School Administrators' Priorities for Legal Literacy Training

Thomas Hughes* (iD)

Northern Arizona University, Arizona, United States

Abstract	Article Info
Legally astute educational leaders are essential to carry out any school's mission. This article relays their priorities and preferences concerning legal literacy training approaches. Their collective input offers clear support for real-life focused, contextually grounded legal preparation. Remarkably, only ten percent of the participants reported receiving the training approach the group so strongly recommended. Administrator-recommended instructional priorities consistent with problem-based learning (PBL) would emphasize contexts leaders are engaged in, inspire confidence in candidates, and complement the development of their professional sensemaking responsibilities.	

***E-mail:** thomas.hughes@nau.edu

RE
AL

Introduction

Public education has increasingly been subject to a "changing policy universe where there are many competing demands and political pressures" (Orfield & Frankenberg, 2014, p. 718). During escalating challenges, school leaders regularly provide the first line of defense for legal concerns and other conflicts (Decker et al., 2019; Ghaffar & Naz, 2012; Salina et al., 2017; Stapleford, 2007). The literature on legal training has forecasted dire implications for ineffective local legal leadership, which amplifies the importance of continuously improving approaches to administrator legal preparation (Decker & Brady, 2016; Decker et al., 2019; Militello et al., 2009; Tie, 2014; Umpstead et al., 2016).

The legal reality American school leaders face is daunting. Even 25 years ago it was described as compliance-inspiring by Bull and McCarthy (1995 p.615), who offered how "the law is seen as prescriptive, placing limits on professional autonomy rather than creating a framework for expressing public values and decisions." Even as predicted provocations intensify (Cunningham et al., 2019; Hughes, 2014; Hughes, 2019; Miller, 2018), uniformity with national training standards (NPBEA, 2015) and accreditation requirements generate more influence than legal training research (Grissom et al., 2019). Recognizing that standards and accreditation offer little beyond a call to action (Decker et al., 2019), multiple scholars (Bull & McCarthy, 1995; Decker & Brady, 2016; Decker et al., 2019; Militello et al., 2009; Schimmel & Militello, 2008; Schneider, 2020; Tie, 2014) have championed the systematic study of legal training to promote improved legal literacy among school personnel.

In an early effort to impact dispositions and spur professional growth, Bull and McCarthy (1995, p. 614) labeled it "professionally

inappropriate" for administrators to default to a "boundary-setting" mentality where they routinely shifted responsibility away from themselves and onto mandates deemed as beyond their control. The authors were critical that "school leaders do not feel ownership for the law" (Bull & McCarthy, 1995, p. 620) and advocated more active involvement, particularly while working through legal happenings, instead of merely acquiescing to the status quo. The publication of their positions contributed to increased dialogue and inquiry surrounding legal literacy through the "Knowledge Base Project" initiated by the University Council for Educational Administration (UCEA)."

At the time, Van Geel (1995, p. 640) foreshadowed the article's transformational standing when offering: "It is a rare occurrence in the history of educational administration that we are provided simultaneously with a new view of the practice of administration and a new conception of administrator preparation." As acknowledged by Cunningham et al. (2019, p. 75) UCEA has sustained this transformational direction in its call to push beyond the "traditional 'reading and discussing' approach to leadership preparation" which they labeled informational learning. This study sought to embrace the transformational learning emphasis foreshadowed by Van Geel (1995) and reinforced by Cunningham et al. (2019). This approach is vital to scholars such as Young (2015), who advocated focusing administrator training on the complexities of the 21st century.

As a former leader in special education, then district administration, and now a university trainer responsible for legal preparation, it has always been clear that effective legal leadership is not passive. Working collaboratively with others to collectively make sense of today's unique challenges and local contexts has consistently proven vital to my success and that of those I have worked with. It has been

essential to efforts to establish and sustain a forward-thinking direction. While sensemaking is not a familiar term across the legal literacy literature, commentary within the literature has alluded to it, and experience has confirmed that it is the act that sets administrators apart from everyone else. Since the narrative surrounding legal literacy and the insights into effective training inform each other, they are referenced together throughout this article.

Legal Literacy

Legal literacy is a top training priority for educational leaders (Militello et al., 2009). While the literature lacks a universally accepted definition for its application to school administrators, there has been sufficient agreement over time to offer a working definition for this article. At its core, legal literacy has historically represented the compilation of educationally applicable legal knowledge combined with individually held insights into how legalities are processed within our institutions and across society.

These core descriptors were affirmed over 25 years ago by Bull and McCarthy (1995), who used the terms *legal product* to describe legal knowledge or content and *legal process* to depict the application of that knowledge. These core elements have long been supported by contemporary scholarship (Decker, 2014; Decker & Brady, 2014; Decker & Pazey, 2017; Decker et al., 2019; Schneider, 2020; Taylor, 2001). Although there is more work to be done, in the two-part legal product and legal process description articulated by Bull and McCarthy (1995) represents the accepted unofficial definition of legal literacy.

Of note, decades of shifting demands across society coupled with expanding expectations facing school administrators (Cunningham et

al., 2019; Fullan & Kirtman, 2019; Gilbert, 2017; Hughes, 2014; Hughes, 2019; Miller, 2018; Petty, 2016; Young, 2015) have effectively reshaped the role of a successful leader from a delegator to a facilitator. It no longer works for an administrator to bank on standalone policies, positions, or decisions. Constituents are far more likely to engage, question, and even challenge system leaders. Bull and McCarthy may not have predicted these developments. However, they did perceive both a need and a reluctance among administrators to personally engage stakeholders in the contextual realities described within the literature.

