific subtopics, such as negligent employment, sovereign immunity, athletics/recreation, industrial arts, and school transportation. Empirical studies are largely limited to knowledge of educators (Zirkel & Clark, 2007).

Doverspike and Cone (1992) provide recommendations for limiting liability risk:

1. The first line of defense in limiting the risk of liability is effective supervision of school activities. As the chief on-site administrator, you bear the ultimate responsibility for supervising student activities.
2. As principal, you should provide inservice sessions on supervision for the teaching staff as well as for aides, student teachers, and volunteers who may be serving in the school.
3. You will need to monitor those who are supervising students to ensure that they are in the proper places at the proper times and are actively supervising student behavior. The courts have found principals to be liable not only when they fail to adequately train school staff that are responsible for supervising student activities but when they fail to oversee these persons as well.

Thus, taking the advice given, best practice indicates that a school administrator must inservice the staff and continue discussions on a monthly basis. In addition, school administrators cannot afford to stay in their offices; walking around will ensure that proper supervision of students is taking place. The best defense for an administrator in a negligence suit is the development of reasonable policies and rules for the safety of those entrusted to his or her care. The reasonable administrator is one who supervises teachers and others in their implementation of rules (Shaughnessy, 2002).

Wasser (2007) goes on to give the following 10 steps for minimizing litigation:

1. Hire an attorney on retainer to be present at all board of education meetings and to be available for questions as they arise.
2. Encourage a united front among school board members and the superintendent.
3. Ensure board policies and procedures are in place and up-to-date.
4. Incorporate preventive measures into daily practices.
5. Familiarize staff, students, parents and community members with school district policies and practices.
6. Be clear about expectations of students and staff.
7. Be consistent in adhering to policy and procedures.
8. Treat people fairly and consistently.
9. Always maintain thorough documentation.
10. Strengthen communications among board, administration, staff, students and the community.

It is clear that the problem although one that has been around for many years has not gone away merely has increased in numbers of litigation cases between parents and school districts.

Further stating what the role of an administrator with regard to torts, H. C. Hudgins Jr. and Richard Vacca (1995) provide general principles that may guide administrators. Conscientious supervision should be practiced in an attempt to prevent accidents. An administrator should not assume that all persons are aware of or conscientious about their supervision responsibilities (Hudgins, 1995). A principal's role as school administrator demands that he work with his staff on supervision and the laws pertaining to supervision of students. In "A Handbook for the Evaluation of Classroom Teachers and School Principals," Saif (1976) states as part of a principal's job, one reviews laws, procedures, and responsibilities with teachers. Taking into account Saif's suggestions, an administrator should mention at every chance possible the importance of supervision of students. When Freehold Regional High School District's legal expenses topped \$500,000 during the 2003-2004 school year the board of education and administrators agreed that something had to be done. The development of a pro-active action plan was started. A review of the existing school policies and procedure showed that too many loopholes could and were adding to the possibility of litigation. The importance of a solid communication plan of all policies and procedures was emphasized. As a result the number of lawsuits dropped dramatically (Wasser. 2007). The prudent administrator must take an offensive approach with regard to the elimination of hazards. All activities should be carefully monitored. All staff, paid and volunteer, should receive

thorough and ongoing orientation and instructions. The administrator who practices prevention by constantly striving to eliminate foreseeable risks will avoid both injuries and costly litigation.

According to Shoop and Dunklee (2002), school law has become very complex. Educators need training to keep abreast of school laws and current legal decisions. Educators' failure to understand the law will not protect them from the ramifications of an improper decision. In order to improve on their knowledge of school law and current legal decisions, administrators should establish a procedure to train their staff on school law and then a calendar to continue updating and reminding them with regard to do the procedure and requirements of supervision.

Taylor (2001) goes on to state effective principals understand and utilize so-called legalese, as well as basic principles of law, to ensure that their schools run smoothly and that faculty members and students reach their full potential. Taylor reaffirms that school administrators not only are educational leaders, but now must be litigious educational leaders providing professional development for their staff with regard to supervision.

School principals have an ethical and a legal responsibility to be informed of laws governing the operations of their schools. This knowledge needs to include tort law. As case laws increases, it is important for school administrators to understand and respect legal and professional guidelines concerning appropriate practices within a school (Bogle, 2003).

### **Need of the Study**

School negligence is a staple that merits more careful and complete study and training, tempered by the need for objective and specific knowledge customized to the particular state jurisdiction and school situation (Zirkel & Clark, 2007). The need for this study comes from the continual and large amount of litigation being brought to the courts regarding public school issues. The ruling in *Tinker v. Des Moines Independent Community School District* fundamentally changed the role of the school leader. Doverspike (1992) stated that the principal is now a legal actor and must therefore be a legal expert. Zirkel (2006) forecasted that the total education litigation would continue to grow. To help a principal prevent a court action involving a tort liability claim, the amount of education a principal obtains on tort law appears to be a critical factor (Bogle, 2003).

This continuing high volume of education cases makes the need for principal understanding of the law key. Permuth and Mawdsley (2006) conclude, “For contemporary principals, avoiding the courtroom is directly related to understanding school law and court decisions that affect the day-to-day operations of schools.”

Bogle’s (2003) doctoral dissertation regarding knowledge of tort liability by Missouri principals resulted in recommendations for all school principals:

1. There is a need for continuous in-service in the area of tort liability...Knowledge is essential in a principal’s preparation for preventing a catastrophic loss, both for the principal and the school district.
2. Principals who have not taken recent college or university educational law courses may need to enroll in a law course.



3. It is recommended that the Missouri Department of Education needs to require principals to acquire a specific amount of legal training as part of the recertification process.
4. All school policies and procedures within a school system need to be aligned with local, state and federal laws and regulations.
5. The Missouri Department of Elementary and Secondary education needs to disseminate legal information on a continual and systematic basis.
6. It would be important for the superintendent and the school attorney to keep up to date on current tort law as it relates to school, this information then needs to be provided for the principals.

Although negligence is prominent little has been written about teacher classroom supervision. Safety and security have been written about in regards to protection from youth gang activity; preventing exposure of students to foods that cause allergic reactions; protecting against damaging weather; prevention of student suicide; eliminating drug, alcohol and tobacco possession and abuse; reacting to suspected parental child abuse; eliminating hazing; weapons in the schools and stranger danger. Although all the topics previously stated are important much more has to be written in regards to teacher classroom supervision by teachers.

Lawsuits against cities has become so great in cities like New York and Chicago that at the 2004 U.S. Conference of Mayors a resolution was adopted calling for Congress to “enact tort reform legislation directing the judicial system to emphasize appropriate compensation for victims in actions against municipalities. According to the Resolution, that was proposed by the City of Chicago, “resources that cities must devote to frivolous tort litigation and tort settlements and judgments could otherwise be made available for

other important public purposes, and ultimately, the costs of such tort settlements and judgments are generally borne by local taxpayers” (Foundation for Fair Civil Justice, 2005). The St. Petersburg Times (Ave, 2004) reported that the local Pinellas County School had a \$1.3 million legal bill in 2003. Because of all the suits filed against the School Board, it was forced to send cases to outside firms specializing in negligence.

### **Statement of the Problem**

Since principals are charged with the daily responsibility of operating their schools within the letter of the law, they must have an essential understanding of school law. School law includes

All of those areas of jurisprudence that bear on the operation of public elementary and secondary schools in the United States. “School law” as a field of study is a generic term covering a wide range of legal subject matter including the basic fields of contracts, property, torts, constitutional law, and other areas of law that directly affect the educational and administrative processes of the educational system. (Alexander & Alexander, 2001)

What are Illinois administrators’ perceptions of the existence and implementation of school policies and practices on teacher classroom supervision in schools having Kindergarten to Fifth grade? School administrators function daily in an environment subject to an increasing likelihood of being drawn into litigation involving allegations of negligence with regard to teacher classroom supervision.

Leonard (2007) states that on average a school district can expect to be sued once per 3,200 students per year. She goes on to state “Knowing which areas of educational practice carry the greatest risk of litigation and accurately understanding the trends in

litigation in general can help equip school administrators to improve practice and avoid unnecessary lawsuits.

### **Main Research Question**

What are Illinois administrator's perceptions of the existence and implementation of school policies and practices on teacher classroom supervision in schools having Kindergarten to Fifth grade?

### **Related Research Questions**

1. Is there a written policy and procedure in place in for teachers to follow regarding teacher classroom supervision at all times?
2. Where would a teacher obtain a copy of the building's policy and/or procedure regarding teacher classroom supervision?
3. What percent of the time do school administrators think the policy related to teacher classroom supervision is successfully being implemented in their building?
4. How often do school leaders review their school policies and procedures with their teachers in regards to teacher classroom supervision?
5. Do school leaders walk around their school buildings checking for teacher classroom supervision and if they do how often do they do so?
6. How important do school leaders believe the practice of checking teacher classroom supervision to be?
7. Do school principals obtain information about school law related to negligence relating to teacher classroom supervision?

8. How often do school leaders obtain information about school law related to negligence relating to teacher classroom supervision?
9. What are the most common source of information available to school leaders regarding the law of negligence relating to teacher classroom supervision?
10. How important do school leaders believe knowledge related to negligence relating to teacher classroom supervision to be?

The tort system and negligence is a part of the American educational system, it has become a deeply embedded part of our current system. However, as much litigation on this issue as there is, the research regarding this particular issue is sorely lacking. Filling this void within the field of research will contribute to the dialogue surrounding an important and timely issue. The interpretation of these results will yield direction and recommendations for school leaders and their buildings so that they might reduce their vulnerability to future negligence lawsuits.

### **Definition of Terms**

For the purpose of this study, certain legal terms were defined. The legal definitions were taken from Black's Law Dictionary (1979).

Appellee - The party against whom an appeal is taken. Sometimes called a *respondent*.

Appellant - One who appeals a decision made by a lower court.

Teacher Classroom Supervision - The supervision of students by a teacher.

Common Law - Laws developed by courts through court decisions, as opposed to statutory law.

Complaint or Petition - An initial pleading filed on behalf of the plaintiff.

Compulsory Attendance Statute (in Illinois) - (105 ILCS 5/26-1) Sec. 26-1.

Compulsory school age - Whoever has custody or control of any child between the ages of 7 and 16 years shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B

Contributory negligence - Defense that the plaintiff contributed to his or her own injuries and should therefore be barred from recovery.

Damages - Monetary compensation to redress a legal injury.

*De Facto* - A situation arising from situational facts, not created by law.

Defendant - The party against whom a legal proceeding is brought.

*In loco parentis* - In place of the parent.

Negligence per se - Presumed negligence that arises from the unexcused violation of a statute.

Plaintiff - The party who brings a lawsuit.

Safety (with regard to school) - The condition of being safe; freedom from danger, risk, or injury.

State Statute establishing school systems in Illinois - Article X - Education: this short article of the Illinois Constitution authorizes the state's interest in education.

- Section 1 simply lays out the goals, including provision for "an efficient system of high quality public educational institutions and services."

- Section 2 empowers a state board of education.

Statute of Limitations - Statute that limits the time period in which a claim can be incident.

Tortfeasor - A person who is guilty of a tort.

Verdict - The finding of a jury.

## CHAPTER II

### LITERATURE REVIEW

Many personnel in schools and school districts across America operate under an umbrella of fear. The possibility of being named in a negligence lawsuit concerns teachers, administrators, and school district representatives. A common trend in every field of education is increased litigation. The phrase legalization of education is commonly used (Underwood, 1986). Local schools and school districts establish policy and develop classroom practice based on the belief that teachers, administrators, and school district representatives are at high risk of injured people naming them in a negligence suit.

Jeremy Travis, Director of the National Institute of Justice (1998) though speaking about guns and violence in school stated, “we fail out children when we fail to provide safe school communities in which to learn and, by so doing we jeopardize our future.” Guns and violence have been in the news for years now however, one problem that still remains is the problem of teacher classroom supervision.

The University of California at Los Angeles Cyberspace Law and Policy Center reported in a survey of 500 public school districts over a three year period, students filed 1,047 lawsuits, 821, or 78.4%, of which were based on allegations of negligence. During the mid-1980s to mid-1990s, there was a 200% increase in lawsuits involving teachers.

Tort liability generally, and more specifically negligence, is a staple of education law (Zirkel & Clark, 2007).

Albrite, in 1970, indicated that tort liability was a serious problem in education. He saw a developing trend towards more lawsuits against all educators, and for higher amounts of damages. In 1972, Sparks warned that the immediate concern for many teachers, administrators, and school district representatives was tort law, or more specifically, negligence. According to Hazard, in 1976, tort liability for negligent conduct was an area of growing importance and concern for educators. Courts were increasingly holding teachers, administrators and school district representatives legally responsible for their actions. It is a recognized fact, repeatedly upheld by courts that teachers and other educational personnel are liable for physical injuries to pupils occurring as a result of negligence (Sparks, 1972). Educators began taking greater precautions to avoid conduct that likely would injure students (Sparks, 1972).

The question of increased liability with regard to unsupervised students has become an issue. The legal consequences of leaving students alone while accepting a phone call or using the restroom concerned teachers (Greene, 1998). Greene claims the first line of defense for a teacher involved in a lawsuit should always be that they were present when the incident occurred. It can be damaging to a case when the teacher leaves students unsupervised. Being an educator creates the necessary relationship with students to establish a legal duty to behave as a reasonable person towards students. Educators have a duty to students to provide adequate supervision...and warn students of possible



dangers (McCarthy et al., 1998). The term supervision being used in this content means the supervision of students by a teacher.

School must provide the safest environment possible for all students on a daily basis. Adequate supervision will not guarantee the safety of every student (Van der Smissen, 1968). The term adequate supervision being used in this content means the supervision of students by a teacher.

### **What a Tort Is**

The term “tort” was derived from the Latin word “tortus,” meaning twisted or crooked (Prosser & Keaton, 1984). A tort is a civil wrong, other than a breach of contract, for which the court will provide a remedy in the form of an action for damages (Bezeau, 2007). Black’s Law Dictionary defines a tort as a private or civil wrong or injury, other than breach of contract, for which the court will provide a remedy in the form of an action for damages (Garner, 2009). Tort laws are laws that offer remedies to individuals harmed by the unreasonable actions of others (DeMitchell, 2008). Tort law is directed toward the compensation of individuals, rather than the public, for losses which they have suffered. Legal historian William Nelson wrote that “no topic has captured the attention of private law theorists in America more than the law of tort” (Nelson, 1999).

The author of the leading treatise on tort law notes that a satisfactory, simple definition of tort does not exist (Prosser & Keeton, 1984). The difficulty is due to the fact that there is no typical tort or actual tort. One tort is as perfect as another and each differs from the others in its legal constituents (Chapin, 1971).

Standler (2000) notes that it is easier to define a tort by enumerating the things that it is not. “It is not a crime, it is not a breach of contract, it is not necessarily concerned with property rights or problems of government, but is the occupant of a large residuary field remaining if these are taken out of the law.” The confusion over the definition of torts led Sir John Salmond (1961) to contend as late as 1928 that there is no such thing as a law of Tort, only a law of particular unconnected torts, a set of pigeon holes, each bearing a name, into which the act of omission of the defendant must fit before the law will take cognizance of it and afford a remedy. According to Keeton et al, (1993), there is no necessity that a tort has a name. New torts are being recognized constantly, and progress of the common law is marked by cases of first impression, in which the court has struck out to create a new cause of action, where none had been recognized before. The difficulty of the law of torts is that it is never static and the limits are never set.

A person who commits a tort is known as a tortfeasor, and the party whose person, property, or reputation is damaged is called a victim. The purpose of the compensation is to put the victim in the same position he or she would have been in had the damage or injury not occurred, insofar as money is capable of doing this. Injury is not presumed; the plaintiff must show actual injury or harm.

At common law, there are three types of tort actions: intentional, strict liability, and unintentional (DeMitchell, 2007). The perpetrator of an intentional tort meant to do injury, to act with disregard for whether or not an injury would occur; the most common intentional torts are battery, assault, and trespass (Cornell Law). Strict liability involves

behavior that automatically results in liability if an injury occurs. Strict liability most commonly involves abnormally dangerous activities in which if injury takes place, there is automatic liability; due care cannot reduce the liability. An unintentional tort, most commonly referred to as negligence, is committed when a person is liable for the injury because he or she should have anticipated that an injury would occur and take appropriate action to preclude it. The focus of this paper will be solely on negligence, an unintentional tort. The reason why this paper focuses on negligence is because it is the most common tort used against schools. Of all the lawsuits filed against teachers and administrators, negligence is the most prevalent (Gatti & Gatti, 1990).

### **What It Means to Be Negligent**

In order for a plaintiff to have a successful *prima facie* case for negligence, the following elements must be met: (1) the existence of a legal duty to conform one's conduct to a specific standard to protect others from unreasonable risks of injury; (2) a breach of that duty; (3) the breach must be the direct cause of an injury; and (4) the plaintiff must suffer damages as a result (DeMitchell, 2007).

Negligence generally is conduct which falls below the standard established by law for the protection of others against unreasonable risk (Keeton et al., 1984). Under the theory of negligence, a person can only be held responsible for those injuries that are foreseeable by a reasonable person. There can be no holding of an unreasonable risk if it is not foreseeable. To hold otherwise would be to subject a tortfeasor to a limitless listing of consequences and catastrophes. Foreseeability of harm does not in itself establish the

existence of a duty, but it is a crucial element in determining whether imposition of a duty on an alleged tortfeasor is appropriate.

According to Bigelow (2009), it should be noticed that negligence may be predicated on acts as well as of omissions. Like fraud and malice, negligence is only an element of tort, not itself a tort; it is wrongful but not alone a wrong.

### **Duty of Care**

A public school educator's relationship to his student is one of those relationships in which a duty of care is owed. The duty owed derives from the fact that school employees by assuming physical custody and control over the students, effectively takes the place of parents and guardians (DeMitchell, 2007). In *Frugis v. Braciagliano* (177 N.J. 250, 268, 2003) the Court commented on the responsibility imposed upon a school for the care of its students:

The law imposes a duty on children to attend school and on parents to relinquish their supervisory role over their children to teachers and administrators during school hours. While their children are educated during the day, parents transfer to school officials the power to act as guardians of those young wards. No greater obligation is placed on school officials than to protect the children in their charge from foreseeable dangers, whether those dangers arise from the careless acts or intentional transgressions of others. Although the overarching mission of a board of education is to educate, its first imperative must be to do no harm to the children in its care (*Frugis v Braciagliano*, 2003).

For a plaintiff to succeed on his or her case of negligence, the plaintiff has to establish that the alleged tortfeasor had the duty for the students in a given set of circumstances. Such a duty can arise from statutes, contracts, or common practice. The Indiana state supreme court noted that persons entrusted with children, "whose characteristics make it likely that they may do somewhat unreasonable things," have a

legal duty to supervise their charges. Further, the court acknowledged that school authorities have a legal duty to exercise reasonable care and supervision for the safety of the children under their control (*Norman v. Turkey Run Community School Corp*, 411 N.E.2d 614, 1980).

The duty to protect a child from harm is clearly within a teacher's responsibilities. In order to adequately protect a child from harm, the teacher must supervise the students under his or her care. To this end, the teacher must look out for foreseeable risks and take reasonable precautions to prevent injury. This duty applies to activities that occur during the school day and courts have extended this duty to apply to after-school activities as well. If a teacher fails to adequately supervise students and protect them from injury, the teacher maybe negligent, and, through the law of agency, so will his or her employer (Johnston, 2006).