Changes in social norms coupled with the increased complexity administrators face continue to fuel the evolution of legal literacy. Legal literacy will always feature legal products and legal process, which have traditionally been addressed through a procedural lens that may not encourage administrators to engage others at an interpersonal level. The calling to facilitate legally impacting issues with a public increasingly disinclined to accept authority at face value is a challenge many leaders lack training for. As will be detailed later in this article, a sensemaking and conflict resolution responsibility has been taking shape. However, these interpersonal leadership strands still need to be added to an updated definition of legal literacy and also become a more prominent part of leadership training.

Legal Literacy Training

Solid empirical evidence supports the need for legal training (Militello et al., 2009) and champions the benefits of quality training (Decker et al., 2019). The literature on preparation has also become more focused on context's prominence in legally oriented situations (Decker & Brady, 2016; Decker et al., 2019; Militello et al., 2009; Schneider, 2020). Experience matters, however aspiring leaders typically hail from

teaching backgrounds and frequently lack exposure to the conflicts and issues that provide the early context for their future legal leadership efforts (Decker & Brady, 2016; Decker et al., 2019; Militello et al., 2009; Schneider, 2020). Legal literacy development is a complex and vital undertaking. In order to move beyond tradition and toward instructional innovation (Young, 2015), additional research is needed to help identify the most appropriate focus for legal literacy preparation and to determine the best approaches for future training. The primary insights from the literature are organized into three areas: 1. The importance of training, 2. The broadening focus of legal literacy, and finally, 3. A look at instructional methods.

Importance of Training

Fourteen years after Bull and McCarthy's article, Militello et al. (2009) published a comprehensive study completed in cooperation with the National Association of Secondary School Principals (NASSP). Confirming Bull and McCarthy (1995) before them, it was concluded that school administrators could better address many of the situations they faced if they had completed a comprehensive legal aspects course, kept current with legal updates, and received ongoing access to the district's legal counsel. Eight years later, Gilbert (2017, p.14) reported results from 43 participants who completed a modified version of the Principals' Education Law Survey (Militello et al., 2009) and concluded that a real-life approach such as "immersive simulation adds a layer of complexity and richness to traditional learning models."

Two years later, Decker et al. (2019) validated the perceived value of a quality legal aspects course for aspiring administrators. The study specifically targeted whether participants believed their training had given them greater confidence and empowered them to resolve legal challenges more successfully. The authors concluded that legal

training changed participants' attitudes and orientations toward approaching legal situations. Schneider (2020) interviewed ten K-12 principals and ten school law faculty members who drew attention to the need to overcome common weaknesses in most administrative candidates' classroom-oriented backgrounds. The readiness gaps Schneider (2020) identified only add credence to the importance of legal training and efforts to improve it through research.

Broadening Focus

Bull and McCarthy (1995) and Taylor (2001) presented early perspectives concerning potential over-emphasis on legal content and products. Bull and McCarthy considered it necessary to broaden the scope of legal literacy practices and, therefore, the overall focus of training to more thoroughly include legal process. While that position certainly included process viewed in a procedural sense, repeated reference to their preferred legal literacy outcomes demonstrated the authors were also envisioning process as entailing people skills, including problem-solving, conflict resolution, and demonstrating empathy toward others. This position was advocated at least in part because they foresaw a need to shift away from widespread compliance more towards a future where administrators stood to help shape legal realities (Bull & McCarthy, 1995).

Investigators have continued to focus on managing context and conflict in effective legal literacy (Decker, 2014; Decker & Brady, 2016) and acknowledged that administrators are generally more deeply engaged in local school realities than attorneys. In concert with the two-part *product* and *process* paradigm referenced here, researchers have also stressed the need to enhance critical thinking and problem-solving abilities (Bull & McCarthy, 1995; Decker, 2014; Militello et al., 2009). These skills are increasingly being recognized across the

literature as complementary to the traditional legal content that Cunningham et al. (2019) would label as "informational" and typically lacking transformational learning opportunities.

Beyond facing today's challenges, Young (2015) contended that preparing leaders for a challenging future is vital. Not only could interpersonal processing skills better equip administrators to interpret local contexts, respond to challenging situations, and shape local policy (Bull & McCarthy, 1995), but they could also help school leaders embrace their calling to legal leadership instead of fearing it (Decker, 2014). Incorporating an active processing orientation to instruction seems especially worthwhile in light of how frequently educational administrators are drawn into competing rights situations between individuals and organizations. Many of these are interpersonally challenging as they may be culturally sensitive or equity-oriented and intricately woven throughout American society and educational jurisprudence.

Situations like these are frequently brimming with personal sentiments (Bull & McCarthy, 1995), including fears and frustrations that call for an administrator's sense of empathy. Administrators who can capitalize on their connection with others as part of their approach to legal leadership would seem well-positioned to advocate and help diminish the isolation and stress related to potential loss or damage often experienced by the disenfranchised (Decker, 2014). Affirming the leanings described here, McCarthy (2016) herself advanced a calling for administrators to be advocates who make personal connections and investments in their surroundings and situations. Social justice advocates frequently promote these supportive attitudes (Capper & Young, 2014; Lewis & Kern, 2018; McKenzie et al., 2008; Orfield & Frankenberg, 2014; Theoharis, 2008). However, according to O'Malley

and Capper (2015), traditional administrator training does not provide sufficient attention to sensitive issues such as equity and gender-specific concerns, including sexual identity.