"A duty is an obligation that the law will give recognition and effect to conform to a particular standard of conduct toward another" (Glannon, 2005). In *Palsgraf v. Long Island Railroad Company* (162 N.E. 99, N.Y. 1928), Justice Cardozo explains the concept of duty. "In every instance, before negligence can be predicted of a given act, back of the act must be sought and found a duty to the individual complaining." In the majority of negligence cases against teachers, the duty to protect is easily proven (Fischer et al., 2006). The duty of care applies while the students are on the school premises during school opening hours. It may also apply if the students are present outside official school hours, if for example, they arrive early or leave late and the teacher or administration has agreed to the students being present. Knowledge of a situation also

can lead to a liability of negligence. In *Titus v. Lindberg*, (49 N.J. 66, 228 A. 2d 65, 1967), the school principal was found negligent and responsible for student injury occurring on school grounds before the doors were opened. The principal was present on the campus when they were, yet he had established no rules for student conduct outside the building nor had he provided for student supervision. The court ruled that the principal had a reasonable duty to provide such supervision when he knew students were on the property before school.

A school has a duty to guard its students against dangers of which it has actual knowledge and those which it should reasonably anticipate. A school's duty of care and supervision "is a special duty arising from the relationship between educators and child entrusted to their care apart from any general responsibility not unreasonably to expose people to a foreseeable risk of harm" (*Titus v. Lindberg*). Although a school is not an insurer against a student being injured, it is entrusted with the care of its students and has a legal duty to properly supervise student activity (*Dailey v. Los Angeles Unified School*, 741, 2 Cal. 3d, 747); *Rupp v Bryant*, 417 So. 2d, 658, Fla. 1982); *Eastman v. Williams*, 207 A. 2d 146, 1965).

Hart and Ritson (2002) state "improper supervision is alleged as at least a contributing factor in most negligence actions against teachers, coaches, and administrators of activity and sport programs. The supervisory duties of physical education and sport personnel are many and require more than mere presence or passive supervision." School districts in general owe a duty under traditional concepts of liability to provide for students' safety in school (Bettenhausen, 2002). Even with policies and

procedures in place injuries do happen but in those cases by showing policies and procedures in place the school district can avoid litigation. During gym class, the plaintiff Ronan (*Ronan v School District of City of New Rochelle* N.Y.A.D. 2 Dept., 825, N.Y.S. 2d, 249, 2006) was running towards one side of the gym when a student, who was running ahead of him collided with a padded wall and fell to the floor, causing the plaintiff to trip over him and sustain injuries. The Supreme Court of New York, Appellate Division, Second Department, held that the accident was spontaneous and unforeseen, and could not have been prevented by any reasonable degree of supervision. The court went on to say “Where an accident occurs in so short a span of time that even the most intense supervision could not have prevented it, any lack of supervision is not the proximate cause of the injury and summary judgment in favor of the defendant (school district) is warranted.”

“Active supervision requires more than mere presence and requires both general and specific supervision. General supervision requires an overview of the entire group. Teachers need to position themselves and move around the instructional area so as to keep the entire group in view and in order to detect hazardous conditions or behavior. Specific supervision involves the interaction between an individual or small group of students and the teacher or coach” (Hart & Ritson, 2002).

The “reasonable man” doctrine in relation to the negligence case asks whether a prudent administrator would act in the same manner, given the same set of circumstances, as a reasonable man would have acted. A court would take into account such things as the age and/or maturity of the students; the risks to which they were exposed; prevention

mechanisms in place before the incident, i.e., instructions at school meetings; and plans for a response if problems occur, i.e., who calls the school or who calls the ambulance if the principal is absent. “The whole theory of negligence presupposes some uniform standard of behavior. Yet the infinite variety of situations which may arise makes it impossible to fix definite rules in advance for all conceivable human conduct” (Restatement Second of Torts 462, 1977). The reasonable person is not the ideal, but actually varies from case to case, based on the characteristics of the person causing the injury and the circumstances surrounding the injury. “The actor is required to do what such an ideal individual would be supposed to do in his place. A model of all proper qualities, which only those human shortcomings and weaknesses which the community will tolerate on occasions, this character stands as an example to other citizens” (Standler, 1999).

The conduct of the reasonable person will vary with the situation which they are confronted. The jury considers the circumstance of the case. Courts consider “what the conduct of the person of ordinary prudence would have been under the circumstances, and whether plaintiff or defendant lived up to this standard, are the questions which ordinarily must be answered by the jury, unless the facts are undisputed” (Chapin, 1971). Negligence is a failure to do what the reasonable person would do under the same or similar circumstances.

The duty that schools owe students is often phrased as “obligations” in the professional literature. There are three main obligations, or duties, that are key for purposes of negligence cases: (1) providing adequate supervision; (2) providing proper



instruction; and (3) providing properly maintained buildings, grounds, and equipment.

For the purpose of this study, the concentration will be on the first obligation, providing adequate supervision.

The degree of care exercised by a “reasonable” teacher is determined by several factors, including: (1) the training and experience of the teacher in charge; (2) the student’s age; (3) the environment in which the injury occurred; (4) the type of instructional activity; (5) the presence or absence of the supervising teacher; and (6) if applicable, a student’s disability (McCarthy & Cambron-McCabe, 1998; Yell, 1999).

In respect to schools, there are quite a few negligence cases which have come about as a result of a failure to properly supervise. Generally, these civil actions fall into one of two potential situations: (1) where the teacher fails to supervise, and (2) where the teacher’s supervision is inadequate. As with any negligence claim, courts require that the student prove the teacher had a duty not to injure the student and to protect him from injuries, that the teacher failed to use due care, that the carelessness of the teacher caused the injury, and that the student sustained provable damages (Fischer et al., 2006).

“Negligence toward a student is tested by an obligation or reasonable precautions against foreseeable risks beyond those that might apply to other persons” (Weddle, 2004). The age of children is often taken into account when an injury is a result of the teacher leaving the children unattended; “the younger the child chronologically or mentally, the greater the standard of care” (Shaughnessy, 1988). “The characteristics of children are proper matters for consideration in determining what is ordinary care with respect to them, and there may be a duty to take precautions with respect to those of tender years

which would not be necessary in the case of adults” (*Shannon v. Butler Homes, Inc.*, 428 P2d. 990, 995, Ariz 1967).

A school’s duty starts from the moment that the students leave for school until they arrive back at their homes. In *Jerkins v. Anderson* (No., 3838-02, N.J. Super. App. Div., 2006) the court ruled “imposing a duty upon school districts, to ensure that younger students are not dismissed from school without proper supervision is entirely consistent with the school’s well-established responsibility to protect students from foreseeable dangers.” The court goes on to state that elementary school officials have a duty to ensure that students were properly supervised upon release from schools. In that case, a student going home for lunch cut his leg on a hole in the fence. The principal admitted that he had been aware of the hole in the fence and that the problem of children using the holes had been discussed by the supervisory staff; however, he had taken no remedial action. The superior court reversed and remanded the decision of the lower court and found that the principal had been negligent in his duties and was therefore liable for the injuries of the pupil because the principal knew of the unsafe conditions of the fence. Although he testified that he thought the playground was city property, he, nevertheless, had a duty to supervise the area because it was an integral part of the school grounds. In *Yurkovich v. Rose* (856 P2d 382, 385, Wash. 1993) the estate of a deceased 13-year-old student brought an action against the school district and won, alleging negligence by the bus driver in dropping off the student in a vehicle-pedestrian accident. In that case, the student exited the bus, walked around the rear of the vehicle, and crossed the road, where a car struck and killed the student.

Schools are legally bound to properly supervise students at all times. In *Garber v. Central School District #1 of Sharon* (251, App. Div. 214, 295 NYS 850 1937) a 12-year-old student was injured while playing in the school gym. Students were being supervised by a school janitor. Garber stated that the school district had abrogated both its common law negligence duty of due care and its obligations imposed by a state law requiring the establishment of rules governing student conduct and provision of qualified supervisors.

The failure of a teacher to supervise pupils can be negligent conduct by the teacher (*Dailey v. Los Angeles School District*, 470 P. 2d. 360, 364-365 Calif, 1970). When a large number of children are gathered together in a single classroom, without any effective control or supervision, it may reasonably be anticipated that certain of them may act as to inflict an unintentional injury upon themselves or their classmates (*Ohman v. Board of Education of City of New York*, 90 N. E. 2d, 474, 478 N.Y., 1949). Children have a known proclivity to act impulsively without thought of the possibility of danger. It is precisely this lack of mature judgment which makes supervision so vital. Parents do not send their children to school to be returned to them maimed because of the absence of proper supervision or the abandonment of supervision.

While the absence of a teacher from a classroom can be a determining factor in a negligence suit, other elements need to be investigated. A determination of liability will focus on two concerns: (1) the reason for the teacher's absence and (2) the precaution which the teacher took regarding student safety prior to leaving the room (DeMitchell, 2006).

The court in *Siegell v. Herricks Union Free School District* (726 N.Y.S. 2d. 451; A.D. 2 Dept 2001; 77 N.Y.S. 2d 148, A.D. 2 Dept. 2004), found that “an injury caused by the impulsive unanticipated act of a fellow student ordinarily will not give rise to a finding of negligence, absent proof of prior conduct that would have put a reasonable person on notice to protect against the injury causing act.”

There are several situations where courts have stated a school cannot be held to have a duty. Duty for the school is only on the school district property (*Hoff v. Vacaville Unified School District*, 68 Cal. Rptr. 2d. 920). The court stated that a school district does not have a duty to supervise students driving off school property.

Similarly, an injury caused to a student by a non-student on school grounds has been found to not be the responsibility of the school district. In *Rodriguez v. Inglewood Unified School District*, (186 Cal. App. 3d, 707, Cal. Rpt. 123, 1986), the court held that a school district was not liable for injuries sustained by a student when a non-student came onto the school grounds and stabbed the student. In *Brownell v. Los Angeles Unified School District*, (5 Cal. Rptr. 2d. 756, 4 Cal. App. 4<sup>th</sup> 787, 72 Ed. Law Rptr. 950, 1992), a student was shot by gang members in front of the school. The court held that the school does not have a duty to send observers outside after school to scout for gang members. School districts are not liable for the actions of gang members on school grounds after school when there is no advance indication of gang problems and school personnel have taken reasonable general safety precautions.

In *Swaitkowski v. Board of Education of Buffalo* (319 N.Y.S. 2d 783 App. Div. 1971), a student sat on the point of a pencil at the exact time the teacher left the room.

The teacher walked out of the room, retrieved books from the supply closet, and reentered the room finding the student injured. The court found no support for a claim that liability existed due to the absence of the teacher. The court explained, “A ruling against the school system in this case would effectively impose a standard of care akin to insurer rather than the standard of a reasonable and prudent person.”

In *Walsh v. City School District* (654 N.Y.S.2d 859, App. Div. 1997), a first grade boy suffered injuries when a restroom door slammed shut amputating his finger. The teacher allowed two boys to use the restroom together. At some point during the visit to the restroom, the boy’s finger was amputated off by the door closing on it. The plaintiff sued the school system for inadequate supervision, claiming the teacher had a duty including monitoring the boys in the restroom. The court ruled in favor of the school system and stated, “Schools are under a duty to adequately supervise and can be liable for foreseeable injuries proximately related to the lack of adequate supervision. Schools are not however, insurers of the safety of their students. They are unable to guarantee the complete safety of all students.”

In *Johnson v. School District of Millard* (573 N.W.2d 116, Neb. 1998), on the day of the accident, the teacher taught her class the song and accompanying game of London Bridge. The teacher warned the students against acting silly, screaming, or acting wildly. The students began to play the game; the students swung the plaintiff too hard, slamming him into a locker. Instead of watching the students, the teacher was in the process of writing on the board. The court in this case found that a reasonably prudent person would have given direct supervision to first graders during at least the early portions of a game.

To be liable for the injury, once a duty is established, the complaining party must show that the duty was not carried out reasonably, that a person breached said duty.

“Negligence is the omission to do something which a reasonable man would do. The doing of something which a prudent and reasonable man would not do. The failure to exercise ordinary care under the circumstances, by either failing to act to protect or assist another or doing something which created an unreasonable risk of invading someone’s interest”(Donnelly v. Southern Pacific Co., 18 Cal. 2d. 863,1941; People v. Young, 20 Cal. 2d. 832, 1942).

Supervision is the subject that repeatedly shows up in the courts. In *Dailey v. Los Angeles Unified School District* (2 Cal. 3d. 741,747), a student was killed when he and another student were “slapfighting” in the school gym during lunch recess. The boys had been fighting for five to ten minutes when one fell backwards, fractured his skull and died later that night. The physical education teacher who may have had the responsibility for supervising the gym during the lunch hour was eating lunch in the gym’s office, the California Supreme Court stated, “Either a total lack of supervision or ineffective supervision may constitute a lack of ordinary care on the part of those responsible for student’s supervision.” In *Acosta v. Los Angeles United School District* (37 Cal. Rptr. 2d, 171, 31 Cal. App. 471, 1995) a student was working out in the gym under the supervision of the assistant gymnastics coach. The student missed the bar and was rendered a quadriplegic. The court stated that the school district’s duty to exercise reasonable care in supervising students in its charge extends to extracurricular sports. In another case, *Iverson v. Munroe Unified School District* (18 Cal. Rptr. 2d 35, 32, Cal App. 4<sup>th</sup> 218, 1995), the California appellate court ruled that a school district could be held liable for injuries to a minor sustained during a soccer match in his junior high

school physical education class. In *Sheehan v. St. Peter's Catholic School* (291 Minn. 188 N.W. 2d. 868 1971), the case was brought against a school with regard to improper supervision. The teacher was absent from her duty on the playground when a student was injured. The court ruled in favor of the plaintiff. Mere presence or physical proximity may not be enough to be considered adequate supervision. The educator supervising students must be vigilant and pay attention to those places and situations that have an increased risk of harm.

Improper supervision of students in the classroom was an element in *Ragnone v. Portland School District* (613, P2d, 1052, 1980), where the teacher was absent from the classroom when a student was hurt. The jury found the defendant negligent in failing to properly supervise a physical education class, thereby creating an unreasonable risk of harm which resulted in an injury. Inadequate supervision was also a factor in *Cirillo v. City of Milwaukee* (34 Wis. 2d., 705, 150, N.W. 2d, 460, 1967). In that case, the teacher was found negligent when he left approximately 50 junior high students unsupervised for approximately 25 minutes. In *Kersey v. Harbin* (591 S.W.2d. 745, MO, 1979), there was no policy in place for when a teacher had to leave the classroom; in the particular situation arising from the case, a teacher was covering two classes at the same time when a student was injured. The court ruled in favor of the plaintiff because there had been inadequate supervision.

The court in *McKay v. Board of Govan School Unit #29* (68 D.L.R. (2d) 519 [1968] S.C.R. 589, 64 W.W.R. 301, 1968) where a student fell between parallel bars while practicing for a gymnastic display at the high school, set forth several rules

regarding supervision of class activities. For activities which pose inherent risks, there should be sufficient, progressive instruction, demonstration, and supervision. Instructors should be qualified in the activities over which they take charge. The administration of a school takes on the responsibility for activities which it approves.

The state of Maryland published a Science Safety Manual in November, 1999.

Under the title of “Avoiding Negligent Acts” they state:

The following steps are recommended to avoid negligence and forestall claims of negligence. These actions must be documented in case of future legal action. ...A reasonable and prudent teacher-... 3. provides active supervision. (p. II-2)

### **Causation**

The success of a negligence suit will turn on the foreseeability of the injury to a student as perceived by those responsible for ensuring the student’s health and safety. In these cases, courts will examine two questions (DeMitchell, 2007):

- (1) Could a reasonable person in the same situation have foreseen the injury that occurred?
- (2) Would a reasonable person have acted to reduce the risk of that injury taking place?

In the school setting, there are two views regarding the foreseeability of injuries resulting from negligent supervision. According to one view, proximate causation between a student’s injuries and a teacher’s absence or negligent supervision exists only where the injury could have been prevented by the teacher’s presence or adequate supervision and there is knowledge that the injuries might occur, in this particular case school administration was notified beforehand that there was going to be a fight but the



warning was disregarded and a student was stabbed during the fight [(*Cooper v. Baldwin County* (193 Ga App. 13, 386 S.E. 2d 896 1989)]. The alternate view assumes that certain student misbehavior is itself foreseeable and therefore is not an intervening cause that will relieve a school from liability (*Dailey V. Los Angeles Unified S.D.*

To be proximate, a cause need not be the immediate or even the primary cause of injury, but it must be a material and substantial factor in producing the harm, or in other words, but for said action, the harm would not have occurred (DeMitchell, 2007). To answer questions regarding proximate cause, courts will attempt to ascertain, “Was the injury a natural and probable cause of the wrongful act (i.e., failure to supervise) and ought to have been foreseen in light of the attendant circumstances” (*Scott v. Greenville*, 48 SE2d, 324, 1965). The breach must be a substantial factor in bringing about an injury, damage, loss, or harm (*Skinner v. Vacaville Unified School District*, 43 Cal. Rptr. 2d 384, 1995).

Often, a teacher’s failure to teach her students leads to a lawsuit. A second grade teacher had a lighted candle in her classroom, but she did not instruct her students on how to deal with the candle (*Smith v. Archbishop of St. Louis*, 632 S.W. 2d 516, 521 Mo. App., 1982). A student was severely burned and a suit was filed against the teacher and school. The trial court ruled that the teacher was the proximate cause of the child’s injuries because a reasonable person would have foreseen that some injury was likely. Under this theory of foreseeability, the plaintiff does not have to prove that the defendant could foresee that a particular injury had to occur; the plaintiff has to establish that a reasonable person should have foreseen that injuries could result from having taken or

not taken a certain action. In this case, the issue was that the teacher had an unattended lighted candle in a second grade classroom where no safety instructions were given to students. In the case *Jerkins v. Anderson*, where a third grader ran out into the street after school was released, then hit by a car and became quadriplegic, the appellate court began its analysis by noting that the foreseeability of harm “does not in itself establish the existence of a duty, but it is a crucial element in determining whether imposition of a duty on an alleged tortfeasor is appropriate.” Teachers are not legally bound to ensure pupil safety, but they can be liable if the injury was reasonably foreseeable.

In *Perna v. Conejo Valley Unified School District* (143 Cal, App. 3d 292, 1983) two students kept after school by the teacher left when the crossing guard was off duty. The students were hurt on the way home. The court allowed the case to proceed against the school district because the teacher knew or should have known that the crossing guard would be off duty.

In *Sheehan v. St. Peter's*, a teacher took students out to the playground and returned to the building. Students began to throw rocks at each other and in the process, a student lost his eye. The teacher was found negligent by the court because her absence was the proximate cause of the injury.

Principals do have a duty to inform their staff of certain circumstances about particular students. In *Skinner*, a student with a history of discipline problems attacked another student. The administration had not informed supervising teacher about the situation. The court ruled that although it was a breach of the district's duty to not give

information to the teacher, there was no finding of negligence because the breach did not proximately cause the injury (*Skinner v. Vacaville Unified School District*).

### **Damages**

In a negligence case, a defendant can only be liable if the negligence caused actual injury. No damages can be obtained unless there is actual loss demonstrated (Underwood, 1986). Although the injury does not have to be physical, it must be real as opposed to imaginary (Permut & Mawdsley, 2006). A court can award damages for physical damages, as well as accompanying non-physical injuries, such as emotional distress, pain and suffering (Underwood, 1986).

### **Liability of Schools**

A school or other employer is generally liable under the respondent superior doctrine for the wrongful acts of an employee that were committed while the employee was acting within the scope of his employment or in furtherance of his employee's interests (*Jesik v. Maricopa County Community College Dist.*, 611 P. 2d 547, Ariz., 1980). Liability for the acts of employees is called vicarious liability and is based on the legal doctrine of respondent superior (DeMitchell, 2007). This doctrine makes an employer responsible for the willful and malicious as well as negligent acts of his or her employees which are committed in the scope of the employees' employment (DeMitchell, 2008). If the employee substantially departs from his or her duties for purely personal reasons, his acts are not within the scope of employer and the employer is not liable (DeMitchell, 2007).

In 1946, Congress passed the Federal Tort Claims Act, (FTA, 28 U.S.C. 171) which waived sovereign immunity, with certain exceptions, and allowed aggrieved parties to sue the federal government to the same extent that they would be able to sue another private citizen of the state in which the act took place. California government Code Section 810 et. seq. establishes when a person may file a claim against a public entity, including schools. Section 815.3 specifically states that a public entity is not liable for the intentional torts of employees. Section 815.6 codified that breach of a legal duty makes school districts liable:

Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

Common law recognizes three degrees of negligence: slight, ordinary, and gross. The trend among states maintaining sovereign immunity is that slight and ordinary forms of negligent behavior by government employees are protected, but grossly negligent behavior is not.

The system of public education that has evolved in this nation relies necessarily upon the discretion and judgment of school administrators and school board members (*Wood v. Strickland*, 420 U.S.308, 1975), where a student was expelled from school for violation of a law prohibiting possession and use of intoxicating beverages in school. The issue was that students were not given their due process. Public officials are generally not personally liable for acts involving the negligent exercise of discretion. In order for a

school official to be liable for negligence, injured parties must prove that educators failed to meet the elements of negligence (Yauss, 2007).

The effort is to tie the behavior of the principal in time, place, and consequence to the injury. For acts that do not qualify as discretionary acts, or in other words, ministerial acts, there is no immunity. Official immunity applies only where discretion is exercised in good faith and without malice, improper purpose, or objectively unreasonable conduct. Thus, the immunity is considered qualified.

Negligence of an employee that was acting under the scope of their duties is often dismissed by a court under the provision of the tort statute that waives immunity for claims that are based on the negligence of public employees while acting within the scope of their duties in the operation and maintenance of any building, public park, machinery, equipment, or building. A 14-year-old asthmatic student was required to continue exercising by Physical Education teacher even after complaining she was having difficulty breathing. In class she collapsed and died. The Physical Education teacher was a substitute with no instruction [(*Upton v. Clovis Mun. School District*, 141 P. 3d 1259 (N.M. 2006)]. In *Albers v. Community Consolidated School District #204*, a fourth grade teacher was out in the hallway supervising students walking to gym, an act found to be a normal duty. A student that stayed in the room when he should have been out in the hallway on his way to the gym was hurt and lost his eye. There had been no previous history of poor behavior and the court found the teacher and school district were not liable under negligence.

The gym, playground, and athletic activities account for 49 percent of the places where negligent supervision is reported (Broe & Brown, 2004). Athletic fields are a primary source of liability claims for the school (The Hartford, 2001). Slips or falls accounted for 26% of the total frequency and 33% of the total cost of school related negligence claims over a three year period (The Hartford, 2001). Approximately, 15 children die each year in playground related incidents, with most of the deaths from strangulation or falls. Almost 60% of all playground injuries are caused by falls to the ground (The Hartford, 2001). In at least one jurisdiction, the courts have held that the playground is “a place where close supervision of the children is all but mandatory” (*Vanungren v. Mirris Central School District*, 658 N.Y.S. 2d. 760, 761, 1997).

The culture of our education system is such that some topics which would never be considered under the theory of negligence may be so in the context of school districts. One of the most common examples is sexual abuse of a student. In *Phyllis P. v. Superior Court* (228 Cal.Rptr. 776, 1986), the school did not inform the mother that her 8-year old daughter had been sexually assaulted by a 14-year old; the 14-year old eventually raped the 8-year old daughter. The court of appeal held that the school had a duty to notify the mother when the first sexual assault became known. In *John R. v. Oakland Unified School District* (256 Cal. Rptr. 766, Cal. 1989) and *Kimberly M. v. Los Angeles Unified School District* (48 Cal. 3d 438 (1989), sexual misconduct by the teacher was held outside of the scope of duties and therefore, the school district was not held liable.

## **Defenses**

The only affirmative defense against claims of negligence is to show that a teacher's conduct fails to meet one or more of the four essential elements for a prima facie case of negligence: (1) duty, (2) breach of duty, (3) causation, and (4) injury. There are also a number of common law defenses to a negligent suit: contributory negligence, assumption of risk, comparative negligence, and act of God.

The contributory negligence defense asserts that the plaintiff contributed to his or her own injury to such an extent that the defendant should not be liable at all (DeMitchell, 2007). This defense is based on the idea that the plaintiff's actions or omissions were negligent and contribute to his or her own injury by falling below the standard expected for his or her own protection. The actions of the student plaintiff, in these cases, must be reasonable for a child of similar age, maturity, intelligence, and experience. Courts traditionally hold that youngsters under the age of seven are incapable of assuming any responsibility for their own actions.

The comparative negligence defense argues that the defendant's liability ought to be lessened according to the respective proportional faults of each party. The defense assesses the degree of the plaintiff's fault on the percentage basis. For example, if a court rules that the plaintiff was 40% at fault, then the defendant can only be held to 60% liability.

The act of God defense takes the position that the injury to the student was totally unforeseeable and that no amount of effort on the part of school officials could have prevented the injury from taking place (DeMitchell, 2007). In these cases, courts have

acknowledged that schools cannot guarantee that all students will be safe in every single situation (Permeth & Mawdsley, 2006).

Additionally, there may be defenses brought about case law and statute law. One example of this is regarding the in loco parentis theory, which states that the school should behave as a reasonable parent would and that failure to do what a reasonable, prudent parent of a large family would do constitutes negligence. The United States Supreme Court has taken the position that the in loco parentis theory of the student-school relationship is “in tension with contemporary reality.” In Illinois, a state statute gives teachers the status of parent or guardian. A parent or guardian is not liable for injuries to a child, except for willful and wanton misconduct of the parent or guardian. Therefore, the effect of these two statutes taken together would require the plaintiff to show that the teacher behaved in a willful and wanton way toward a pupil before the plaintiff can get past a summary judgment motion (*Kobylanski v. Chgo Bd. of Ed.*, 63 N.E. 2d 165, Ill. 1976); *Nielsen v. Community Unit School District*, 412 N.E. 2d 1177, Ill. App. 1980).

There are also some statutory defenses that protect the principal and the school district. Under sovereign immunity, a governmental agency and its agent cannot be held liable without their consent. With qualified immunity, there is an acceptance of litigation, but with a finite cap on the amount of dollars that can be awarded. Another possible defense is assumption of risk, whereby the student voluntarily and knowingly exposed himself or herself to the possibility of harm, thereby mitigating the liability of the school (DeMitchell, 2007).



Assumption of risk has two types: implied and express. Implied assumption of risk requires courts to find three elements: (1) the student must have had actual knowledge of the danger associated with participation; (2) understood and appreciated the risk of participating; and (3) voluntarily accepted the risk of injury. Courts, in these cases, do not hold minors and adults to the same standard of care. Courts have looked at the standard of care for minors, as compared to the child in similar circumstances, varying according to age and experience.

Express assumption of risk alleviates a party's duty of care when a participant makes an oral or written statement by which he agrees to accept the risk of harm. It requires that the participant agree in advance and have knowledge, full subjective understanding, and voluntary acceptance of the risk (*Foley v U.S.*, 247, S. 2d. 40, Fla., 1971). The most common forms of express assumption of risk are waivers or releases (*Foley v U.S.*).

In one well known example, a high school student was accosted, assaulted, and seriously beaten by a group of rowdy youths when he refused their demands for money (*Husser v. School District of Pittsburgh*, 228 A.2d 910, 1967). The Supreme Court of Pennsylvania found that the school was immune from liability even though it was alleged that the school knew similar criminal acts had occurred with great frequency in and around said school because the court stated that the beating would have happened even if there had been supervision.

Education Code section 35330 (d) states in part, "All persons making the field trip or excursion shall be deemed to have waived all claims against the District for injury,

accident, illness, or death occurring during or by reason of the field trip or excursion.” In *Wolfe v. Dublin Unified School District* (65 Cal. Rptr. 2d 280, 1997) the court of appeal held that school districts are not immune from liability for injuries sustained by students while on field trips pursuant to Education Code Section 35330 (d). A parent may not waive the liability of a teacher or coach for injuries suffered by their minor child (Oregon State Department of Education, 1997). Permission slips, at their best, inform parents and guardians that their child will be away from the campus. If a student knows of the risks of injury and still undertakes the activity and the student incurs one of those possible injuries, the school is not responsible (O’Hara, 1984). The parent signing a waiver or permission slip may relinquish their right to recover damages, but that does not prevent the injured minor from initiating a suit on their own behalf. School waivers may appear to waive all legal rights against the school and establish the participant’s obligation to both indemnify and defend the school if a claim arises (*Foley v U.S.*) In *Aaris v. Las Virgenes Unified School District* (64 Cal. App. 4<sup>th</sup> 1112, 1998) the court upheld the validity of a release signed by the cheerleader’s mother. The court found that cheerleading is an inherently dangerous activity and that so long as the cheerleading coach properly supervises students and there was not an increase in the level of danger, there could not be a lack of supervision. The court of appeal found the language of the release signed by the parents sufficient to release the school district and its employee from liability. There have been cases where the courts ruled in favor of the school district with regard to the waivers signed. In *Hobe v. San Diego Unified School District* (274 Cal. Rptr. 647, 1990) the court upheld the validity of the release signed by the

parent holding that a parent may execute a release on behalf of his or her child (224 Cal. App. 3d. 1559, 1565, 274 Ca. Rptr. 647, 1990). In *Wagenblast v. Odessa School District* (758 P 2d 968, 1988), the school could not protect itself against negligence suit by requiring students' parents to sign waivers. On the other hand, in *Hobe v. San Diego Unified School District*, the court of appeal upheld the validity of release forms, signed by parents. The court held that if release forms are properly drafted and signed by a parent, they can release a school district and its employees from liability for injuries to a student. The school and teacher still have a duty to act with reasonable care; the waiver does not change this (O'Hara, 1984).

### **Preventive Measures**

DeMitchell and Carroll's study (2005) states that only 55% of the responding principals agreed or strongly agreed that their knowledge of tort liability was sufficient to effectively meet the responsibilities of the job of principal and 72% believed that they needed more information about tort liability in order to effectively perform their job. Negligence and intentional torts are the most common forms of tort liability experienced by principals. Safeguards against such tort cases can include effective supervision of school activities, inservice sessions on supervision for teachers, and supervisory staff monitoring. DeMitchell and Carroll (2005) found in their study that 32% of the principals interviewed stated that they had included sessions in their faculty handbook about tort liability. The study further states that 73% of the principals stated that they discussed liability at least once a year with their faculty.

Discussion of legal liability is a way to prevent potential legal liability. In a survey by Karns (1986), superintendents and school coaches were asked, "Have you ever talked with your coaches regarding their potential legal liability for sports related injuries?" Eighty-two percent of the superintendents answered yes and 16% answered no, but asked the same question, 62% of the coaches said yes and 36% no. In *Garber v. Central School District #51*, where a school district was sued over the acts of a coach, the court ruled regarding a school administrator's liability for failure to exercise due care in selecting athletic coaches.

Haydon and Scott (2008) state:

Active supervision involves purposeful interaction with students to create opportunities for instruction and feed-back. Four basic features of active supervision are movement within and around students as a manner of providing a presence to prompt appropriate student behavior, scanning all areas of the setting while moving to assess performance and monitor interactions interacting with students by greeting them, engaging them in conversations, and providing correction for those whose behavior puts them at risk of failing in the environment.

A 1996 survey showed that 18 out of 700 teacher preparation institutions offered an undergraduate course in educational law (Gullatt & Tollett, 1997). In a 1992 survey of practicing teachers, legal issues received the rating of the third most essential area of teacher preparation (Davis & Williams, 1992). Education law is being reshaped to assure a right to safe schools. "As school's and teacher's responsibilities increase they must be informed of the law if they are to protect their rights and the rights of students, as such, it is a wise choice to practice preventative law" (Davis & Williams, 1992).

In 1989 and 1999 ATRA (The American Tort Reform Association) sponsored and released separate surveys documenting the impact of frivolous litigation on America's

school. The survey found: 65% of those responding noticed a difference in general in the kinds of school-related programs offered because of liability concerns and costs; 20% of those responding reported spending 5-10 hours per week in meetings or documenting events in efforts to avoid litigation. Six percent of that number at 10-20 hours per week; 25% of those responding had lawsuits or out-of-court settlements in the last two years; and 57% of those responding reported that the suits affected school-related programs for students or teacher, among other findings.

The 107<sup>th</sup> Congress passed the Teacher Protection Act (H.R.1) in December 2001. President George W. Bush signed the bill into law in January 2002. The Teacher Protection Act, which was part of the President's overall education reform plan:

- Prohibits the award of noneconomic damages against teachers in excess of teachers' proportion of fault;
- Limits the availability of punitive damages against teachers by requiring clear and convincing evidence of willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed; and
- Protects teachers from lawsuits for most acts committed in compliance with the law or school rules, such as enforcing discipline, grading students, or promoting school safety.

### **Role of School Leader**

School administrators have a duty to develop and implement rules and regulations guiding paid and volunteer staff in providing for safety to the students (Shaughnessy, 1988). Another word for this would be due diligence; for principals and administrators, this means monitoring their schools or work sites to make sure that staff comply with legislature and work in a safe and healthy manner. This is particularly important because if principals and administrators are held liable for their employees' actions, it is under the doctrine of respondent superior. In the broad context that is negligence, the direct

recognizable duty of the principal is the concept of care and supervision for students and personnel under their charge. The failure to develop, promulgate, and enforce rules diminishes the safety of those for whom we have responsibility and places the administrator at increased legal risk (Permuth, 2000).

Boards of Education, and each school under its purview, are required to have safety protocols in place with regard to how teachers and others supervise students both inside the classroom, and everywhere else on school property and during school sponsored activities. Having those protocols is not, however, enough. There must be affirmative steps taken at all times to ensure those protocols are followed, every day. Unfortunately, even a small lapse in procedure can result in a serious compromise of student safety (Vishno, 2009).

When examining a case under this issue, the court will look at the following questions:

- Has the superior developed a clear policy for staff conduct in dealing with situation such as the one which result in the participant being injured?
- Has the supervisor implemented the policy?
- Are staff members supervised? (Shaughnessy, 1988)

In determining whether the principal would be liable for accident occurring during a teacher's absence, a court might pose these questions: Has the principal developed a clear policy for teachers needing to supervise classrooms? Has the policy been implemented? Has the principal supervised teachers to make sure that they are following the policy (Shaughnessy, 1988). The Utah public schools established a safety manual for elementary school teachers in 2000 "Supervision. A teacher stands in Loco Parentis. Teachers of laboratory classes are held to a much stricter standard than other classroom teachers. Handing out a set of safety rules along does not suffice. The teacher must be able to show that the rules were enforced. Negligence is the failure to act as a

reasonable and prudent person would act in similar circumstances to prevent harm to others. The plaintiff must show that he was harmed by the action of the defendant. (The goal is to have no harm. No harm means no lawsuit.) (p. 5).

Several school districts have already put forth some guidelines and rules for administrators. The Alberta school district states that monitoring and compliance can be supported by: (1) discussing safety at staff meetings regularly; (2) reviewing plans, practices, and responsibilities; (3) developing processes to keep staff aware of changes; and (4) evaluating unusual activities and dealing with any health and safety issues. In November, 2009 the Minnesota Board of School Administrators requested the following changes to the program requirements for administrative licenses:

D. Policy and Law

- \* recognize and apply standards of care involving civil and criminal liability for negligence, harassment, and intentional torts.

M. Safety and Security

- \* demonstrate the ability to develop and implement policies and procedures for safe and secure educational environments
- \* demonstrate the ability to identify areas of vulnerability associated with school buses, buildings, and grounds and formulate a plan to take corrective action.

Supervision is the number one topic in school related negligence cases. School administrators should consider developing a staff rule that students are not to be left unattended unless absolutely necessary, and that proper procedures are followed in the event of an emergency (Shaughnessy, 1988). Supervision is quality control for the school. All staff must understand that students must be supervised from the time they arrive at the school until the time they depart. If parents are late in picking up their children, an adult staff member must remain with the student until the parents arrive.

Courts expect some policy or statement as to when students may arrive at school, what rules they are to follow, and what kind of supervision will be provided (Stern, 1975). Stern reports that there should be no time during the day when each student is not under supervision of a member of the staff. School officials must endeavor to be constantly aware of possible hazards to a child's safety and must seek to eliminate them when they are found (Hudgins, 1995). Stickland (1976) provides us with some model guidelines for supervision:

- (1) The teacher is charged with responsibility as a supervisor wherever and whenever functioning in the teaching role.
- (2) Students should never be left alone in the classroom nor on the playground, nor should they attend extracurricular events alone.
- (3) Each school must operate under a comprehensive plan of school and playground supervision.
- (4) The teacher has a duty to warn students of inherent dangers and give detailed safety instruction.
- (5) Adequate supervision requires attentiveness as well as actual physical presence. Teachers are as liable for doing their job poorly as they are for not doing their duty.

Principals who fail to adequately supervise teachers or other employees can be held liable for negligent supervision. For that principal, the most obvious "duty" is the promulgation of reasonable rules to govern the school and an established pattern of making sure the rules are followed. The most common tort cases brought against principals concern the determination of whether a principal is legally responsible for physical injuries suffered by a student, in particular, injuries resulting from negligence, referred to as "unintentional torts" (Stern, 1978).



The prudent principal periodically checks to make sure that the duties are being covered in a timely and reasonable fashion. Noting on the calendar when these checks are made is a good way to document this reasonable supervision. An assembly or other type of large group meeting should be held periodically in which school rules for the safety of the students are reviewed with both students and staff. The supervisor who practices prevention by constantly striving to eliminate foreseeable risks will avoid costly lawsuits and participant injury (Shaughnessy, p. 24). As Shoop and Dunklee (2002) state, "Effective school administrators do not want to win lawsuits, they want to avoid them altogether."

Doverspike and Cone (1992) write that reducing the risk of tort liability is a responsibility facing every principal. DeMitchell (2007) goes on to state that the goal behind avoiding liability is to provide a safe environment as habits of mind and action. Two steps that can be taken to minimize litigation is to incorporate preventive measures into daily practices and to be consistent in adhering to policy and procedures set up in the building. It is expected that administrators have developed rules and regulations which guide teachers in providing for student safety. The importance of safety procedures and supervisory policies being in place is obvious (Shaughnessy, 1988).

Where there is an accident, what a principal has done prior to the injury to inform and supervise faculty activity is critical to the defense. The principal who takes reasonable steps to inform his or her faculty of their legal responsibility to students and then supervise the discharge of that responsibility goes a long way in protecting herself or himself as well as students, faculty, staff, and the school district. The best defense for an

administrator in a negligence suit is a reasonable attempt to provide for the safety of all through appropriate rules and regulations. Administrators would be wise to hold regular staff meetings to discuss the program, teacher's expectations, and foreseeable problems (Shaughnessy, 1988).

The prudent principal should take actions to prevent injuries and problems from occurring and therefore prevent litigation issues:

- (1) Insert a section in the staff handbook that describes the responsibilities of the staff members concerning appropriate supervision. The section could include comments on the importance of supervision, legal responsibility, and the need to be diligent in performing supervision. Attention should be given the section at the first meeting and should appear in the minutes. Principals should contact absent employees.
- (2) While on duty, the teacher or aide should be assigned to a specific location. Location should be clearly defined with enough supervision allotted to dangerous areas. The educator should circulate through the assigned area and report to duty on time.
- (3) At least twice a year, the principal should place a notice in the weekly bulletin to teachers directing them to review the safety rules with their students. The teacher should make a note in his or her lesson plan book as to when the review took place and follow up with any students who were absent. The principal should check to make sure this is being done.
- (4) Teachers and other supervisors should be instructed that when supervising students involved in class activities or playground recess, their main job is supervision and instruction, not participation in activity. (Hudgins, 1995)

School administrators need to be cognizant of their legal responsibilities to the students.