Instructional Methods

Numerous authors (Decker, 2014; Decker et al., 2019; Pazey & Cole, 2013; Umpstead et al., 2016) have advocated enhancing training practices. Decker et al. (2019, p.165) referenced the potential use of "debates, mock trials [and] group discussions" to help students better "apply legal principles" during their training. Pauken (2012) referred to using reflective practice to nurture processing abilities that arguably could address both procedural review and interpersonal considerations. Gilbert (2017) examined the benefits of a scenario-based training approach. More recently, Decker and Pazey (2017) and Schneider (2020) identified the value of delivering case-focused instruction that could embrace context and improve critical thinking. Acknowledging the importance of legal literacy, this study investigated the instructional priorities of school leaders. Namely, its focus included the intended purpose of legal preparation. It also pursued insights concerning ways to address those instructional needs. The conceptual connection between the literature and the focus of this study follows.

Conceptual Background

Legal content, or what was termed *product* by Bull and McCarthy (1995), has long served as the cornerstone of legal literacy and subsequent administrator training. When the authors infused their vision of principals' engagement with *process* into the established legal literacy dialogue, Van Geel (1995) forecasted seismic challenges resulting from the mere suggestion of said expectations. In the years

following, the educational legal literacy construct has successfully evolved without suffering Van Geel's predicted need to develop an entirely new leadership discipline. Instead, multiple scholarly works (Decker, 2014; Decker & Brady, 2014; Decker & Pazey, 2017; Decker et al., 2019; Schneider, 2020; Taylor, 2001) have highlighted context's critical role in processing complex local realities. While this thinking has not been actively adopted as a defined part of the legal literacy definition, yet, documented efforts to integrate *process* more directly into training have begun.

During nationwide culture wars targeting public education, and an added awareness of the need for administrator advocacy (McCarthy, 2016), navigating surrounding contexts has increasingly emerged as a recognized expectation for school leaders (Decker et al. (2019). In a myriad of ways, these essential responsibilities parallel those depicted within the sensemaking framework Karl Weick introduced in 1995. Sensemaking is "a key leadership capability for the complex and dynamic world we live in today." Sensemaking closely correlates with processing, as referenced within this review, in that it involves "how we structure the unknown so as to be able to act in it" (Ancona, 2012, p.3). This construct is not specific to education nor directly linked to legal literacy. Further, it is not new either as Van Geel (1995, p. 641) was prescient when offering, "few would doubt that administrators need to make sense of hard-to-make-sense-of situations that entail conflict and the necessity to make choices."

Almost 20 years later, Spillane and Lee (2014, p.437) referenced how educational administrators are regularly drawn into concerns inundated with "discrepancy, ambiguity, and uncertainty" that "prompt people to extract puzzling clues from their environment in an effort to reconstruct their understanding of their situation." Tie (2014)

similarly described administrators' legal role as balancing risks and competing rights with the practical implications of their efforts needing to become their immediate focus. Legal content, or *product*, will always be the cornerstone of legal literacy and, subsequently, literacy training. However, literature tied to general leadership and affiliated with legal literacy has reinforced the essential nature of McCarthy's (2016) stance on increasing administrator advocacy.

To that end, there is an ongoing call for more interpersonal *process-oriented* expectations, including empathy, advocacy, and sensemaking skills. However, prior to this point the sensemaking or real-life preparatory aspect of legal literacy development has not been supported by empirical evidence nor tied directly to other training priorities. Working with a sample of front-line educators who have collectively persevered through various legalities, this investigation sought to bring their legal literacy training insights and priorities to light to address this gap across the literature. The following three research questions guided the focus of this study:

- What should be the primary purpose of legal literacy training?
- What instructional approach would practitioners recommend?
- What instructional delivery modalities are most highly recommended by practitioners?

Method

Design

This study employed a quantitative research design consistent with prior efforts addressing the training topic. It incorporated a structured survey to address three research questions identifying preferred methods for developing legal literacy. This study also included an open-ended *final thought* prompt. The methodology emphasized

descriptive analysis because the collective literature has yet to reach a point that justifies inferential steps. Further, significance testing is primarily a measure of chance (McLean & Ernest, 1997, p.3) and "provides no information about the meaningfulness" of data. Creswell (2009) has relayed that the approach chosen here enhances meaning within research and subsequently across the literature. Adopting this structured design is also consistent with Fowler's (2014) view that information is more accurately reported in these self-administered modes.

Participants

Prior studies regularly drew participants from their graduate programs. Similarly, this project initially sought a sample of 12 years of past graduates. As Trotter II (2012, p. 399) shared, "The ideal standard is to recruit the entire expert group to provide a saturation level of information about the targeted research topic." When competing priorities appeared internally, the Arizona School Administrators Association (ASA) emerged as a collaborator able to provide access to its entire membership. This shift allowed for targeted sampling (Asimah et al., 2017; Fowler, 2014; Trotter II, 2012) and indirectly included past graduates who comprise a considerable portion of ASA's membership. There were unintended benefits to this outcome as the initially intended sample would also have included graduates who never assumed administrative positions. The ASA sample drew exclusively from experienced leaders whose insights are more directly comparable to leaders in other settings. This alignment also limited the potential for systemic differences and bias or sampling error (Creswell & Guetterman, 2019; Fowler, 2014).

The collaboration with ASA allowed for direct canvassing of their entire targeted body of experienced educational leadership members

737

(Asimah et al., 2017; Fowler, 2014; Trotter II, 2012). This resulted in 193 completed surveys out of 1,078 possible contributors, yielding a 17.9% return rate. That return rate exceeded the 6.2% (n=493) response Militello et al. (2009) obtained. Decker et al. (2019) achieved a 41% return rate. However, the total return (n=123) obtained over a more extended period represented a lower net response than this study. This study also exceeded the 43 total responses yielded by Gilbert's (2017) study and the 20 Schneider (2020) worked with. The targeted sampling approach benefitted from the highly inclusive fact that the Arizona School Administrators Association unites school leaders from both the district and building levels. Of the 193 received responses, 55 came from superintendents, 53 came from district-level leadership, 69 came from building-level leadership, and retired administrators offered eight replies.