“It is much better, obviously, to avoid being accused of negligence in the first place than to take one's chances on the outcome of the lawsuit” (Shaughnessy, 1988). “Principals cannot sit back and wait for dangerous conditions to be brought to their attention. They must act with due diligence to keep attuned to potential problem areas in their school”

(DeMitchell, 2007). Principals must understand the concept of negligence, in anticipating by establishing policies and procedures and responding both to situations that could lead to injuries of students, and to lawsuits against them as agents of the school and the school system. A determination must be made by the administration as to the degree of supervision required under varying conditions and circumstances. Policies, regulations, rules and guidelines must be adopted to provide for the appropriate level of supervision. The rules must be adhered to and enforced. They must provide that degree of supervision that a reasonable prudent person would provide under the particular circumstances present (Hutton & Bailey, 2007).

Shoop and Dunklee (2002) conclude:

We know the job of school principal is vastly different today from what it was 20 years ago, 10 years ago-or even yesterday. Today's principals grapple with a sea of conflicting demands from their school boards, central office administrators, students, teachers, parents and community pressure groups. Principals' jobs are further complicated by the seemingly endless and often contradictory statutes, court decisions, and attorney generals' opinions that directly affect the operation of their schools. As a result of these pressures, principals often feel insecure and at times powerless, when it comes to balancing the pressure to do something, on the one hand, against legal restraints, on the other. Today's principals face an additional dilemma as they address the task of balancing the need for order with the need to respect the legal rights of students, teachers, and parents.

Doverspike and Cone (1992) provides school administrators with recommendations for limiting liability risks:

- (1) As the chief on-site administrator, you bear the ultimate responsibility for supervising student activities. You will need to ensure that supervision is adequate before, during, and after school.
- (2) As principal, you should provide inservice sessions on supervision for the teaching staff as well as for aides, student teachers, and volunteers who may be serving in the school.

- (3) You will need to monitor those who are supervising students to ensure that they are in the proper places at the proper times and are actively supervising student behavior.

The best defense for school administrators is a reasonable attempt to provide for the safety of those enlisted to their care by the establishment and implementation of rules and policies. The more well-informed school leaders can become concerning the trends in education litigation, the more well-informed will be their faculties and staff personnel (Leonard, 2007). School administrators are typically the only personnel to receive training in classroom liability issues, yet teachers have the most responsibility for the safety of their students. Although administrators are certainly targets for lawsuits, teachers can also be sued. In addition, teachers are in the best position to prevent accidents in the classroom and to prevent any resulting lawsuits (Holt, Rinehart & Winston, 2003).

Steve Permut (1980) insists that positive intervention is a way to obtain legal protection. He sets forth the following steps:

- (1) Schedule periodic faculty meetings and student assemblies to review the rules of conduct developed for the safety of students. Review procedures with staff.
- (2) Focus on the areas of the school where issues of negligence are not likely to occur.
- (3) Formally designate a person to stand in for you in your absence.
- (4) Critical study and review of equipment and facility concerns and needs should be an ongoing protocol.
- (5) Proper signage should be set up.
- (6) Ensure the credentialing and certified standing of staff.

Armed with information the school administrator and his staff can establish and implement the necessary rules and policies needed. When a principal is not well informed about the laws policy and procedures that are aligned with the laws cannot be established. Without accurate knowledge of the trends of education-related litigation, school decision makers are left to make policy choices based on guesses, faculty assessments, and emotions, rather than more accurate choices based on empirical research (Leonard, 2007).

If a principal were to be charged with negligence, the following set of interrelated questions (in one form or another) will certainly arise:

1. Did the principal develop the appropriate rules of conduct for the operation of the school? The question is, “Are there clear, direct rules dealing with situations of the conduct of the school developed under the auspices of the principal?”
2. Did the principal promulgate the appropriate rules of conduct for the operation of the school? The question is, “Are there clear pieces of evidence to suggest that the principal not only disseminated the important rules of conduct for the school, but shared them through assemblies and meetings, with constant review to ensure more than a cursory understanding of the rules?”
3. Did the principal enforce the appropriate rules of conduct for the operation of the school? The question is, “Are the rules of the school enforced regarding key issues of supervision? What procedures are in place to monitor these situations, and correct and/or remedy them when needed to assure compliance?” (Permuth, 2000)

School administrators and teachers owe a strong duty of care to pupils under their care. School leaders can be active in mitigating risks of negligence lawsuits related to teacher classroom supervision while making the school environment safe for the students in their care (Gordon, 2006). “Your duty of supervision is straightforward – you must be present and attentive when students are in your classroom” (Holt, Rinehart & Winston, 2003). Teachers must supervise pupils in the manner of a careful and prudent parent. If

the failure to conform to this standard results in injury to a student, the administrator and teacher can be held liable for the tort of negligence. Professional development that generates discussions and knowledge of the law will help teachers become legally literate. It is a good first step to help clear up misunderstandings and misinformation.

## CHAPTER THREE

### METHODOLOGY

#### **Introduction**

The goal of this study will be to examine Illinois administrator's perception of the existence and implementation of school policies and practices with regard to teacher classroom supervision in elementary public schools having kindergarten through fifth grade. This study will ask related questions regarding the perception of school administrators about the existence and implementation of policy and practices of teacher classroom supervision: where would a teacher obtain a copy of the school building's policy regarding teacher classroom supervision; what percent of the time do school leader think the policy regarding teacher classroom supervision is successfully being implement in their building; as a school leader how often do they review the policy and procedures regarding teacher classroom supervision with their teachers; how often do school leaders walk around their building checking for teacher classroom supervision, and if they do how often do they do so; how important do school leaders believe the practice of checking for teacher classroom supervision to be; do school leaders have an opportunity to obtain information about school law related to negligence relating to teacher classroom supervision; as a school leader what are the most common sources of information available to them regarding the law of negligence relating to teacher classroom supervision; and, how important do school leaders believe knowledge related to

negligence about teacher classroom supervision to be. Teacher classroom supervision for this study is defined as the supervision of student not the supervision of instruction.

Using a quantitative approach, the researcher will survey Illinois principals who work in Illinois public schools in schools having Kindergarten to Fifth grades and will synthesize the data obtained to answer several specific research questions.

### **Main Research Question**

*What are Illinois administrator's perceptions of the existence and implementation of school policies and practices with regard to teacher classroom supervision in elementary public schools having kindergarten through fifth grade?*

### **Related Research Questions**

1. Is there a written policy and procedure in place in for teachers to follow regarding teacher classroom supervision at all times?
2. Where would a teacher obtain a copy of the building's policy and/or procedure regarding teacher classroom supervision?
3. What percent of the time do school administrators think the policy related to teacher classroom supervision is successfully being implemented in their building?
4. How often do school leaders review their school policies and procedures with their teachers with regard to teacher classroom supervision?
5. Do school leaders walk around their school buildings checking for teacher classroom supervision and if they do how often do they do so?



6. How important do school leaders believe the practice of checking teacher classroom supervision to be?
7. Do school principals obtain information about negligence related to teacher classroom supervision?
8. How often do school leaders obtain information about negligence related to teacher classroom supervision?
9. What are the most common sources of information available to school leaders regarding negligence related to teacher classroom supervision?
10. How important do school leaders believe knowledge of negligence related to teacher classroom supervision to be?

The questions above pertain to the questions in the survey. Number 1 of the related research questions relates to the fifth survey question, number 2 of the related research question with the sixth survey question, and so on.

This chapter outlines the methodology that will be used to complete this study. It includes the research design, sampling strategies, population, sample, data collection, procedure for maximizing response rates, instrument, pilot testing, response to pilot testing, data analysis, measurement, validity and reliability of the research, limitation of this study, ethical considerations, prevention of bias, implications for school leadership, and a copy of the letter of consent for the research participants.

## **Research Design**

According to Reinharz (1992), research is the “production of a publicly scrutinizable analysis of a phenomenon with the intent of clarification.” The quantitative research approach endlessly pursues facts while the qualitative research approach recognizes that the researcher's viewpoint is central. The quantitative research approach is used when the researcher desires to obtain entire trends or statistical truth in the research while the qualitative research approach is used if the researcher wants to observe in detail by his/her own research viewpoint (Hara, 1995). For this reason, it is appropriate with the goal of the study in mind that this study will be conducted using a quantitative approach. The researcher will be trying to understand what an Illinois administrators’ perception of the existence and implementation of school policies and practices on teacher classroom supervision in elementary public schools having Kindergarten to Fifth grade and therefore will use a survey.

The researcher will choose to survey school leaders in public schools with Kindergarten to fifth grade due to personal experience. The researcher has had over fifteen years of experience as a school leader, ten of those years in buildings having Kindergarten to fifth grade, experience with teacher classroom supervision these lifetime experiences have left the researcher longing for more knowledge about this subject.

Public suburban elementary school districts are beginning to divide themselves into two different types of buildings, Kindergarten to fifth grade buildings (at times up to sixth grade) and Junior High schools. According to Shaughnessy (1998), “the younger the child chronologically or mentally, the greater the standard of care.” With this in mind,

and with the personal experience of the researcher, the surveys will be sent only to school leaders in public elementary school leaders with Kindergarten to fifth grades in their school buildings.

## **Sampling Strategies**

### **Population**

The 2009 Illinois State Board of Education database of Illinois public schools will form the pool of participants for this study. The Illinois State Board of Education (ISBE) annually updates its database of information pertaining to public elementary and secondary schools in Illinois. The data file provided by ISBE contains names, addresses and telephone numbers of the school, enrollment, school type, locale, and grade levels taught.

### **Sample**

The 2008-2009 database is comprised of a total of 4,999 public schools not including Chicago Public Schools. This comprehensive list will then be narrowed down to include only those schools that meet inclusion criteria set for this study. The inclusion criteria are:

- Schools located in Illinois;
- Only public schools; and,
- Schools that include grades Kindergarten through Fifth.

For this study, systematic sampling, sometimes called interval sampling, will be used (Babbie, 2007). After removal from the ISBE list of schools that failed to meet inclusion criteria for the purposes of this study, either by not having Kindergarten

through Fifth grade entirely in their building, meaning a junior or middle school or a Kindergarten or pre-school or being a full grammar school of Kindergarten to Eighth grade, a total of 520 schools remained. Probability sampling involves the selection of a sample from a population, and, based on the principle of randomization or chance, each member of a population will have an equal chance of being included in the sample (Babbie, 2007). Also, each combination of members of the population will have an equal chance of being selected (Yates, et. al., 2007).

This researcher used a computer software that will generate a random list of numbers for the survey; Research Randomizer. From the 520 schools, 130 schools, or 25%, of the available schools will be chosen for this study. Additional research via the internet will be done on all schools chosen in the sample to identify the name of the school administrator. It was determined from the researchers own experience that letters personally addressed to the administrators are likely to be answered and are not discarded as junk mail.

### **Data Collection**

Quantitative research needs large numbers of data in order to analyze to see if there is any casual relationship or associations between the answers of one school leader to another. For this reason several different ways will be used to maximize response rates from the school leaders.

### **Procedure for Maximizing Response Rates**

Several techniques will be used in this study to help maximize response rates. One technique that will be used is creating a survey instrument that is short. In this case the survey is a maximum of five pages. Procedural steps that will be taken to maximize response include:

1. mailing the survey with a hand signed cover letter ensuring confidentiality;
2. providing a stamped, self-addressed envelope in which respondents can mail the survey back;
3. using first-class postage stamps rather than bulk mailing.

Two weeks after the first set of mailings to the sample population is sent out, a second set will be sent out using the same technique to maximize response rates. Two weeks following the second set of mailings, a postcard will be sent urging school leaders that were in the sample population to participate.

### **Instrument**

Due to the topic matter and the interest in obtaining the individual perspectives with regard to the topic, the researcher will use multiple responses and Likert scaled survey methods to collect data. These approaches will be chosen to collect enough meaningful information from a large heterogeneous sample population of elementary principals in Illinois.

Multiple response questions are a type of questioning technique that a closed-ended question allows respondents to pick the best possible answer, as it pertains to their opinion, from among all possible options (Fink, 2003). Meld (1990) wrote that closed-

ended questions were more reliable since the task of responding to a given item constraint the number of possible choices and eliminated the number of rare answers and those not appropriate.

Likert scales will also be used in the survey. A Likert scale is also a type of closed-ended question that allows respondents to indicate how closely their feelings match the question or statement on a rating scale (Fink, 2003). Regarding validity of the answers in a Likert scale Clason and Dormody (1987) state it is not a question of right and wrong ways to analyze data from Likert type items. Clason and Dormody say that it is to make sure that the question should be stated so that they answer the question that needs to be answered.

By using a survey to collect data, the investigator intends to gain a wide range of perspectives and an understanding that can not be accomplished through selecting only to interview a smaller number of participants using solely a qualitative research methodology.

### **Pilot Testing**

A pilot test of the questionnaire was conducted. In order to ensure a high quality survey, a focus group including sixteen building level school administrators in elementary K-5 schools were identified and asked to review and assess the survey's content and construction validity. The review of question structure, question content, and question readability was examined and each question was reviewed to determine that only one point was addressed in the question in order to avoid confusion. The focus

group responded to the questions and also completed a question rating form (listed in Appendix D) to further evaluate the clarity of the questions.

A pilot set of 16 school administrators were also asked to review the questions.

These individuals were asked:

- Are the questions clearly and concisely stated?
- Are the questions easy to comprehend?
- Would you as a school administrator answer these questions?

### **Response to Pilot Testing**

The pilot set of 16 school administrators mailed back the pilot set of questions. Reviewing the results, the researcher met and spoke to several of the pilot set of administrators to further discuss some of the responses. Based on the results of this pilot, some aspects of the questionnaire were changed.

The researcher initially thought that the survey would go out in colored paper with matching envelope. Several administrators said that there would be hesitation to fill out the questionnaire with the thinking that the colors represented that there was some type of coding going on. The researcher then decided that all surveys would go out on white paper.

Another point of interest based upon the pilot responses was the statement that many questions were worded as if to put the person on the defense. One such question was, “As a school leader have you been involved in litigation?” This particular question was voted by all 15 school administrators as a question that should be removed from the

survey. After careful thought it was deleted from the survey by the researcher due to the thought that this question would prevent the school leader from returning the survey.

The original survey had several open questions. This made the survey a longer survey and several pilot administrators suggested that these questions were time consuming. After reviewing the questions there were other closed questions that gave the researcher the same answers and these original questions were eliminated.

The original survey asked for the sex of the school leader and several pilot administrators asked why that question was there. After reviewing the question it was determined to leave the question in due to the belief that perhaps the responses would be different.

### **Data Analysis**

Data analysis means the process of using and systematically arranging the data obtained in researching findings (Bogdan & Biklen, 2006). Data interpretation refers to taking the ideas from the research findings and relating them to the pertinent literature and then answering what implication this has to the broader concerns and concepts in the realm of those surveyed.

Since the instrument is response sheets, the approach to this is data analysis and will be carried out manually by the researcher. According to Gall, Gall and Borg (2006), interpretational analysis has five stages:

1. Segmenting the data base;
2. Developing categories;
3. Coding segments;



4. Grouping category segments;
5. Drawing conclusions.

As the surveys are answered and returned, the information will be coded accordingly to allow for easy referencing for the final analysis. Coding is nothing other than assigning some sort of designation to various aspects of one's data so that data can easily be retrieved. The designations can be single words, letters, number, phrases, or a combination of these (Merriam, 1998).

The data will be coded and entered in the Statistical Package for the Social Sciences (SPSS) Program for the Likert scale and multiple responses questions. For the answers to the open-ended questions, the researcher will use the form of constant comparison to find emergent themes by using a form of open and selective coding of the data (Strauss & Corbin, 1998). Categories and patterns usually develop from the gathered information, instead of being imposed upon the data before the collection of facts (McMillan & Schumacher, 2009). McMillan and Schumacher stated that, "Qualitative analysis is a relatively systematic process of selecting, categorizing, comparing, synthesizing, and interpreting to provide explanations of the single phenomenon of interest."

When all the information is analyzed, a formal interpretation will be made of the findings. Data interpretation consists of the following: developing ideas about the findings, explaining ideas in relations to the purpose of this study, showing why these findings are important, and making them understandable (Bogdan & Biklen, 2006).

The researcher decided not to journal because the questions in the survey were objective and the researcher determined that experience as a school leader did not impact the ability of the researcher to gather and interpret the data.

### **Measurement**

Some time ago, Bohmstedt (1983) wrote that measurement is a *sine qua non* of any science. The goal of the measurement procedures used in quantitative research is objectivity, meaning that the collection and scoring of data are not influenced by the researcher's values, biases, and idiosyncratic perceptions (Borg et al., 1981). Due to the closed questions and the Likert scales used in the survey herein, there is an increase in likelihood that any two scorers will obtain the same results (Borg et al., 1981).

Adcock and Collier (2001) stated "Although measurement validity is interconnected with casual inference, it stands as an important methodological topic in its own right." The goal of the researcher in this study was to make the survey as easy as possible, with close-ended questions and Likert scales making the survey easier for the school leaders, measurement was also made easier for their answers. After the questionnaire is completed, each item may be analyzed separately or in some cases item responses may be summed to create a score for a group of items. Hence, Likert scales are often called summative scales (Borg et al., 1998).

### **Validity and Reliability of the Research**

A sample is expected to mirror the population from which it comes; there is no guarantee that any sample will be precisely representative of the population from which it comes (Fielding & Gilbert, 2006). According to Miriam (1998), "validity and reliability

are concerns that can approach through careful attention to a study's conceptualization and the way in which the data will be collected, analyzed, interpreted and reported.”

The collecting of quantitative data (measurement of survey) and doing research always raises the issues of reliability and validity. Reliability attempts to answer the concerns about the consistency of the information collected (i.e., can we depend on the data or findings; validity focuses on accuracy. The relationship between reliability and validity can be confusing because measurements (surveys, questionnaires) and research can be reliable without being valid, but they cannot be valid unless they are reliable. This simply means that for a study to be valid, it must consistently (reliability) do what it purports to do (validity) (Borg et al., 1998). For a survey to be determined reliable, it should produce a consistent score; for the research study to be considered reliable, each time it is replicated; it too should produce similar results (Borg et al., 1998).

Because of the nature of the survey in this case, the researcher believes the results will be both valid and reliable due to the subject, the participants, and inability to identify any of the respondents. School leaders will provide valuable information when given the cloak of anonymity. The best way to ensure anonymity is to not record any personal information (Hara, 1995). Therefore, explanations will be given that the demographic information will be separated from the results. School administrators should feel that there can be no ramifications regarding anonymity.

### **Limitations of the Study**

Based on the methodology that will be used in this research, there will be several potential limitations. One of the limitations of this study will be control. No time

limitations will be imposed and there will be no way to verify that principals may research an answer or obtain help from other sources.

Regarding content, only questions regarding supervision of students will be asked. Tort law includes many more areas, but for this study, the supervision of students in the classrooms will be the main focus of the study.

Data analysis in a quantitative study is subjective. Validity cannot be assumed. The presentation of research findings invites the opportunity for critical reflection. Researcher bias may limit the ability of the study to be generalized.

Using Kindergarten to Fifth grade buildings only for this study is another limitation to this study. Generally the findings can only be used in similar situated buildings. School buildings with different combination of grades, for example school buildings with Kindergarten to Eighth grade or middle schools will probably produce different findings due to the nature of their populations.

Another limitation is geography. This study will be done only on Illinois public schools. This study may not have the same result in another state. Weather is also another thought with teacher classroom supervision, in Illinois outdoor supervision is not considered every day, every month.

Another limitation is that this will be done only in public school. This might have different results in private schools. Although many of the research did discuss Roman Catholic schools, privately owned schools might have different results.

Another limitation was that the demographics will be separated from the survey questions so that further aggregation of data cannot be done.

The final limitation is the ability to generalize the findings to the larger target population. Although the study will be done on K-5 principals, McMillan (2000) stated that generalizability is the extent to which findings of one study can be used as knowledge about other populations and situations that is to predict. McMillan also stated that the general rule in determining sample size is to obtain a sufficient number to provide a credible result. One limitation of the data collected will be that it will not be generalizable to all the school buildings across the state of Illinois (Creswell, 1994). “Like the issue of generalizability, the uniqueness of a study within a specific context mitigates against replicating it exactly in another context. In case study research, in which the investigator explores multisite cases, one can examine whether the same patterns or events or thematic constructs are replicated in different settings” (Creswell, 1994). This causes one to reflect what does this mean for this particular study; the only answer one would arrive at is the research process is cyclical. The findings of one study provide questions for the next study.

### **Ethical Consideration**

There were numerous ethical issues that will have to be considered in the collection of the data, and all of them have to be communicated to potential respondents. One of the most important issues is that of voluntary and informed consent, which underscores the fact that participants have no obligation to participate. Another consideration mandates that participation in the study cause the participant no harm. As part of this, research subjects have to be informed of any potential negative ramifications that might occur as a result of their participation.

Participants also have to be informed of the sponsorship and genuine purpose of the survey. The fact that a Loyola graduate student was conducting the research for the purpose prescribed, has to be communicated very clearly. Reporting of results have to be addressed as well, and respondents have to be made aware of the manner in which the results will be available to them.

Though these are not the only ethical considerations that have to be taken into account when collecting data, they represent some of the most vital concerns. When reviewing the research proposal, the Loyola Institutional Review Board for the Protection of Human Subjects also requires other specific actions that have to be undertaken to protect the research subjects.

### **Prevention of Bias**

As a former school principal, it is vital to acknowledge the possibility that the researcher might be able to identify personal bias while undertaking this study. Though the researcher has no known predilections in the topic that is being researched, the researcher is responsible to provide for measures to prevent bias from affecting the results of the study. In survey research, the greatest danger from bias stems from the manner in which the survey questions are worded and presented. Babbie (1990) asserts that “survey data are created, rather than simply collected.” What is meant by this claim is that the manner in which the questions are worded often influences the participants’ responses. This is another reason that quantitative research is the best choice for this survey.

## CHAPTER FOUR

### PRESENTATION AND ANALYSIS OF THE DATA

This study was designed to examine Illinois administrators' perception of the existence and implementation of school policies and practices with regard to teacher classroom supervision in elementary public schools having Kindergarten through Fifth grade. In addition, this study asked related questions regarding the perception of school administrators about the existence and implementation of policy and practices of teacher classroom supervision: where would a teacher obtain a copy of the school building's policy regarding teacher classroom supervision; what percent of the time do school leader think the policy regarding teacher classroom supervision is successfully being implemented in their building; as a school leader, how often do they review the policy and procedures regarding teacher classroom supervision with their teachers; how often do school leaders walk around their building checking for teacher classroom supervision, and if they do, how often do they do so; how important do school leaders believe the practice of checking for teacher classroom supervision is; do school leaders have an opportunity to obtain information about school law related to negligence relating to teacher classroom supervision; as a school leader, what are the most common sources of information available to them regarding the law of negligence relating to teacher classroom supervision; and, how important do school leaders believe knowledge related

to negligence about teacher classroom supervision is. Teacher classroom supervision for this study is defined as the supervision of students, not the supervision of instruction.

Using a quantitative approach, the researcher surveyed Illinois principals working in Illinois public schools in schools having Kindergarten to Fifth grades. The study posited one main research question and ten additional research questions, which are as follows:

### **Main Research Question**

*What are Illinois administrator's perceptions of the existence and implementation of school policies and practices with regard to teacher classroom supervision in elementary public schools having kindergarten through fifth grade?*

### **Related Research Questions**

1. Is there a written policy and procedure in place in for teachers to follow regarding teacher classroom supervision at all times?
2. Where would a teacher obtain a copy of the building's policy and/or procedure regarding teacher classroom supervision?
3. What percent of the time do school administrators think the policy related to teacher classroom supervision is successfully being implemented in their building?
4. How often do school leaders review their school policies and procedures with their teachers with regard to teacher classroom supervision?
5. Do school leaders walk around their school buildings checking for teacher classroom supervision and if they do, how often do they do so?



6. How important do school leaders believe the practice of checking teacher classroom supervision to be?
7. Do school principals obtain information about negligence related to teacher classroom supervision?
8. How often do school leaders obtain information about negligence related to teacher classroom supervision?
9. What are the most common sources of information available to school leaders regarding negligence related to teacher classroom supervision?
10. How important do school leaders believe knowledge of negligence related to teacher classroom supervision to be?

### **Sample Population**

One hundred thirty surveys were mailed via first class mail with a personal signed letter. Within the first 12 days, 49 surveys, or 37.69%, of the surveys were returned. Two weeks after the first mailing, another survey was mailed out with a note on the letter stating that this was the second mailing. Within 12 days, 26 more surveys were mailed back for a total of 57.69% of the surveys. Two weeks after the second mailing, a post card was sent out to the principals asking them to send back their surveys. Within 15 days, 15 more surveys are sent back for a total of 90 surveys or 69.23% returned. Of these 90 surveys, four were spoiled and their information could not be used.

The following sections present the data for the respondents ( $N = 90$ ). The first table represents a component of the demographic information. Data tables reporting

frequencies and percentages were based on the total sample population of the study and were aggregated.

Table 1 represents the description of the sample population showing number of surveys that were sent out, the number returned, and then breaking the surveys down into gender and percentage. The data are as follows:

Table 1

*Sample Population*

Surveys	Mailed out	Returned	Spoiled not usable	Total being used	% Response
	130	90	4	86	66.15

Table 1, Sample Population, explains in column one the number of surveys mailed. Column two gives the total number of surveys, column three states the number of surveys returned, column four shows the number of spoiled surveys that were not usable, column five gives the total of the surveys that will be used for the data and column six gives the percent of surveys that were used for this study. One hundred thirty surveys were mailed via first class mail with a personal signed letter. Within the first 12 days, 49 surveys, or 37.69 %, of the surveys were returned. Two weeks after the first mailing, another survey was mailed out with a note on the letter stating that this was the second mailing. Within 12 days, 26 more surveys were mailed back for a total of 57.69% of the surveys. Two weeks after the second mailing, a post card was sent out to the principals asking them to send back their surveys. Within 15 days, 15 more surveys are sent back

for a total of 90 surveys or 69.23% returned. Of these 90 surveys, four were spoiled and their information could not be used. As the data demonstrate, this seems to be a topic of importance due to the significant response rate of 69.23%.

Table 2 shows the gender breakdown of the sample population. The data are as follows:

Table 2

*Gender of Sample Population*

Gender	Frequency	Percent
Male	36	41.86
Female	50	58.13

Table 2, Gender of Sample Population, shows how the sample population broken down by gender. Column two gives the number of respondents, and column three, the percents. Of the 86 surveys analyzed, 36 respondents were male, accounting for 41.86% of the total respondents, 50 respondents were female, accounting for 58.13% of the total respondents. Percentages have been rounded up to the nearest hundredth of one percent. The majority of survey respondents are female, but only by a difference of less than 16%.

Survey data also asked the school administrators how many years of experience they had. The data are as follows:

Table 3

*Years of Experience as a Principal*

	Frequency	Percent
Under 5 years	28	32.55
6-10 years	32	37.20
Over 10 years	26	30.23

Table 3, Years of experience as a principal, shows in the first column the number of years respondents have served as principal as measured in increments of five years. Column two shows the number of respondents and column three shows the percent. Twenty eight respondents, or 32.55%, had less than five years of experience. 32 respondents, or 37.20%, answered they had a total of six to ten years of experience. 26 respondents, or 30.23%, answered they have over 10 years of experience as administrators. The data show that there is an almost equal distribution of number of respondents among the three categories.

Table 4 was developed to cross tabulate the answers from the survey respondents to see if there was a difference between years of experience as a principal and gender. The data are as follows:

Table 4

*Cross Tabulation of Years of Experience as a Principal and Gender*

	Total years of experience as a principal			Total
	under 5 years	6-10 years	Over 10 years	
male	13	15	8	36
female	15	17	18	50

In Table 4, Cross tabulation of years of experience as a principal and gender, the first column shows the breakdown of respondents by gender. Columns two through four show the years of experience as a principal, broken down into increments of five years, and the last column gives the totals. When gender was cross tabulated with total years of experience as a principal, there was no significant difference between the respondent's gender and experience as a school administrator.

Table 5 shows the survey results regarding experience as a teacher before becoming a principal. The data are as follows:

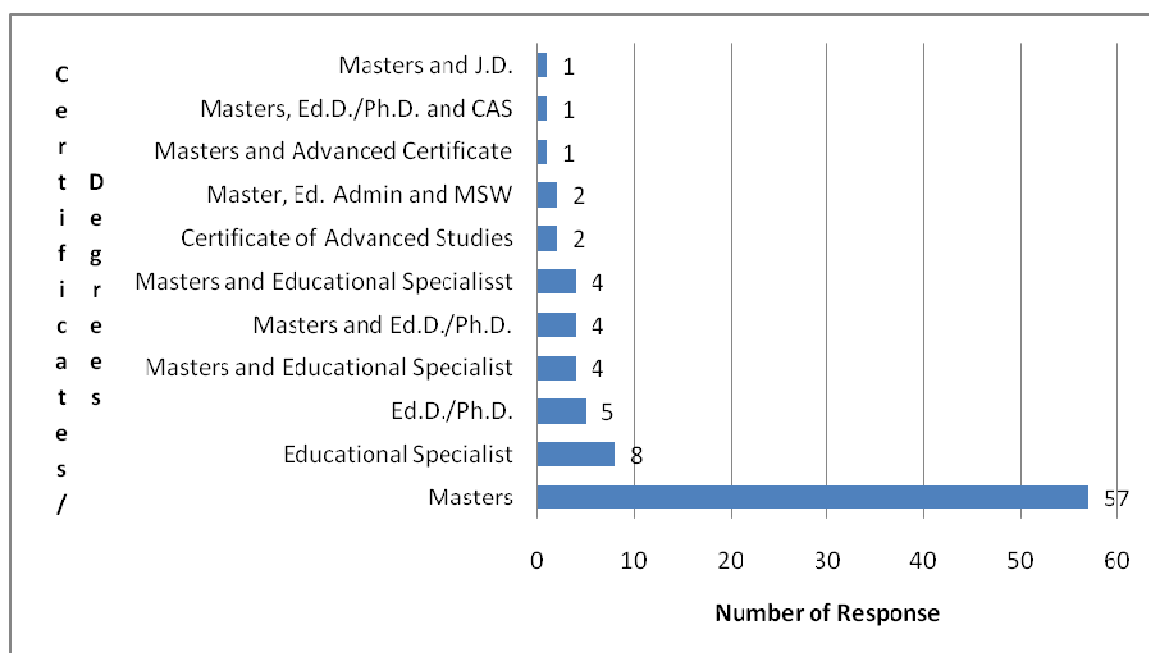
Table 5

*Years of Experience as a Teacher*

	Frequency	Percent
under 5 years	7	8.13
6-10 years	39	45.34
Over 10 years	40	46.51
Total	86	100.00

Table 5, Years of experience as a teacher, shows the years as a teacher in increments of five years. Forty, or 46.51%, answered they had been in the classroom 10 or more years before becoming a school administrator. Thirty-nine, or 45.34%, answered they had been in the classroom for six to 10 years before becoming a school administrator. Seven respondents, or 8.13%, answered they had been in a classroom for less than five years before becoming a school administrator. The data show that a vast majority of the school administrators had over six years of experience as a teacher.

Figure 1 demonstrates the data regarding the educational background of the respondents. The data are as follows:



*Figure 1.* Educational Background of Respondents

Figure 1, Educational Background of Respondents, demonstrates the education of the survey respondents. Fifty-eight school administrators, or 67.44% of respondents, held a Master's degree; eight of the school administrators, or 9.30% of the respondents,

answered that they held an Educational Specialist degree. Five of the school administrators, or 5.81% of the respondents, answered that they held a Ph.D. or Ed.D. (Doctoral degree). Many of the school administrators gave two answers, ten respondents, or 11.16% of the population, surveyed answered having a Masters and an Educational Specialist degree. One respondent answered that he/she held a Master's degree, and a Juris Doctorate; another respondent wrote that he/she held a Master's degree and either an Ed.D or a Ph.D.; and finally, another administrator wrote in that he/she held a Master's degree and an MSW Degree. The data show that the vast majority of school administrators held a Master's degree, accounting for over 50% of the respondents.

### **Data Results of Related Research Questions**

The first related research question asked school leaders if they had a policy and procedure in place regarding teacher classroom supervision. The data are as follows:

Table 6

#### *Policy and Procedure in Place*

	Frequency	%
yes	71	82.55
no	15	17.44

Table 6, Policy and procedure in place, column one explains the possible responds, column two describes the numbers of respondents, and column three shows the percent of the respondents. Seventy-one school administrators, or 82.55%, had a policy or procedure in place regarding teacher classroom supervision. Fifteen school

administrators, or 17.44%, answered that they did not have a policy or procedure in place for teachers regarding classroom supervision.

Thus, the data show that an overwhelming 82.55 % of the school administrators have a policy and procedure in place. The data also indicate 17.44 % of the respondents stated that they did not have a policy and procedure in place.

Figure 2 shows data regarding where the school administrators believe teachers can obtain a copy of the policy and procedure regarding teacher classroom supervision. The data are on the following page.

Figure 2, Location of policy and procedure, shows the locations that school leaders identified where teachers can find the policy and procedure regarding teacher classroom supervision. Most administrators checked more than one location where teachers could find a copy, although there were many who only gave one location. Twenty-four respondents, or 27.90%, chose Board of Education Policy Manual and Teacher Handbook. Twenty-one school administrators, or 24.41%, chose Teacher Handbook. Twenty-one respondents, or 24.41%, chose Teacher Handbook. Eleven school administrators, or 12.79%, chose Board of Education Policy Manual.

Four respondents, or 4.65%, chose Teacher Handbook and Parent Handbook. Three school administrators, or 3.48%, chose Board of education policy, Teacher Handbook, and unwritten policy and procedure. Three respondents, or 3.48%, chose Board of Education policy and Parent Handbook. Three school administrators, or 3.48%, chose Board of Education policy and procedure, Teacher Handbook and Parent Handbook. Three respondents, or 3.48%, chose unwritten policy and procedure. Two



school administrators, or 2.32%, chose not to answer the question. Two respondents, or 2.32%, chose Board of Education Policy Manual, Teacher Handbook, Parent Handbook, and unwritten policy and procedure.

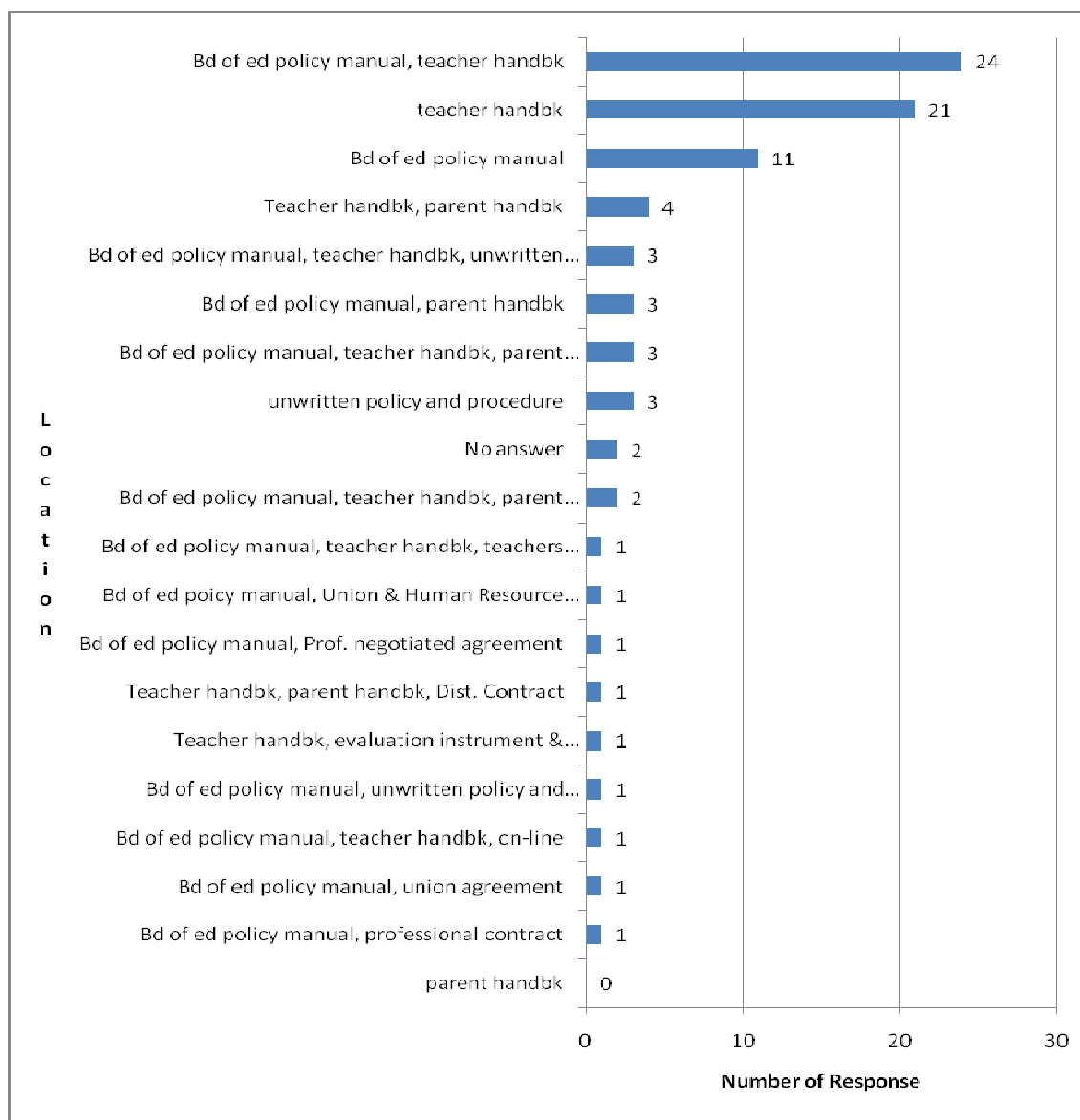
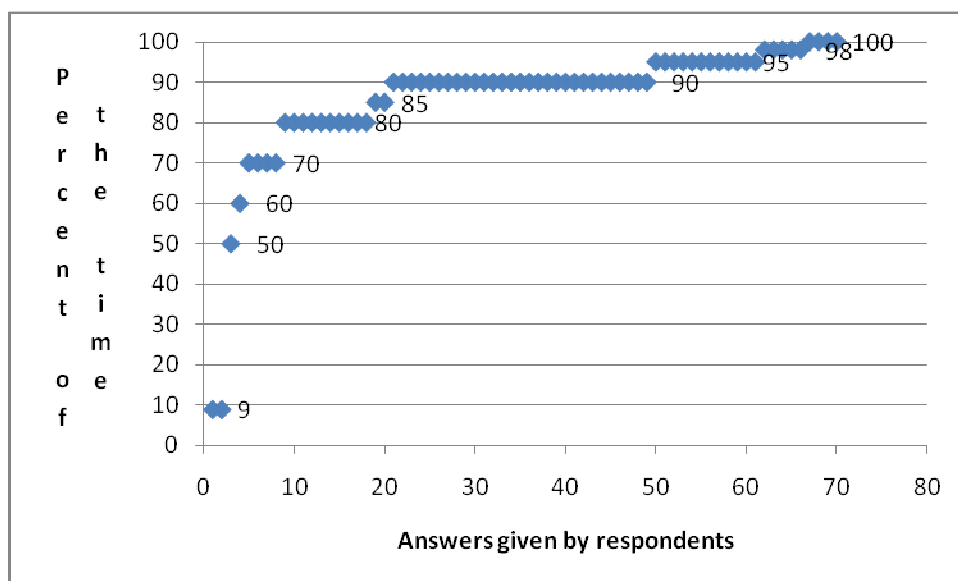


Figure 2. Location of Policy and Procedure

One respondent, or 1.16%, chose Board of Education Policy Manual and union agreement. One school administrator, or 1.16%, chose Board of Education Policy Manual, Teacher Handbook, and on-line. One respondent, or 1.16%, chose Board of Education Policy Manual and unwritten policy and procedure. One school administrator, or 1.16%, chose Teacher Handbook, evaluation instrument, and supervision schedule. One respondent, or 1.16%, chose Teacher Handbook, Parent Handbook, and district contract. One school administrator, or 1.16%, chose Board of Education Policy Manual and professional negotiated agreement. One respondent, or 1.16%, chose Board of Education Policy Manual, and Union and human resource policies. One school administrator, or 1.16%, chose Board of Education Policy Manual, Teacher Handbook, and teacher's contract. One respondent, or 1.16%, chose Board of Education Policy Manual and professional contract. No respondent chose Parent Handbook as the sole place to find the policy.