Data Collection Procedures

The ASA Director publicized the upcoming study, referenced its professional significance, and detailed the ASA's intended survey distribution. Each ASA member was provided an equal opportunity to participate in the study, contributing to the overall vitality of the sampling process (Creswell & Guetterman, 2019; Fowler, 2014). This outreach was completed within the regularly emailed monthly newsletter. The structured survey instrument was imported into the *Alchemer* online survey software platform. Survey links were embedded into the solicitation script sent to each ASA member directly through their organization's email account.

The study relied on informed consent and did not require returned documentation. The emailed script included participant rights, potential risks and benefits, and confirmation that involvement was voluntary. The message also outlined study objectives and timeline

descriptors. The research prompt was only emailed once to avoid burdening busy practitioners. It was followed up with weekly ASA reminders encouraging members to complete the study within the allotted six-week response window. ASA members confirmed the benefits of these extra efforts during informal voluntary debriefing opportunities the ASA director scheduled during the first association meeting after completing data collection.

Survey Instrument

The survey design utilized structured questions with closed answers, as Fowler (2014) advocated. Local terminology and practices helped construct the response options for prompts concerning instructional priorities and training approaches. A survey development specialist helped enhance the instrument format. A write-in portion for *Other* yielded only four responses where participants attempted to choose all available prompts. To reduce random error, eight former Arizona school administrators and five administratively trained faculty members completed a critical review to detect common flaws (Creswell, 2009; Fowler, 2014). As Fowler (2014) recommended, pretesting was also completed by ten in-state non-ASA administrators plus 11 public school administrators from Wisconsin. These piloting steps helped confirm the instrument's face validity and consistency (Creswell, 2009) and phrasing clarity. Finally, an expert panel of former administrators reviewed the final survey, ensuring that directions and questions were understandable (Fowler, 2014).

Data Analysis

Analysis of data was completed through descriptive statistical approaches. *Alchemer* online software provided analysis and summary support. Data summaries were also examined for potential response

differences according to length of service, organization size, and location, but did not yield reportable differences among participants. Fowler (2014) indicated that debriefing can provide valuable insights into research design and implementation vitality. Feedback from participants from the ASA debriefing conveyed how meaningful the research was and how precise and efficient the survey was. A second indicator of study vitality was drawn from the comparison of 61 comments from the survey's open-ended prompt. The attitudes and insights shared within the qualitative narrative consistently confirmed the reported data.

Results

Information gathered through this study provides a data-driven perspective contributing to the dialogue Bull and McCarthy introduced over 25 years ago. Practitioners' ownership of their sensemaking role is evident in their responses and closely aligns with the research concerning context's place within legal literacy. Narrative summaries plus visual representations are included for each of the research questions in the following order:

- Preferred Purpose of Training
- Preferred Instructional Focus
- Preferred Instructional Delivery
- Optional General feedback

Primary Purpose

A total of 193 administrators responded to the question: "What do you think the primary purpose of an initial Legal Aspects course should be?" Results appear in Table 1. Of the options for participants to select, 72% (n=138) focused on instruction tied to the challenges new administrators can expect to face. A distant second choice, with 10%

(n=20) selecting it, was to offer a wide-ranging survey of general legal and governing concepts. Only 9% (n=18) picked instruction through a specific lens such as standards, social justice, or special education. This was followed by 6% (n= 11) who favored a primary emphasis on legal processes and case/court outcomes. Then came *Other* at 2% (n=4). The final selection was approaching instruction by examining personal areas of interest 1% (n=2). The focus on expected challenges (72%) was selected seven times more frequently than the second-place response supporting a more general survey focus (10%). That difference suggests a practical level of significance even with descriptive analysis. A lack of deviation across subgroups further strengthened this distinction.

Table 1

Primary Purpose of Legal Training in Leadership Programs

Training Should Provide	N	%
Instruction tied to likely administrator challenges	138	71.5
Survey of legal and governing concepts	20	10.4
Instruction through a lens such as special education or social justice	18	9.3
Introduction to legal process and case/court outcomes	11	5.7
Other – write-in	4	2.1
Opportunity to examine personal areas of interest	2	1

Instructional Focus

Administrators responded to the following question: "Which would you utilize for the primary design of a Legal Aspects course?" Results appear in Table 2. The school leaders responding to the survey had a clear vision for instructional approaches, with 76% (n=146)

overwhelmingly recommending emphasis on the practical application of legalities to real-life situations. A case outcomes style of instruction was selected by 18% (n=35) of the participants. The remaining 6% of the choices made were closely divided between the three options of policy at 3% (n=6) or, personal interest at 1% (n=2), or *Other* at 2% (n=4).

Table 2
Design of Law Course

	Recommended Instructional Approach		Approach Participants Received	
	N	%	N	%
Practical application of legalities to real-life situations	146	75.6	19	9.8
Heavily focused on cases and legal outcomes	35	18.1	86	44.6
Survey of legal and governing concepts	-	-	55	28.5
Primarily a policy focus	6	3.1	12	6.2
Other –write-in	4	2.1	8	4.2
Pursue personal interest	2	1.1	1	0.5
Did not complete this course	-	-	12	6.2

Participants were also prompted to report on their own training experiences. In retrospect, only 10% (n=19) of respondents reported receiving the type of practical preparation collectively recommended by this sample. Instead, a course drawing heavily from case outcomes was the most common type of instruction administrators reported receiving at 45% (n=86). The second most common course approach administrators reported experiencing at 28% (n=55) was a wide-ranging survey. Of note, not one single participant recommended the

more global survey approach as a preferred option for future instruction.

The majority of survey completers indicated a preference for future instruction that was grounded in an everyday context. Their desire for a more grounded approach was further reinforced by the satisfaction ratings participants provided for the non-grounded preparation they reported completing. A total of 32% (n=35) were either satisfied or very satisfied with their training. A total of 5% (n=10) never completed a defined legal aspects course. This minimal positive response means that the remaining 63% were less than satisfied with the legal preparation they received and would largely not recommend.

Direct Instructional Delivery

Figure 1. summarizes the third question tied to identifying preferred direct instructional modalities. Options offered through the survey ranged from real-life-oriented activities such as case studies to traditional practices such as reading, written work, and lectures. Feedback from the expert panel supporting survey refinement was very specific for this question based on the first pilot run. It was strongly recommended that contributors be prompted to rank their top choices for direct instructional methods against each other instead of individualizing options within identically formatted Likert questions. For this summary, the vertical axis represents the percent response from respondents, whereas the horizontal axis reports their ratings of instructional value for each listed approach.

Figure 1

Direct Instructional Approach (Emphasis by Percent)
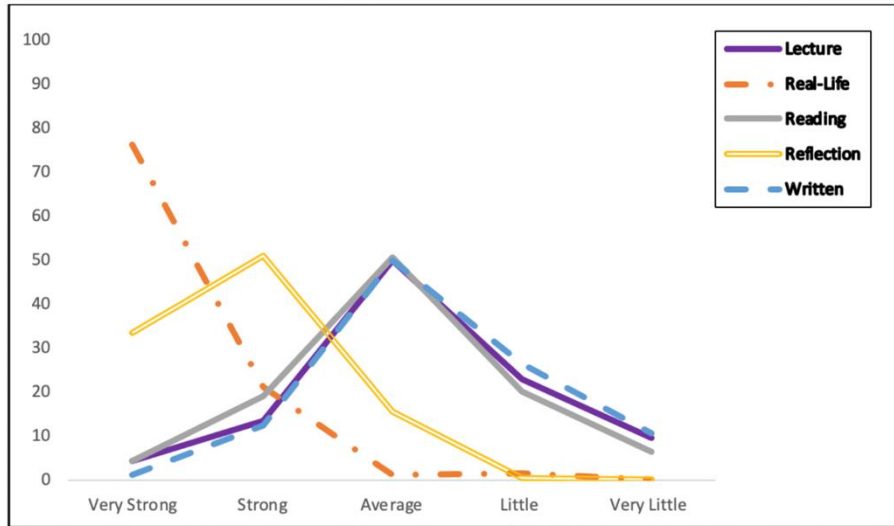
As summarized in Figure 1., the contextually-framed activities building upon a real-life emphasis and reflection were most highly valued. Use of a real-life approach was rated as deserving a Very Strong Emphasis by 76% of the participants, with another 21% classifying it as deserving a Strong Emphasis. Netting 33% of the Very Strong Emphasis ranking and 51% of the Strong Emphasis response was reflection likely encouraged through guided discussion. A commonality shared by both approaches would be the ability for students to assess challenges and envision practical solutions relying on various content and contexts. These contextually framed direct instructional delivery options could differ significantly from options including a lecture format or reading assignments. These more passive considerations were rated as Average by 50% of the contributing administrators.

General Feedback

Of the 193 responses, 61 participants shared their open-ended final thoughts on legal literacy preparation. The need to teach aspiring administrators what to expect in their intended work setting stood out the most. This was referenced 24 times and frequently included statements such as "My class was about the law as it related to the shaping of education today. It was not a guide or practical use class. It was informative but not necessarily useful for the position." Another theme brought up ten times was the need for more than one dedicated course. Some feedback singled out the importance of focusing solely on special education, whereas others would prefer a course on case outcomes and a separate course on conflict resolution skills.

The remaining comments included the importance of ongoing professional development, appearing eight times, as did utilizing an applied training approach. Finally, there was a tie between involving an attorney in instruction and five mentions of specific skills that needed to be emphasized. One administrator emphasized capacity-building with this response, "working together, similar to how administrators must work with their legal team, is a better way of preparing new administrators for thinking through legal problems." Along the same lines of specifying skills, another offered a sensemaking perspective which held that "there is a pattern to figuring these things out. They can't know everything all the time but they can know a process that will protect all parties involved."

Discussion

Bull and McCarthy (1995) anchored UCEA's effort to spur inquiry and promote scholarly dialogue concerning legal literacy. Their message clearly affirmed the unquestionable importance of legal *products*.

Further, the authors clearly envisioned and advocated for an increased emphasis on legal *process* both in a procedural sense and arguably also as it pertains to administrator sensemaking responsibilities referenced within this article. Neither the law nor related scholarship has been static during the past 25 years. Contextual realities are increasingly entangled with expanding challenges (Cunningham et al., 2019; Fullan & Kirtman, 2019; Ghaffar & Naz, 2012; Gilbert, 2017; Hughes, 2014; Hughes, 2019; Miller, 2018; Petty, 2016; Salina et al., 2017; Stapleford, 2007; Young, 2015). The referenced stressors have only heightened efforts to first define legal literacy and second to that to also determine the best pathways for instilling it within school leaders (Redfield, 2003; Tie, 2014).