Thus the data indicate a vast majority of teachers can find the policy and procedure in the Board of Education Policy Manual and/or the Teacher Handbook. The data indicate a small number of school administrators, five, or 5.81% chose to either not answer or to state that the policy and procedure was unwritten.

The following question asked school administrators to perceive what percentage of the time they thought their policy and procedure was successfully being implemented. The data are as follows:

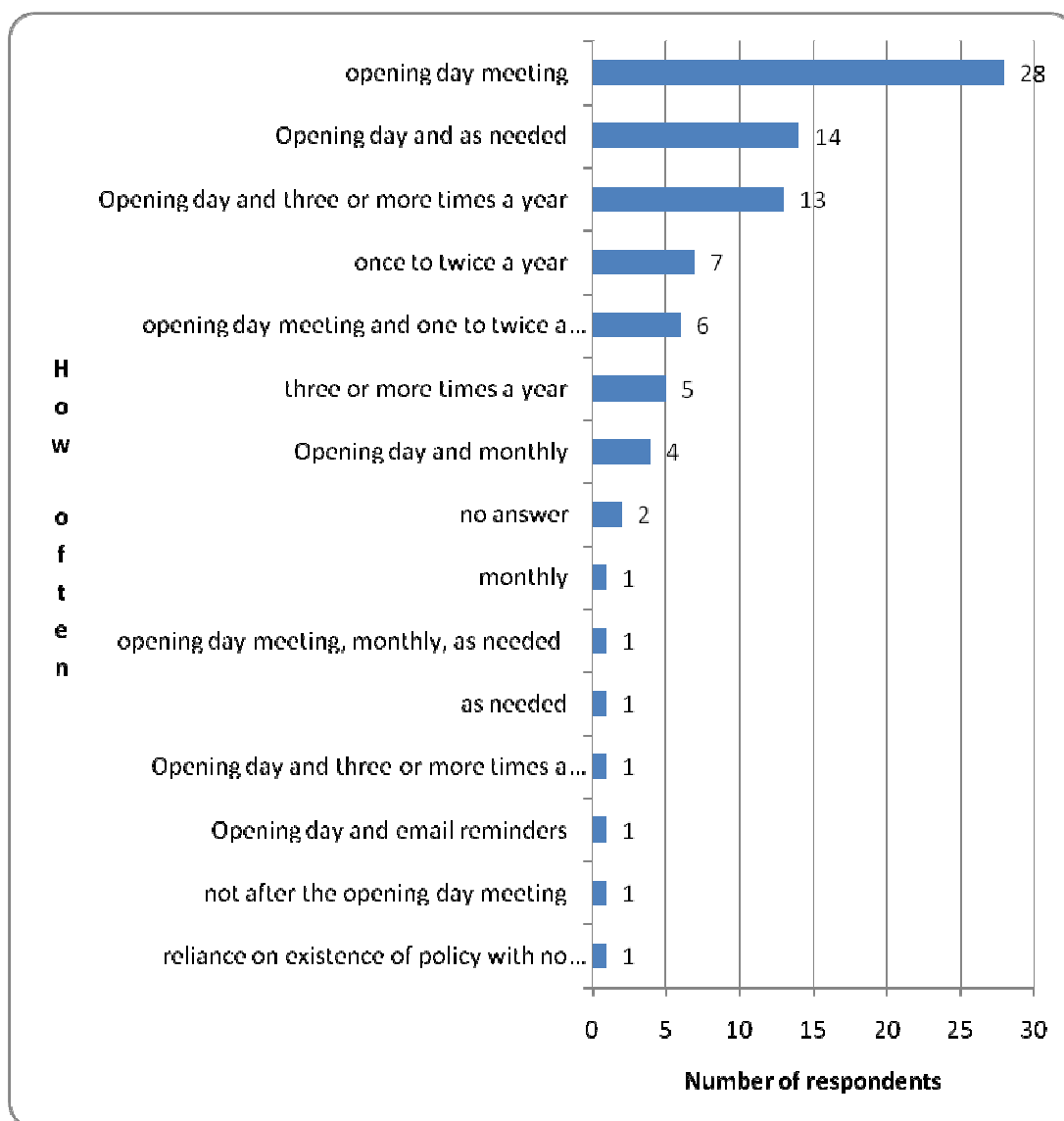


*Figure 3. Percent of Time*

Figure 3, Percent of Time, shows the responses of the respondents regarding the percentage of time that the policy and procedure regarding teacher classroom supervision was successfully being implemented. The Likert Scale ranged from 0% of the time the policy was being implemented to 100% of the time the policy was being implemented. A vast majority of the school administrators 66, or 76.74%, thought that the policy and procedure was successfully being implemented 70 to 100% of the time. The average out of all respondents was 86 out of a possible 100.

The data demonstrate that a vast majority of survey respondents believe that the policy and procedure in place in their building was successfully being implemented. The data also indicate four answers of below 70% of the time; of these four responses, two respondents wrote in the answer of 9%. The data show these school administrators stated that they had a policy and procedure in place.

The next question asked school administrators how often they reviewed the policy and procedure regarding teacher classroom supervision with their teachers. The data are as follows:



*Figure 4.* How Often do School Administrators Review the Policy and Procedure

Figure 4, How often do School Administrators review the policy and procedure, shows the responses to the question asking school administrators how often they

reviewed the policy and procedure in place in their building with teachers. Twenty-eight respondents, or 32.55%, stated that they reviewed the policy and procedure during the opening day meeting. Fourteen school administrators, or 16.27%, stated opening day and as needed. Thirteen respondents, or 15.11%, chose opening day meeting and three or more times a year. Seven school administrator, or 8.13%, chose once to twice a year. Six school respondents, or 6.97%, chose opening day meeting and one to twice a year. Five school administrators, or 5.81%, stated they reviewed the policy three or more times a year. Four respondents, or 4.65%, stated opening day meeting and monthly. Two school administrators, or 2.32%, chose not to answer the question.

One respondent, or 1.16%, stated he/she relied on existence of the policy with no review. One school administrator, or 1.16%, stated not after the opening day. One respondent, or 1.16%, stated opening day meeting and email reminders. One school administrator, or 1.16%, stated opening day, three or more times a year, staff meetings, and Friday facts. One respondent, or 1.16 stated as needed. One school administrator or 1.16% stated opening day meeting, monthly and as needed. One respondent, or 1.16%, stated monthly.

The data indicate that the majority, 32.55%, of school administrators reviewed the policy and procedure in place during the opening day meeting. Twenty-five school administrators, or an additional 29.06%, also stated they reviewed during the opening day meeting and additional times during the school year. The data also indicate that four respondents or 4.65% stated that they either did not review, relied on the unwritten policy, or did not answer the survey question.

The next question had two parts to the question. The first part of the question asked the school administrators if they walked around their building looking for teacher classroom supervision. The data are as follows:

Table 7

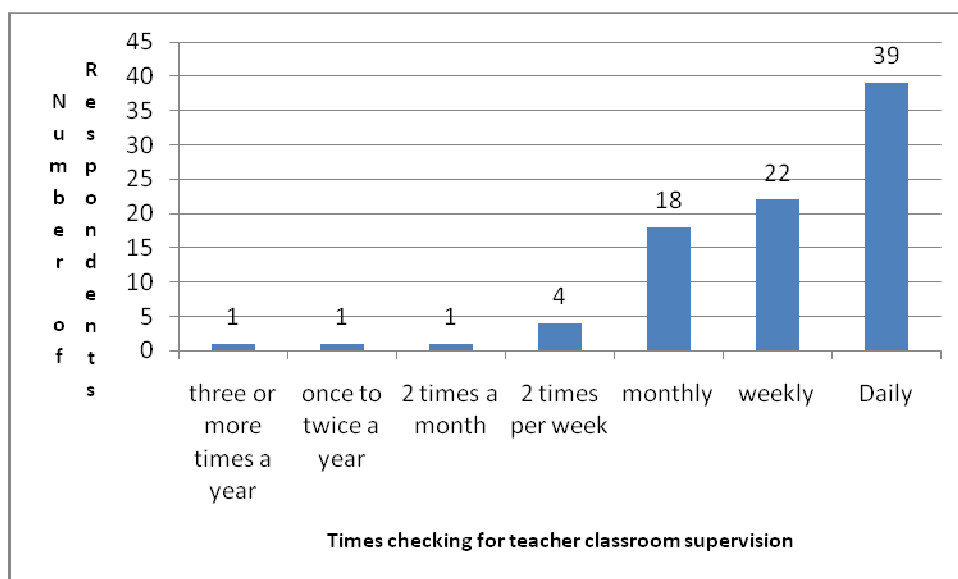
*Walk Around the Building to Confirm Teacher Classroom Supervision*

	Frequency	Percent
Yes	82	93.2
No	4	4.5

Table 7, Walk around the building to confirm teacher classroom supervision, indicates the number of school administrators who walk around their building to confirm teacher classroom supervision, by frequency and percent. Eighty-two school administrators, or 95.34%, of the respondents answered yes to this question. Four school administrators, or 4.65%, of the respondents answered no to the question. These four school administrators were instructed not to answer the second part of the question and to move to the following question.

Thus a vast majority of the school administrators stated that they did walk around looking for teacher classroom supervision. Of the surveyed school administrators, there seems to be a 5% minority that does not consider confirming teacher classroom supervision to be important.

The second part of the question asked these school leaders who do check teacher classroom supervision, how often they do so. The data are as follows:



*Figure 5.* How Often do School Administrators Check for Teacher Classroom Supervision

Figure 5, How often do School Administrators check for teacher classroom supervision, shows the response to the second part of the question. Thirty-nine school administrators, or 45.34%, stated that they walked around their building looking for teacher classroom supervision on a daily basis. Twenty-two school administrators, or 25.58%, stated that they walked around their building looking for teacher classroom supervision weekly. Eighteen school administrators, or 20.93%, stated that they walked around their building looking for teacher classroom supervision on a monthly basis. Four school administrators, or 4.65%, stated that they walked around their building looking for teacher classroom supervision two times per week.

One school administrator, or 1.16%, stated that he/she walked around their building looking for teacher classroom supervision three or more times a year. One school administrator, or 1.16%, stated that he/she walked around their building looking

for teacher classroom supervision once to twice a year. One school administrator, or 1.16%, stated that he/she walked around their building looking for teacher classroom supervision two times a month.

Based on the review of the data, a vast majority, or over 98%, of the school administrators walk around their building on a monthly to daily basis looking for teacher classroom supervision. Only two school administrators, or 2.32%, stated that they walked around their building looking for teacher classroom supervision a few times during the year.

The next question asked school administrators how important they considered the practice of checking for teacher classroom supervision. The data are as follows:

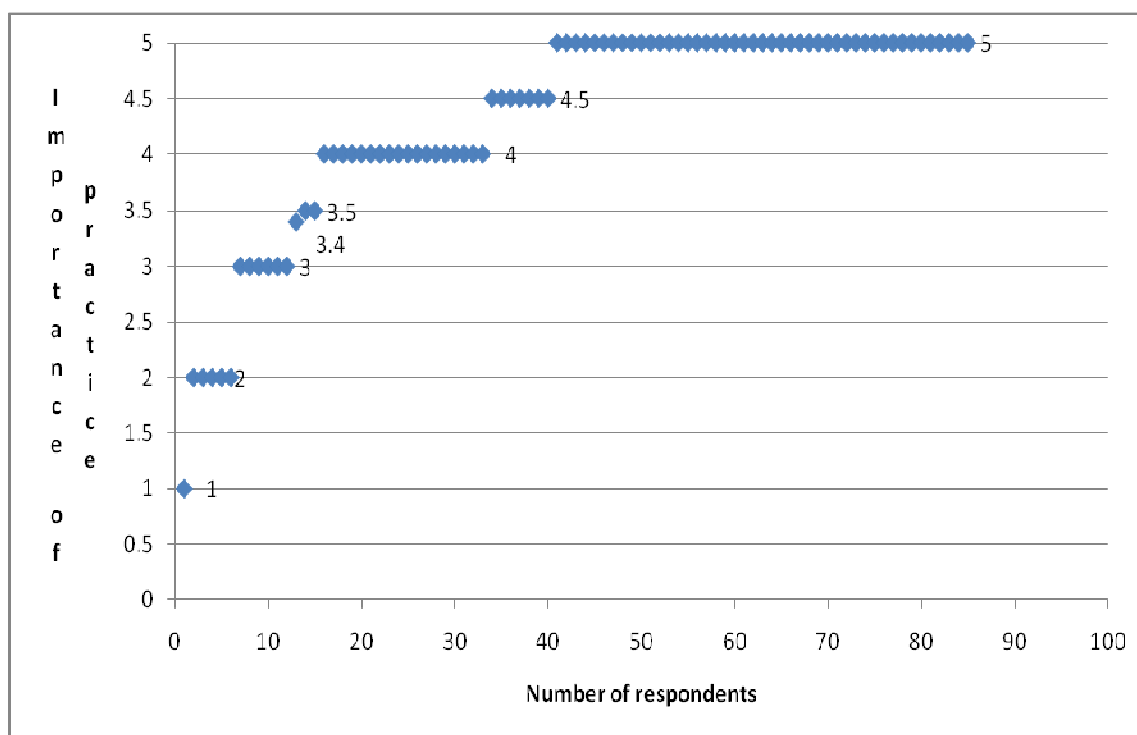


Figure 6. Importance of Checking for Teacher Classroom Supervision



Figure 6, Importance of Checking for Teacher Classroom Supervision, shows the data result to how important school administrators considered the practice of checking for teacher classroom supervision. The school administrators were given a Likert scale from zero meaning “Not important” to five meaning “extremely important.” The average of the school administrator’s answers was 4.3 out of a possible 5.

The vast majority of school administrators, 52, or 60.46 %, thought that the practice of checking for teacher classroom supervision was extremely important. The minority six or 6.97% stated that they considered the practice of checking for teacher classroom supervision was not important.

The next question asked the school administrators if they obtained information related to negligence relating to teacher classroom supervision. The data are as follows:

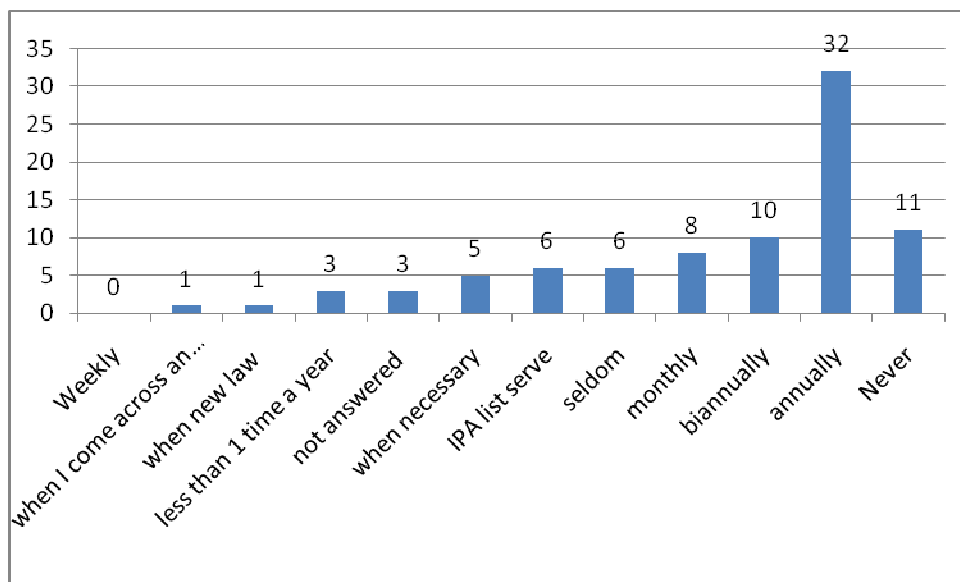
Table 8

*Obtaining Information Related to Negligence Related to Teacher Classroom Supervision*

	Frequency	Percent
Yes	54	62.79
No	32	37.20

Table 8, Obtaining information related negligence related to teacher classroom supervision, relates the data on obtaining information regarding negligence related to teacher classroom supervision, by frequency and percent. Fifty-four school administrators, or 62.79%, answered yes. Thirty-two, or 37.20%, of the school administrators answered no.

The next question asked the school administrator how often they obtain information related to negligence relating to teacher classroom supervision. The data are as follows:



*Figure 7. How Often do School Administrators Obtain Information About Negligence as Related to Teacher Classroom Supervision*

Figure 7, How often do School Administrators obtain information about negligence as related to teacher classroom supervision, indicates how often school administrators obtain information about negligence related to teacher classroom supervision. Thirty-two school administrators, or 37.20 %, stated that they received information regarding negligence as it relates to teacher classroom supervision on an annual basis. Eleven school administrators, or 12.79%, stated that they never received information regarding negligence as it relates to teacher classroom supervision.

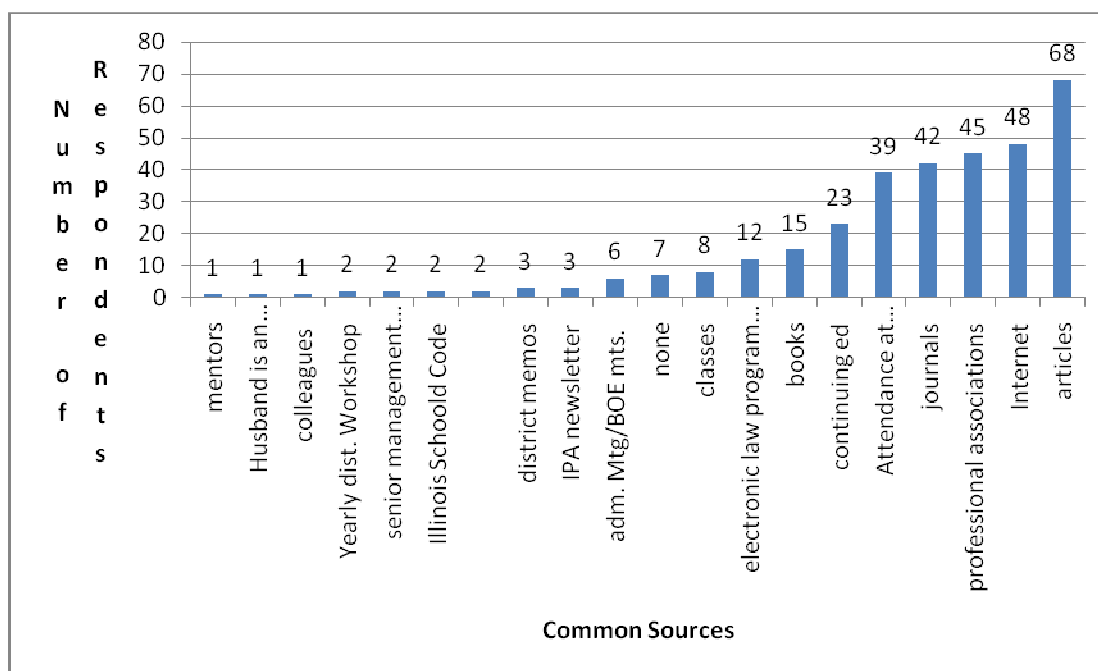
Ten school administrators, or 11.16%, stated that they received information regarding negligence as it relates to teacher classroom supervision bi-annually. Eight

school administrators, or 9.30%, stated that they received information regarding negligence as it relates to teacher classroom supervision on a monthly basis. Six school administrators, or 6.97%, stated that they received information on the IPA list serve. Six school administrators, or 6.97%, stated that they seldom received information regarding negligence related to teacher classroom supervision. Five school administrators, or 5.81%, stated that they received information when it was necessary.