The results from this study contribute to both efforts. In identifying training priorities that overwhelmingly emphasize context, the participants have also offered defining insights concerning *sensemaking's* place that cannot help but shape our overall conceptualization of legal literacy. Training that is geared toward meeting future needs (Young, 2015) cannot afford to ignore the ratings and the commentary from these responding administrators. They empirically and explicitly acknowledged their agreement with and their ownership of the interpersonal processing expectations advanced by Bull and McCarthy. In doing so, they endorsed and prioritized the importance of legal literacy being grounded in real-life sensemaking awareness and able to integrate practical conflict resolution skills. Their statement presents considerable training implications, which are examined next.

School leaders understand that policies, legislation, and case outcomes frame many of the issues they will encounter. However, they are keenly aware that they are presented with local situations at work, not

federal legal cases to review. Whether considering the purpose of instruction or addressing specific learning activities, survey responses and commentary alike affirmed that participants expect training based on real-life responsibilities and activities in which they find themselves engaged. One very telling statement about a traditional instructional approach read: "After taking classes and starting as an administrator, I was amazed at what I didn't know." This same administrator detailed multiple practical matters they felt ill-prepared to face. Comments from several other respondents were closely aligned with a peer who indicated that "practical application is the most important but highly lacking area" of legal instruction. While administrator preparation has its critics in general (Boyland et al., 2015; Grissom et al., 2019; Hallinger & Bridges, 2017; Perrone & Tucker, 2019), the stakes are even more significant for legal training, as has already been shared.

Administrators function under complex conditions, regularly immersed in competing demands and other peoples' conflicts (Orfield & Frankenberg, 2014). Attorneys typically hold a crucial advisory role, while administrators are directly on-site, rarely attaining any separation from the mistrust or interpersonal costs that frequently result from serious challenges. It is not difficult to understand why Decker et al. (2019) stressed the importance of confidence, and Tie (2014, p.192) observed that many school leaders "tend to approach the law with a certain degree of fear and anxiety." Therein, the findings from this study offered resounding practitioner support for grounding legal preparation in a real-life context that develops capacities they need daily.

Established well-defined and empirically supported training practices capable of delivering a contextually-based instructional approach already exist. The problem-based learning approach (PBL) described

747

by Hallinger and Bridges (2017) was not designed specifically for legal instruction, though the law can be effectively substituted for place theory holds in the approach. Key considerations within the framework include using real-life problems or scenarios to introduce and frame instruction and allowing students to resolve situations often while working in teams (Hallinger & Bridges, 2017). The PBL framework also allows for countless combinations of topics and instructional activities that can be expanded indefinitely.

The literature has referenced guided discussion, cooperatively addressing scenarios, role-plays, and other interactive exercises. Each of these could work effectively within a PBK model. That said, these activities could also be improved to foster greater ownership through more personalized learning. Local experience has confirmed that beginning a course by building on whatever it is that students may already know about legal issues is a decisive sensemaking opportunity that helps to strengthen familiarity and increase confidence. Having students review their personal reactions to situations, is not a likely priority for the technical side of legal literacy. However, it has consistently proven itself to be a highly positive building block for expanding diverse insights and promoting personal ownership in local instruction. Finally, challenging aspiring leaders to focus on the viewpoints, needs, and motivations of other stakeholders deepens their understanding of an issue, helps engender empathy, and stands to improve their conflict resolution successes.

Implications

Young (2015), as well as Cunningham et al. (2019), addressed the necessity of directing training toward future leadership needs. Already engaged in a rapidly changing world, an overwhelming majority of practitioners' responses aligned with this transformational

748

approach when they emphasized the focus on real-life contexts and conflicts consistent with Bull and McCarthy's updated vision of legal literacy. Repeated administrator statements like "my legal education felt very far removed from the realities I faced on the job as a principal reinforced the importance of emphasizing context and a sensemaking approach to the process." This point of view has long made sense, as much as the law is fluid, and situations administrators encounter include extra uncertainty tied to the shifting perceptions and motivations of the people they engage (Bull & McCarthy, 1995).

Considering the practitioner's real-life prioritization and the growing turmoil school leaders address (Cunningham et al., 2019; Hughes, 2014; Hughes, 2019; Miller, 2018; Redfield, 2003; Tie, 2014), it is both reasonable and responsible to consider the future direction (Young, 2015) and definition of legal literacy. That should certainly include what Bull and McCarthy termed the *product* side of the definition. However, there is increasing instability there. For years, the public has been showing increasing concern with the judicial system, including the Supreme Court, which has engaged in reversing established legal precedents impacting high-stakes societal questions (Jones, 2022). These types of trends force school leaders to make sense of inconsistent legal interpretations and force them to defend locally questioned practices that can increasingly lose support in the public's minds. Does continuing to focus instruction primarily on legal content counteract these types of challenges?

Recently, Donnelly (2022) reported how a small group of parents who disagreed with their school's field trip protocols during the pandemic entered a school and attempted to arrest the school administrator. COVID-19 did not create the discord described; it merely precipitated it. Disagreement will likely continue to be further exposed, expand,

and fuel complications for the foreseeable future. Equity, inclusion, and social justice are considered critical objectives for educators (Capper & Young, 2014; Lewis & Kern, 2018; McKenzie et al., 2008; Theoharis, 2008). Although Capper (2015) offered that school leadership was not actively or directly drawn into Critical Race Theory, it has become just another hot topic for public education. How are administrators being trained to communicate about issues like these with their constituents?