One school administrator, or 1.16%, stated that he/she received information when he/she came across an article. One school administrator, or 1.16%, stated that he/she received information when there was a new law that went into effect. Three school administrators, or 3.48%, did not answer the question. No administrator checked the answer weekly as how often they received information regarding negligence as it relates to teacher classroom supervision.

The data show that the majority of school administrators received information regarding negligence as it related to teacher classroom supervision on an annual basis. However, 17 school administrators, or 19.76% or 1/5 of respondents, never or seldom receive information regarding negligence related to teacher classroom supervision.

The next question asked school administrators to identify all sources of information that they used to obtain information regarding negligence related to teacher classroom supervision. The data are as follows:



*Figure 8. Sources of Information*

Figure 8, Sources of information, indicates answers given by school administrators regarding common sources of information about negligence related to teacher classroom supervision. School administrators were instructed to check all the common sources of information; a vast majority of participants checked more than two sources of information. Sixty-eight school administrators, or 79.06%, chose articles as the sources of information regarding negligence related to teacher classroom supervision. Sixty participants, or 79.06%, stated that articles were one of the sources of information regarding negligence related to teacher classroom supervision. Forty-eight school administrators, or 55.81%, stated that the internet was one of the sources of information regarding negligence related to teacher classroom supervision. Forty-five participants, or 52.32%, stated that professional associations were one of the sources of information regarding negligence related to teacher classroom supervision. Forty-two school

administrators, or 48.83%, stated that journals were one of the sources of information regarding negligence related to teacher classroom supervision.

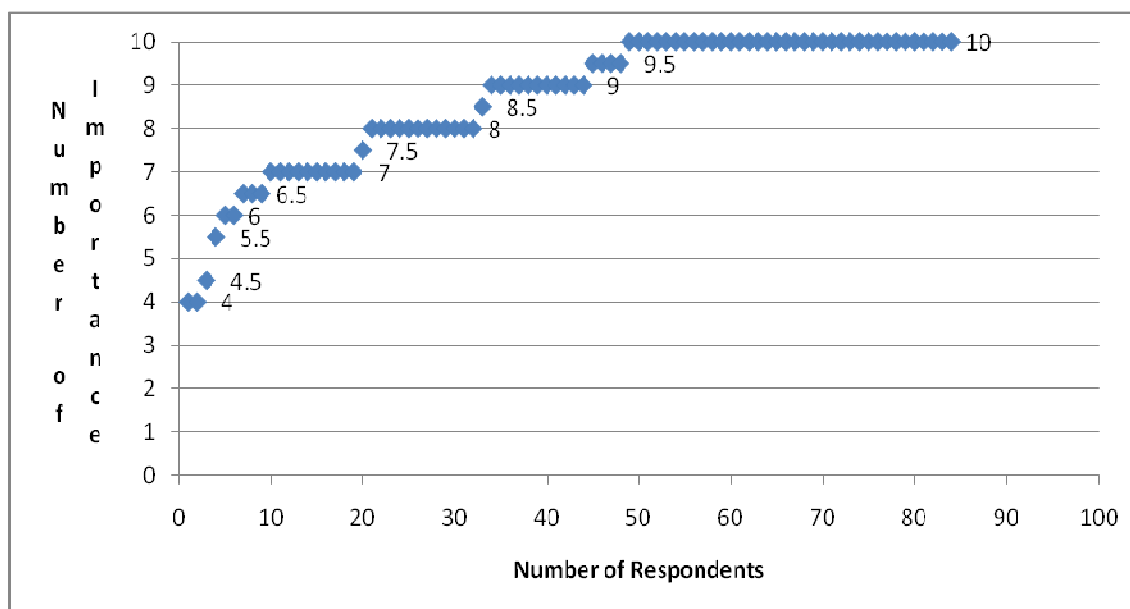
Thirty-nine school administrators, or 45.34%, stated that attendance at professional conferences was one of the sources of information regarding negligence related to teacher classroom supervision. Twenty-three participants, or 26.74%, stated that continuing education classes were one of the sources of information regarding negligence related to teacher classroom supervision. Fifteen school administrators, or 17.44%, stated that books were one of the sources of information regarding negligence related to teacher classroom supervision. Twelve participants, or 13.95%, stated that electronic law programs, such as Lexis Nexis, were one of the sources of information regarding negligence related to teacher classroom supervision.

Eight school administrators, or 9.30%, stated that classes were one of the sources of information regarding negligence related to teacher classroom supervision. Seven participants, or 8.13%, stated that they had no sources of information regarding negligence related to teacher classroom supervision. Six school administrators, or 6.97%, stated that the district meeting was one of the sources of information regarding negligence related to teacher classroom supervision. Three participants, or 3.48%, stated that the district memos were one of the sources of information regarding negligence related to teacher classroom supervision. Three school administrators, or 3.48%, stated that the IPA newsletter was one of the sources of information regarding negligence related to teacher classroom supervision.

Two school administrators, or 2.32%, stated that the district yearly workshop was one of the sources of information regarding negligence related to teacher classroom supervision. Two participants, or 2.32%, stated that senior level staff development was one of the sources of information regarding negligence related to teacher classroom supervision. Two school administrators, or 2.32%, stated that the Illinois School Code was one of the sources of information regarding negligence related to teacher classroom supervision. Two participants, or 2.32%, stated that the yearly conference by the district law firm was one of the sources of information regarding negligence related to teacher classroom supervision. One school administrator, or 1.16%, stated that mentors were one of the sources of information regarding negligence related to teacher classroom supervision. One participant, or 1.16%, stated that her husband was an educational lawyer and he was one of the sources of information regarding negligence related to teacher classroom supervision. One school administrator, or 1.16%, stated that colleagues were one of the sources of information regarding negligence related to teacher classroom supervision.

Based on the review of the data, a majority of the school administrators received their information either from the internet or from articles they read. The minority of the school administrators have a variety of sources.

The final question in the survey asked school administrators how important knowledge related to negligence as related to teacher classroom supervision was for school leaders. The data are as follows:



*Figure 9.* Importance of Knowledge Related to Negligence Related to Teacher Classroom Supervision

Figure 9, Importance of knowledge related to negligence related to teacher classroom supervision, indicates the school administrators' perception of the importance of knowledge regarding negligence related to teacher classroom supervision. School administrators were given a Likert scale from zero (0), not important to ten (10), extremely important. The average response given by school administrators was 9 out of a possible 10.

The data indicate vast majority, 51 school administrators, or 59.30%, acknowledged that knowledge of negligence related to teacher classroom supervision was extremely important. The data indicate six school administrators, or 6.97%, either did not answer the question or rated knowledge of negligence a related to teacher classroom supervision as not important.

### **Conclusion**

The data show that an overwhelming 82.55 % of the school administrators have a policy and procedure in place. The data indicate a vast majority of teachers can find the policy and procedure in the Board of Education Policy Manual and/or the Teacher Handbook. The data demonstrate that a vast majority of survey respondents believe that the policy and procedure in place in their building was successfully being implemented. A vast majority of the school administrators stated that they did walk around looking for teacher classroom supervision. A vast majority, or over 98%, of the school administrators walk around their building on a monthly to daily basis looking for teacher classroom supervision. The vast majority of school administrators, 52, or 60.46%, thought that the practice of checking for teacher classroom supervision was extremely important. Fifty-four school administrators, or 62.79%, answered yes that they did obtain information regarding negligence related to teacher classroom supervision. The data show that the majority of school administrators received information regarding negligence as it related to teacher classroom supervision on an annual basis. Based on the review of the data, a majority of the school administrators received their information either from the internet or from articles they read. The data indicate vast majority, 51 school administrators, or 59.30%, acknowledged that knowledge of negligence related to teacher classroom supervision was extremely important.



## CHAPTER FIVE

### FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

This chapter will provide a general summary, decision and conclusions of the study. Additionally, recommendations for further study will be made.

#### **Summary of the Study**

The tort system and negligence has become a deeply embedded part of the current American educational system. However, as much litigation on this issue as there is, the research regarding this particular issue is sorely lacking. Filling this void within the field of research will contribute to the dialogue surrounding an important and timely issue. The interpretation of these results will yield direction and recommendations for school leaders and their buildings so that they might reduce their vulnerability to future negligence lawsuits.

This study attempted to answer one main research question regarding Illinois administrators' perception of the existence and implementation of school policies and practices with regard to teacher classroom supervision in elementary public schools having Kindergarten through Fifth grade. The study also addressed ten (10) additional related questions. While a review of the literature indicated that understanding school law is an essential part of a school administrator's job (Haydon, 2008), this study was designed to gather information about the perception of school administrators regarding negligence and teacher classroom supervision).

Although negligence is a prominent issue of concern, little has been written about teacher classroom supervision (Greenwold, 2000). Safety and security have been written about in regards only to issues such as protection from youth gang activity; preventing exposure of students to foods that cause allergic reactions; protecting against damaging weather; prevention of student suicide; eliminating drug, alcohol and tobacco possession and abuse; reacting to suspected parental child abuse; eliminating hazing; weapons in the schools; and stranger danger (Greenwold, 2000).

What are Illinois administrator's perceptions of the existence and implementation of school policies and practices on teacher classroom supervision in schools having Kindergarten to Fifth grade? School administrators function daily in an environment subject to an increasing likelihood of being drawn into litigation involving allegations of negligence with regard to teacher classroom supervision. This study was designed to answer this answer on a small scale.

### **Summary of Research Questions**

#### **Main Research Question**

The main research question asked school administrators if they believed that they had a policy and procedure in place regarding teacher classroom supervision. The data indicate that a majority, or 81%, of the school administrators questioned stated that they had a policy and/or procedure in place for teacher classroom supervision. Legal experts agree that a major responsibility of today's educational leaders is to provide a healthy, safe, and hazard free school environment that lessens the likelihood of injury to students (Bosher et al. , 2004). Knowledge of the importance of negligence in regards to teacher

classroom supervision seems to be very important to the school administrators that answered the survey, because as DeMitchell (2008) states, a doctrine makes an employer responsible for the willful and malicious as well as negligent acts of his or her employees which are committed in the scope of the employees' employment.

At the top of a school administrator's list of duties relating to student safety should be supervision (Gordon, 2006). As administrative leader of the school, the climate, policy development, and promulgation of rules fall within their jurisdiction. Having a policy and procedure in place not only protects the students, which is an administrator's number one goal, but also the teacher, the school district and the administrator personally.

Many educators become involved in court battles due to lack of knowledge concerning their responsibility for maintaining a safe school environment (Bogle, 2003). Administrators indirectly affect student learning through their leadership roles in helping form school policies regarding school organization, the curriculum, student supervision, and the like. These policies have a powerful and direct effect on how students learn, how safe they feel in their environment, how their learning is reported, and what the consequences of their behaviors will be.

Based on the data provided in the survey, we can address how school administrators view the issue of policies and procedures related to teacher classroom supervision. Based on the answers to this question and the demographics, we can expect that the majority of schools in the United States have a policy and procedure in place if they have an experienced school administrator.

Since we do live in such a litigious society, administrators should protect the students, staff, and themselves by making themselves aware of what to do with regard to supervision and then making their staff aware of the correct ways and the necessary aspects of supervision of students. The administrator of a school is expected to be knowledgeable in all areas of school management. Thus the principal has the responsibility to establish and enforce policies that will ensure student safety.

### **Related Research Question Two**

School administrators were asked where a teacher could obtain a copy of the building's policy and procedure regarding teacher classroom supervision. The data indicate that an overwhelming majority of the school administrators were confident that teachers can find the policy and procedure in the Board of education Policy Manual and/or the Teacher Handbook. Surprising were the data from five school administrators, or six percent, that chose to either not answer the question or to state that the policy and procedures were unwritten. Although this study was done in Illinois, an example of the importance for having a policy and showing where teachers could find a copy of the policy was the 1997 Virginia General Assembly Bill HB 1851 that directs school boards to require all schools to conduct safety audits. As part of the written safety audits, school administrators are asked to verify that they have policies and procedures in place that emphasize the safety of the students. "Specific policies and/or procedures are in place that detail staff members' responsibilities for monitoring and supervising students inside and outside the classroom, such as in hallways, rest rooms, etc." (DeMary, 2000). This statement emphasizes the importance of having a policy and procedure in place for

teacher classroom supervision and the further importance for all school administrators to have the teachers know where to obtain a copy of the policy and procedure.

The results of the data show that not only do a vast majority of school administrators in Illinois in school buildings having Kindergarten to Fifth Grade have a policy and procedure in place regarding teacher classroom supervision, but they can also point out where a teacher can obtain a copy. Having the policy and procedure in a written form helps to maintain the safety of the students. Wasser (2007) advised school administrators to “Be consistent in adhering to policy and procedures”; an administrator that has the policy and procedure in written form is putting Wasser’s advice to good use.

Litigation has become a common occurrence in today’s society and negligence cases are an important subsection. Strickland, Phillips and Phillips (1976) noted that Americans are probably the most litigious people in the history of modern civilization and would rather sue than fight. Citizens of most Western democracies live in what has become to be called a “litigious society.” Persons who have been wronged, or believe that they have been wronged, have the right to sue those who have done them harm and recover the damages awarded by the courts (Kelly, 2006).

A school administrator’s job is that of the Educational Leader. As the Educational Leader the school administrator should not only establish a policy and procedure for teacher classroom supervision but then should make sure that copies are available to the school staff.

### **Related Research Question Three**

School administrators were asked their perception of what percentage of the time the policy and procedure related to teacher classroom supervision was being implemented. This was really a perception question; school administrators were asked to estimate the percentage of time that the policy and procedure was in place in their school building. The data indicate that 84%, or four-fifths, of the school administrators believed that their policy and procedures related to teacher classroom supervision was successfully being implemented. Legal experts agree that a major responsibility of today's educational leaders is to provide a healthy, safe, and hazard free school environment that lessens the likelihood of injury to students (Bosher et al., 2004). It is important for administrators to be aware of what constitutes negligence so that they can establish a safe building, teach their staff awareness of and to practice safe habits and routines at all times, and provide elements of policies and procedures mitigating liability and overseeing student safety and health. The administrator who practices prevention by constantly striving to eliminate foreseeable risks will avoid both injuries and costly litigation.

By walking around a school administrator knows what is going on in the building. Administration by walking around will assure the school administrator if all policies and procedures are being carried out in the school building. By walking around the building a school administrator will protect not only the students but the staff and the district.

**Related Research Question Four**

School leaders were asked how often they review the policy and procedure regarding teacher classroom supervision with their teachers. The data indicate that a majority, or 65%, of the school administrators indicated that they reviewed the school policy and procedure regarding teacher classroom supervision during the opening day meeting. Another 20%, or one-fifth, of the school administrators indicated that they do so “as needed.” School administrators must provide more training and information sessions for their staff, Doverspike and Cone (1992) provide recommendations for limiting liability risk; as principal, one should provide inservice sessions on supervision for the teaching staff as well as for aides, student teachers, and volunteers who may be serving in the school.

Policies and procedures must be established so that everyone in the school building can ensure a safe and productive learning environment for every student. Although principals have little control over what is happening in a classroom, staff can and should be educated about negligence and the expectations of the school and the school district. The data indicate school leaders should review the school’s policies and procedures with their teachers on a regular basis.

**Related Research Question Five**

School administrators were then asked if they walked around their building checking for teacher classroom and if they did how often they did so. The data indicate that 82 school administrators, or 93%, of the school administrators answered “yes” to this question. This means that school administrators are walking around their buildings to

maintain the atmosphere of safety in their building. The administrators were also asked how often they checked for teacher classroom supervision. The majority, or 77%, stated this was done weekly. Doverspike and Cone (1992) advise school administrators: that they will need to monitor those who are supervising students to ensure that they are in the proper places at the proper times and are actively supervising student behavior. The courts have found principals to be liable not only when they fail to adequately train school staff who are responsible for supervising student activities but when they fail to oversee these persons as well (Doverspike & Cone, 1992).

School administrators cannot afford to stay in their offices; walking around will ensure that proper supervision of students is taking place. The best defense for an administrator in a negligence suit is the development of reasonable policies and rules for the safety of those entrusted to his or her care (Shaughnessy, 2002). The reasonable administrator is one who supervises teachers and others in their implementation of rules (Shaughnessy, 2002).

The second part of this question asked school administrators how often they walked around the building checking for teacher classroom supervision. The majority of the school administrators, four-fifths, wrote in that they walked around their building on a daily basis. Conscientious supervision should be practiced in an attempt to prevent accidents (Shaughnessy, 2002). By being visible, principals will be aware of what is going on in their school building.



**Related Research Question Six**

School leaders were asked to indicate how important they considered the practice of walking around their school building checking for teacher classroom supervision; school leaders were asked to indicate on a scale from one to five, with one being not important and five being extremely important. The data indicate that a vast majority of school administrators, 52, or 60.46%, thought that the practice of checking for teacher classroom supervision was extremely important. However the minority, six, or 6.97%, stated that they considered the practice of checking for teacher classroom supervision was not important. The previous question asked school administrators if they walked around their building checking for teacher classroom supervision. In responds to that question, 93% of the school administrators stated that they did walk around their building. This question only has 60% of the school administrators saying that they consider it important. The data show that school administrators need to be made aware of negligence and the ramifications to a school administrator and the school district.

Since we live in such a litigious society, administrators should protect the students, staff, and themselves by making everyone aware of what to do with regard to classroom supervision and then making the teachers aware of the correct ways and the necessary aspects of supervision of students. The administrator of a school is expected to be knowledgeable in all areas of school management (Shaughnessy, 2002). Thus, the principal has the responsibility to establish and enforce policies that will ensure student safety and then carry out the education of the teachers and walk around the building to make sure that the policy and procedure are in place and successfully being implemented.

The second part of this question asked school administrators how often they walked around their building checking for teacher classroom supervision. Based on the review of the data, a vast majority, or 98%, of the school administrators walked around their building regularly, from monthly to daily, checking on teacher classroom supervision. A minority, or 2%, of the school administrators walked around checking for teacher classroom supervision less than three times a year.

The importance of the process of checking for teacher classroom supervision was emphasized by Shaughnessy (2002) when she states that the best defense for an administrator in a negligence suit is the development of reasonable policies and rules for the safety of those entrusted to his or her care. The reasonable administrator is one who supervises teachers and others in their implementation of rules. Wasser (2007) consoled school administrators: The prudent administrator must take an offensive approach with regard to the elimination of hazards. All activities should be carefully monitored. All staff, paid and volunteer, should receive thorough and ongoing orientation and instructions. The administrator who practices prevention by constantly striving to eliminate foreseeable risks will avoid both injuries and costly litigation.