Context is essential to legal literacy. It will likely take even more legal sensemaking and improved conflict resolution skills to better contend with the blurring statutory interpretations and differing political motivations held by an increasingly divided, emboldened, and motivated citizenry. This study produced clear and compelling empirical evidence establishing the need to emphasize interpersonal legal processing in literacy training through real-life preparation grounded in context-based instruction. Van Geel (1995, p. 647) believed attempts to integrate legal knowledge with legal process and other contexts could be "a useful and appropriate approach to administrator preparation." Utilization of a PBL framework that builds from what aspiring leaders already know and actively acknowledges the perceptions, priorities, and motivations of others can develop valuable professional capacity without the complication Van Geel envisioned 25 years ago.

While it may not be an everyday focus for those who specialize in law, such an updated vision for enhanced legal processing is not without precedent for educators. Similar concepts and priorities, including the importance of reframing areas of discord and inspiring empathy in leadership, have been widely described across the leadership literature (Bolman & Deal, 2013; Darling-Hammond & McLaughlin, 1995;

Hanford & Leithwood, 2013; Tschannen-Moran, 2014; Wellner, 2012). Unfortunately, this research confirms that to this point, these sensemaking skills have not been a part of the standards-based preparation students have received. Well short of needing to initiate a new discipline of educational administration (Van Geel, 1995), proven problem-based approaches are already available to deliver the type of instruction strongly endorsed by participants (Hallinger & Bridges, 2017).

Addressing the daily tension, disagreement, and general interpersonal struggle tied to today's complex legal realities is the educational leader's role, not their attorney's. Bull and McCarthy (1995) recognized the need and perceived the disinclination of administrators to engage in matters like these. Administrators' consistent responses demonstrate they recognized the same need, even without the benefit of personally receiving the real-life training they recommended. Future generations would benefit from the acknowledgment of practitioner insights and the utilization of their recommendations. Doing so really amounts to implementing refinements, not wholesale change. Legal product still needs to serve as the cornerstone of legal literacy and legal training. The most significant difference is that legal processing and sensemaking need to inform as well as guide future-focused instruction (Young, 2015) instead of remaining an afterthought, as was repeatedly referenced by participants.

To that end, current administrator inputs strongly endorse utilizing context-based training approaches that would align with the PBL approach. Even if they have minimal experience to draw from (Schneider, 2020), aspiring leaders could be advantaged through such an approach by introducing legal aspects training from contexts students are already familiar with. Allowing students to tap into

familiar issues and gain confidence from the beginning of their training stands to help reassure them that they can learn vital legal literacy skills instead of feeling overwhelmed upon first seeing the size and small print of the law textbook they have likely purchased.

Further, a more relatable introduction to legal training that encourages ownership and empathy could help ground understanding while helping to overcome the panic that many novice leaders experience as they size up the entirety of the job they are preparing to take on (Spillane & Lee, 2014). It would also prove valuable to commit outside-of-class activities, job shadowing commitments, or internship-type hours to students' core legal aspects training. These activities should provide aspiring leaders with meaningful, practical connections to real-life challenges many never experienced but will almost certainly encounter daily during their active leadership service.

Finally, reaching forward rather than looking to the past (Young, 2015), legal literacy's very definition and future training refinements must be guided by up-to-date research that draws directly from and addresses the unique conditions and demands frontline administrators encounter. No one understands legal sensemaking challenges to the extent that these educational leaders do. Their voices are vital contributors to understanding legal literacy and developing relevant and practical instruction, and their lived experiences would prove useful for conceptualizing future research.

As was offered at the outset of this article, efforts to define legal literacy and the study of legal training inform each other. Scholarship efforts to this point have done well to validate existing practice, whereas this study engaged educational leaders to solicit their views on what needs to be done moving forward. This emphasis is consistent with Young's (2015) vision of promoting instruction that can address future needs.

752

Based on the findings from this study, the following research recommendations are offered.

First, legal literacy research should remain mindful of changing societal conditions and focus on updating trainers' understanding of the needs experienced by practicing administrators. While many appreciate the challenges administrators face, fewer have lived insights that would prove useful for framing future studies.

Second, acknowledging the lack of a definition for legal literacy, it would be worthwhile to engage administrators and other stakeholders involved with legal challenges in a collaborative effort to determine an updated core descriptor for the concept. Doing so could offer multiple benefits, including improved instruction as well as contributing to the advocacy efforts for required legal aspects training in all states (McCarthy, 2016).

References

Ancona, D. (2012). Sensemaking: Framing and acting in the unknown. In S. Snook, N. Nohria, & R. Khurana (Eds.), *The Handbook for Teaching Leadership*. (pp. 3-17). SAGE.

Asimah, T., Mensah, H.K., & Oteng-Abayie, E. (2017). General, target, and accessible population: Demystifying the concepts for effective sampling. *The Qualitative Report*, 22(6), 1607-1621. https://doi.org/10.46743/2160-3715/2017.2674.

Bolman, L., & Deal, T. (2013). *Reframing organizations*, 5th Edition. Jossey-Bass.

Boyland, L., Lehman, L., & Sriver, S. (2015). How effective are Indiana's new principals? Implications for preparation and

practice. *Journal of Leadership Education,* 14(11), 72-91. https://doi.org/10.12806/V14/I1/R5.

Bull, B., & McCarthy, M. (1995). Reflections on the knowledge base in law and ethics for educational leaders. *Educational Administration Quarterly*, 31(4), 613-631.

Capper, C. (2015). The 20TH-year anniversary of critical race theory in education: Implications

for leading to eliminate racism. *Educational Administration Quarterly,* 51(5), 791-833. https://doi.org/10.1177/0013161X15607616.

Capper, C, & Young, M. (2014). Ironies and limitations of educational leadership for social justice: A call to social justice educators. *Theory Into Practice*, 53(2), 158-164. https://doi.org/10.1080/00405841.2014.885814.