### **Related Research Question Seven**

School leaders were asked if they obtained information related to negligence and teacher classroom supervision. The question that was posed to them gave the school administrators many options. But as it turned out, a vast majority, 61%, or two-thirds, of the school administrators obtained information about school law related to negligence relating to teacher classroom supervision. And yet, the data from question six indicate

over 93% previously stated that they considered teacher classroom supervision to be important. A little over one-third, or 36%, of respondents of this question stated that they did not receive information about school law related to negligence relating to teacher classroom supervision. The diversity of the response to question seven are a concern because school principals have an ethical and a legal responsibility to be informed of laws governing the operations of their schools (Bogle, 2003). This knowledge needs to include tort law. As case law increases, it is important for school administrators to understand and respect legal and professional guidelines concerning appropriate practices within a school (Bogle, 2003).

School law especially negligence as related to teacher classroom supervision is of utmost importance for school administrators to be aware of. Law cases go before the courts on a daily basis. With this in mind school administrators should be provided information about all school laws on an ongoing basis.

### **Related Research Question Eight**

School administrators were asked how often they obtained information about negligence related to teacher classroom supervision. The data indicate that 40 % of the school administrators, or less than half, indicated that they obtained information about negligence relating to teacher classroom supervision on an annual basis. Twenty-two of the school administrators, or almost one-fourth, indicated that they never, seldom, or only received information about negligence as related to teacher classroom supervision on an “as needed” basis.

The data provides alarming information given by the school administrators. The continuing high volume of education cases makes the need for principal's understanding of the law key. Permuth and Mawdsley (2006) conclude, "For contemporary principals, avoiding the courtroom is directly related to understanding school law and court decisions that affect the day-to-day operations of schools." It is important that school administrators are informed of changes in the law and obtain on-going information about the law. By providing information to school administrators, they would be able to establish policies and procedures related to negligence and teacher classroom supervision.

#### **Related Research Question Nine**

School administrators were requested to indicate the common sources of information made available to them regarding negligence and teacher classroom supervision. The data indicate that an overwhelming majority of school administrators, or four-fifths, of the school administrators indicated that they received their information from articles. A little over half, or 56%, of the school administrators also indicated that another common source of information for them on this topic was the internet. Therefore, the two most common sources of information regarding negligence and teacher classroom supervision were article and the internet. The least common sources of information were mentors, colleagues, district professional development, and conferences.

Bogle's (2003) doctoral dissertation regarding knowledge of tort liability by Missouri principals resulted in recommendations for all school principals: There is a need

for continuous in-service in the area of tort liability. Knowledge is essential in a principal's preparation for preventing a catastrophic loss, both for the principal and the school district. The data indicate that school administrators used articles and the internet as their common source of information. With this information in mind providers of information to school administrators will have to reexamine their ways of reaching current and future school administrators.

### **Related Research Question Ten**

School administrators were asked to indicate how important they believed knowledge about negligence related to teacher classroom supervision. The data indicate that the average response was 9 on a scale of 10. Therefore, a vast majority, 93%, or four-fifths, of the school administrators considered knowledge about negligence related to teacher classroom supervision was extremely important. The surprising answers were that 7% of respondents indicated that they did not consider it important to have knowledge related to negligence in teacher classroom supervision, by responding 1 or 2 on a scale of 10.

Leonard (2007) states that on average, a school district can expect to be sued once per 3,200 students per year. She goes on to state that "Knowing which areas of educational practice carry the greatest risk of litigation and accurately understanding the trends in litigation in general can help equip school administrators to improve practice and avoid unnecessary lawsuits." Taking Leonard's advice, school administrators need to be informed of the importance of school law, especially negligence, as it relates to teacher classroom supervision.

The University of California at Los Angeles Cyberspace Law and Policy Center reported in a survey of 500 public school districts over a three year period, students filed 1,047 lawsuits; 821, or 78.4%, of these were based on allegations of negligence. During the mid-1980s to mid-1990s, there was a 200% increase in lawsuits involving teachers. Tort liability generally, and more specifically negligence, is a staple of education law (Zirkel & Clark, 2007). The Indiana State Supreme Court noted that persons entrusted with children, “whose characteristics make it likely that they may do somewhat unreasonable things,” have a legal duty to supervise their charges. Further, the court acknowledged that school authorities have a legal duty to exercise reasonable care and supervision for the safety of the children under their control (*Norman v. Turkey Run Community School Corp*, 411 N.E.2d 614, 1980).

The data indicate that school administrators consider knowledge about negligence related to teacher classroom supervision. Providers of information to school administrators need to review the methods that they are using to inform school administrators. School districts should include school law, especially regarding negligence related to teacher classroom supervision, into an ongoing teaching program.

### **Conclusions**

This survey’s main research question asked school administrators if they believed that they had a policy and procedure in place regarding teacher classroom supervision. However, given the large response rate, it is the researcher’s contention that the data can be generalized to all school in Illinois having Kindergarten to Fifth grade. Based on the study findings, the following conclusions were drawn:

1. School administrators overwhelmingly perceive that there is a policy and/or procedure in place in their school building regarding teacher classroom supervision.
2. An overwhelming majority of the school administrators are confident that teachers can find the policy and procedure in the Board of Education Policy Manual and/or the Teacher Handbook.
3. A vast majority of all school administrators believe that their policy and procedures related to teacher classroom supervision are successfully being implemented.
4. Over half of the school administrators review the school policy and procedure regarding teacher classroom supervision only during the opening day meeting.
5. All school administrators walk around their building walk around their building checking for teacher classroom supervision. The majority of all school administrators check for teacher classroom supervision on a daily basis.
6. A vast majority of all school administrators believe that the practice of checking for teacher classroom supervision is extremely important.
7. A vast majority of all school administrators obtain information about school law related to negligence relating to teacher classroom supervision.
8. Less than half of all school administrators obtain information about negligence relating to teacher classroom supervision on an annual basis.

9. Over half of all school administrators obtained information regarding negligence as it relates to teacher classroom supervision from articles or the internet.
10. All school administrators think that knowledge about negligence related to teacher classroom supervision is extremely important.

### **Recommendations**

As a result of the survey answers of school administrators stating that they did not have a policy and/or procedure in place, or in the questions where a minority of the school administrators stated that they did not consider this to be important, programs for training principals need to provide ongoing and substantial experiences in teacher classroom supervision and program evaluation. This area is directly associated with improved student learning and unless prospective principals have advanced skills in these areas, they will not be prepared to affect student learning once they take on their first position.

As a result of the survey answers where school administrators stated that they did not have a policy and/or procedure in place and a minority stated that they did not make the policy and procedure easily available to school personnel. School administrators need to set up a written policy and procedure regarding negligence and teacher classroom supervision. The policy and procedure then needs to be available to school personnel.

As a result of the survey answers that showed a percentage of school administrators did not walk around their building looking for the practice of teacher classroom supervision, school administrators need to be instructed on the value of



walking around their school building. By walking around their building, school administrators can be assured that the policy of teacher classroom supervision is successfully being implemented.

As a result of the survey answers that showed a majority of school administrators did not review the policy and/or procedure with their school staff after the opening day meeting, school administrators need to continue instruction to school personnel regarding teacher classroom supervision. Instructional meetings should be held often in the school building.

As a result of the survey answers that showed a percentage of school administrators did not walk around their building looking for the practice of teacher classroom supervision, school administrators need to walk around their building looking for implementation of teacher classroom supervision policy. School administrators who make it their business to focus on what is going on in their building really know what is going on in the classroom and therefore, give themselves powerful leverage as they work with teacher teams to improve on classroom practices.

As a result of the survey answers that showed a percentage of school administrators did not walk around their building looking for the practice of teacher classroom supervision, programs for training school administrators should instruct future school administrators in the habit of frequent, brief, and focused visits to classrooms for the purpose of observing, first hand, that policies and procedures are being carried out.

As a result of the survey data that indicate that less than half of the school administrators obtained information related to negligence as related to teacher classroom

supervision, school administrators continue to need information regarding negligence and teacher classroom supervision. With all of the school negligence cases coming before the courts the principal is now a legal actor and must therefore be a legal expert.

As a result of the survey data that indicate that less than half of the school administrators obtained information related to negligence as related to teacher classroom supervision, school administrators need to be given monthly ongoing information about negligence as it pertains to teacher classroom supervision. Since principals are charged with the daily responsibility of operating their schools within the letter of the law, they must have an essential understanding of school law. New cases are coming before the courts on a daily basis and annual information to school administrators is not acceptable.

As a result of the survey data that demonstrate that the two largest sources for information to the school administrators, providers of information to school administrators have to review the way they are distributing this information to school administrators. Information should be made available to administrators in the forms they are most likely to seek out. With the largest response of articles and internet being the way school administrators are looking for information, providers of information should begin to change the way they deliver information.

As a result of the survey data that indicate that less than half of the school administrators obtained information related to negligence as related to teacher classroom supervision, many school administrators in schools and school districts across America operate under an umbrella of fear. Providing information to these school administrators,

who already know that this information is important, will relieve the fear under which the school administrators are functioning.

### **Recommendations for Further Study**

Further studies should be conducted to determine the real reasons behind the lack of knowledge and ability to obtain information about negligence in regards to teacher classroom supervision. Further studies should be conducted questioning superintendents on what their knowledge is about negligence and teacher classroom supervision. This survey should also question why there are limited sources for school administrators to obtain information on negligence in regards to teacher classroom supervision.

Further studies should be conducted to include Special Education policies and procedures in the survey. Additional questioning should be done about how the policy and procedure connects within the special education classroom.

APPENDIX A  
SURVEY

This study is examining Illinois administrators' perception of the existence and implementation of school policies and practices on teacher classroom supervision in schools having Kindergarten to Fifth grade.

The term *teacher classroom supervision* used throughout this survey is **defined** as the *supervision of students in a classroom by teachers*.

1. Gender:

\_\_\_\_\_ Male                      \_\_\_\_\_ Female

2. Total years as a principal:

\_\_\_\_\_ Under 5

\_\_\_\_\_ 6-10

\_\_\_\_\_ Over 10

3. Total years as a teacher prior to becoming a principal

\_\_\_\_\_ Under 5

\_\_\_\_\_ 6-10

\_\_\_\_\_ Over 10

4. Degrees Held

\_\_\_\_\_ Masters

\_\_\_\_\_ Educational Specialist

\_\_\_\_\_ Ed.D./Ph.D.

\_\_\_\_\_ Other

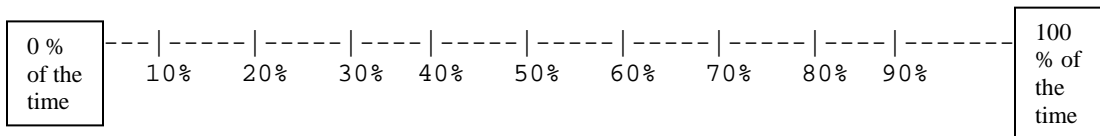
5. As a school leader, do you have a **policy** and **procedure** in place in your building for teachers to follow regarding teacher classroom supervision at **all** times?

- a. Yes (Please proceed to question 6)
- b. No (Please proceed to question 9)\*\*

6. Where would a teacher obtain a copy of your school building's policy regarding teacher classroom supervision? Please **check** (✓) ALL that apply.

- \_\_\_ Board of Education Policy manual
- \_\_\_ Teacher handbook
- \_\_\_ Parent handbook
- \_\_\_ Unwritten policy and procedure
- \_\_\_ Other. Please explain: \_\_\_\_\_

7. What **percent** of the time that do you think your policy and procedure related to teacher classroom supervision is **successfully** being **implemented** in your building?



8. As a school leader, how often do you **review** the **policy** and **procedures** with regard to teacher classroom supervision **with** your **teachers**? Please check (✓)

- \_\_\_ Opening Day meeting

\_\_\_ Reliance on existence of policy with no review

\_\_\_ Monthly

\_\_\_ Once to twice a year

\_\_\_ Three or more times a year

\_\_\_ Not after the opening day meeting

\_\_\_ Other. \_\_\_\_\_

9. \*\* As a school leader, do you **walk** around your building **checking** for teacher classroom supervision?

\_\_\_ Yes

\_\_\_ No (please proceed to 10)

- b. If you do periodically walk around your building checking for teacher classroom supervision, how often do you do so? Please check (√) **all that apply**.

\_\_\_ Monthly

\_\_\_ Three or more times a year

\_\_\_ Once to twice a year

\_\_\_ Other. Please explain: \_\_\_\_\_

10. As a school leader, how **important** do you believe the practice of checking teacher classroom supervision to be? Please check (√).

0 Not important	----- ----- ----- ----- -----	5 Extremely important
	1                      2                      3                      4	

11. As a school leader do you obtain information about school law related to negligence relating to teacher classroom supervision?

Yes

No

12. As a school leader how often do you obtain information related to negligence relating to teacher classroom supervision?

Weekly

Monthly

Biannually

Annually

Other \_\_\_\_\_

13. As a school leader, what are the most common sources of information available to you regarding the law of negligence relating to teacher classroom supervision? Please check (✓) **ALL** that apply.

Articles	
Books	
Journals	
Electronic law program (Lexis Nexis, etc.)	
Internet	
Attendance at Professional Conference	
Professional Associations	



Classes	
Continuing Education	
None	
Other:	

14. As a school leader, how **important** do you believe knowledge related to negligence teacher classroom supervision is for school leaders? Please check (√).

0 Not important	----- ----- ----- ----- ----- ----- ----- ----- -----	10 Extremely important
	1    2    3    4    5    6    7    8    9	

APPENDIX B

INTRODUCTION LETTER TO PARTICIPANTS

Address

Dear Principal,

I am a doctoral candidate at Loyola University Chicago in the Educational Administration and Supervision Program in the process of completing my research project titled, *“What are Illinois administrator’s perceptions of the existence and implementation of school policies and practices in teacher classroom supervision in schools having Kindergarten to Fifth grade?”* Under the supervision of Dr. Vivian Hopp Gordon, J.D., Ph.D. Associate Professor, in the School of Education at Loyola University of Chicago.

You are being asked to complete this survey because you are a principal at a school with Kindergarten to Fifth grade. My dissertation will examine Illinois administrators’ perception of the existence and implementation of school policies and practices in teacher classroom supervision in schools only having Kindergarten to Fifth grade. In my dissertation teacher classroom supervision is considered the supervision of students by a teacher. In addition to your school 130 other Illinois Public schools with grades Kindergarten to Fifth grades have been chosen for this study.

**Purpose:**

The purpose of this study is to find out what is an Illinois administrators’ perception of the existence and implementation of school policies and practices in teacher classroom supervision in schools having Kindergarten to Fifth grades.

**Procedures:**

If you agree to be in the study, you will be asked to:

1. Complete the enclosed survey. Based upon the pilot testing, the completion of this survey should take five to seven minutes.
2. Return it to me in the self-addressed, stamped envelope provided.
3. **Please do not sign, nor put any markings on the survey or envelope that can somehow identify who the survey or envelope is from. This survey is meant to be completely anonymous.**

**Risks/Benefits:**

Your response is very important and may contribute to the improvement to the field of educational leadership. There are no direct benefits to you from participation except that you will be contributing to the field.

**Confidentiality:**

- All have been randomly selected.
- There is no coding and all responses are completely anonymous.
- All demographic information will be separated from the response when the surveys are returned.
- The survey data will be used only for the purpose of this research.
- All survey results and notes will be kept in a locked cabinet to which only the researcher will have access.

**Voluntary Participation:**

Participation in this study is voluntary. If you do not want to be in this study, you do not have to participate. Even if you decide to participate, you are free not to answer any question or to withdraw from participation at any time without penalty.

**Contacts and Questions:**

If you have any questions about this research study, you may contact me at [mmart32@luc.edu](mailto:mmart32@luc.edu), or my faculty advisor Dr. Vivian Hopp Gordon at [vgordon@luc.edu](mailto:vgordon@luc.edu).

If you have questions about your rights as a research participant, you may contact the Loyola University Office of Research Services at (773) 508-2689.

Thank you in advance for completing this survey. Your response is very important and may contribute to the improvement to the field of educational leadership.

Return of the survey questionnaire will be considered your consent to participate.

Maria Martinez-Valiukenas

Doctoral Student

APPENDIX C

SECOND LETTER SENT OUT TWO WEEKS AFTER  
FIRST INTRODUCTION LETTER TO PARTICIPANTS

Address

Dear Principal,

**This is the second mailing of this survey. If you have already sent your survey, I thank you and please disregard this letter. If you have not sent your survey, please answer these short questions. I would greatly appreciate it!**

I am a doctoral candidate at Loyola University Chicago in the Educational Administration and Supervision Program in the process of completing my research project titled, *“What are Illinois administrator’s perceptions of the existence and implementation of school policies and practices in teacher classroom supervision in schools having Kindergarten to Fifth grade?”* Under the supervision of Dr. Vivian Hopp Gordon, J.D., Ph.D., Associate Professor, in the School of Education at Loyola University of Chicago.

You are being asked to complete this survey because you are a principal at a school with Kindergarten to Fifth grade. My dissertation will examine Illinois administrators’ perception of the existence and implementation of school policies and practices in teacher classroom supervision in schools only having Kindergarten to Fifth grade. In my dissertation teacher classroom supervision is considered the supervision of students by a teacher. In addition to your school 130 other Illinois Public schools with grades Kindergarten to Fifth grades have been chosen for this study.

**Purpose:**

The purpose of this study is to find out what is an Illinois administrators' perception of the existence and implementation of school policies and practices in teacher classroom supervision in schools having Kindergarten to Fifth grades.

**Procedures:**

If you agree to be in the study, you will be asked to:

1. Complete the enclosed survey. Based upon the pilot testing, the completion of this survey should take five to seven minutes.
2. Return it to me in the self-addressed, stamped envelope provided.
3. **Please do not sign, nor put any markings on the survey or envelope that can somehow identify who the survey or envelope is from. This survey is meant to be completely anonymous.**

**Risks/Benefits:**

Your response is very important and may contribute to the improvement to the field of educational leadership. There are no direct benefits to you from participation except that you will be contributing to the field.

**Confidentiality:**

- All have been randomly selected.
- There is no coding and all responses are completely anonymous.
- All demographic information will be separated from the response when the surveys are returned.
- The survey data will be used only for the purpose of this research.



- All survey results and notes will be kept in a locked cabinet to which only the researcher will have access.

**Voluntary Participation:**

Participation in this study is voluntary. If you do not want to be in this study, you do not have to participate. Even if you decide to participate, you are free not to answer any question or to withdraw from participation at any time without penalty.

**Contacts and Questions:**

If you have any questions about this research study, you may contact me at mmart32@luc.edu, or my faculty advisor Dr. Vivian Hopp Gordon at vgordon@luc.edu.

If you have questions about your rights as a research participant, you may contact the Loyola University Office of Research Services at (773) 508-2689.

Thank you in advance for completing this survey. Your response is very important and may contribute to the improvement to the field of educational leadership. Return of the survey questionnaire will be considered your consent to participate.

Maria Martinez-Valiukenas

Doctoral Student

APPENDIX D

POST CARD SENT FOUR WEEKS AFTER INTRODUCTION LETTER

Dear Principal,

Recently, you were sent a survey entitled “What are Illinois administrator’s perceptions of the existence and Implementation of School Policies and Practices in teacher classroom supervision in schools having Kindergarten to Fifth Grade?” Your participation would be greatly appreciated. If you have not filled out the survey, I would appreciate you taking a few minutes to take the survey and mail it back. If you have already mailed back the survey, I appreciate your time and effort.

Please remember: do not sign, nor put any markings on the survey or envelope that can somehow identify who the survey or envelope is from. This survey is meant to be completely anonymous.

Thank You,

Maria Martinez-Valiukenas, Doctoral Student

Loyola University Chicago

APPENDIX E  
QUESTION RATING FORM

### Question Rating Form

Please read and evaluate the questions on this questionnaire based on your own experience. The following codes are provided for you to use as you rate each question.

N – No problem as written

S – Some concern with the question

D – Definite issues with the question

Thank you for your time and efforts!

Question	Difficult to Read	Difficult to Understand	Difficult to Answer	Comments
5				
6				
7				
8				
9a.				
9b.				
10.				
11.				
12.				
13.				

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## VITA

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