Creswell, J. (2009). *Research design: Qualitative & quantitative approaches*, 3rd Edition. SAGE.

Creswell, J., & Guetterman, T. (2019). *Educational research: Planning, conducting and evaluating quantitative and qualitative research.* Pearson.

Cunningham, K., VanGroningen, B., Tucker, P., & Young, M. (2019). Using powerful learning experiences to prepare school leaders. *Journal of Research on Leadership Education,* 14(1), 74-97. https:// doi: 10.1177/1942775118819672.

Darling-Hammond, L., & McLaughlin, M. (1995). Policies that support professional development in an era of reform. *Phi Delta Kappan,* 76(8), 597–604.

Decker, J. (2014). Legal literacy in education: An ideal time to increase research, advocacy, and action. *Education Law Reporter*, 304(1), 679-696.

Decker, J., & Brady, K. (2015). Increasing school employees' special education legal literacy. *Journal of School Public Relations*, *36*(3), 231. https://link.gale.com/apps/doc/A467747409/AONE?u=azstateli bdev&sid=googleScholar&xid=1afbb3cb.

Decker, J., & Pazey, B. (2017). Case-based instruction to teach educators about the legal parameters surrounding the discipline of students with disabilities. *Action In Teacher Education, 39(3), 255-273.* https://doi.org/10.1080/01626620.2017.1292160.

Decker, J., Ober, P., & Schimmel, D. (2019) The Attitudinal and behavioral impact of school law courses. *Journal of Research on Leadership Education,* 14(2) 160-185. https://doi.org/10.1177/1942775117742647.

Donnelly, J. (2022). Man involved in zip-tie incident at Tucson-area school found guilty. Tucson.com. https://tucson.com/news/local/crime-and-courts/man-involved-in-zip-tie-incident-at-tucson-area-school-found-guilty/article_dd01048e-5635-11ed-baf4-af1beb7db8b6.html.

Fowler, F. (2014). *Survey research methods*. SAGE.

Fullan, M., & Kirtman, L. (2019). *Coherent school leadership: Forging clarity from complexity*. ASCD.

Ghaffar, A., & Naz, A. (2012). A comparative study of conflict management styles of public and private schools' principals. *Bulletin of Education and Research*, 34(2), 59–70.

Gilbert, K. (2017). Innovative leadership preparation: Enhancing legal literacy to create 21st Century ready principals. *Academy of Educational Leadership Journal*, 21(1), 1-17.

Grissom, J., Mitani, H., & Woo, D. (2019). Principal preparation programs and principal outcomes. *Educational Administration Quarterly*, 55(1), 73-115. https://doi.org/10.1177/0013161X18785865.

Hallinger, P., & Bridges, E. (2017). A systemic review of research on the use of problem-based learning in the preparation and development of school leaders. *Educational Administration Quarterly,* 53(2), 255-288. https://doi.org/10.1177/0013161X16659347.

Handford, V., & Leithwood, K. (2013). Why teachers trust school leaders. *Journal of Educational Administration*, 51(2), 194–212. https://doi.org/10.1108/09578231311304706.

Hughes, T. (2014). Hiring at risk: Time to ensure hiring really is the most important thing we do. *International Journal of Educational Leadership Preparation*, 8 (1), 90-102.

Hughes, T. (2019). Mentoring school leaders through cultural conflict. *Research in Educational Administration & Leadership*, 4(3), 591-622. doi:10.30828/real/2019.3.6.

Jones, J. (2022). Confidence in U.S. Supreme Court sinks to historic low.

https://news.gallup.com/poll/394103/confidence-supreme-court-sinks-historic-low.aspx.

Justice, B., & Stanley, J. (2016). Teaching in the time of Trump. *Social Education*, 80(1), 36-41.

Lewis, M., & Kern, S. (2018). Using education law as a tool to empower social justice leaders to promote LGBTQ inclusion. *Educational Administration Quarterly*, 54(5) 723-746. https://doi.org/10.1177/0013161X18769045.

McCarthy, M. (2016). The marginalization of school law research: Missed opportunities for educators. *Education Law Reporter*, 331, 565-584.

McKenzie, K., Christman, D., Hernandez, F., Fierro, E., Capper, C., Dantley, M., Gonzalez, M., Cambron-McCabe, N., & Sheurich, J. (2008). From the field: A proposal for educating leaders of social justice. *Educational Administration Quarterly*, 44(1), 111-138. https://doi.org/10.1177/0013161X07309470.

McLean, J., & Ernest, J. (1997). Has testing for statistical significance outlived its usefulness? Annual Meeting for the Mid-South Educational Research Association. https://files.eric.ed.gov/fulltext/ED415265.pdf

Militello, M., Schimmel, D., & Eberwein, H. (2009). If they knew, they would change: How legal knowledge impacts principals' practice. *NASSP Bulletin*, 93(1), 27–52. https://doi.org/10.1177/0192636509332691.

Miller, P. (2018). *The nature of school leadership: Global practice perspectives*. Palgrave Macmillan.

National Policy Board for Educational Administration. (2015). *Professional standards for educational leaders*. https://www.npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf.

O'Malley, M, & Capper, C. (2015). A measure of the quality of educational leadership programs for social justice: Integrating LGBTIQ identities into principal preparation. *Educational Administration Quarterly*, 51, 290-330. https://doi.org/10.1177/0013161X14532468.

Orfield, G, & Frankenberg, E. (2014). Increasingly segregated and unequal schools as courts reverse policy. *Educational Administration Quarterly*, 50(5), 718-734. https://doi.org/10.1177/0013161X14548942.

Pauken, P. (2012). "Are you prepared to defend the decisions you've made?" Reflective equilibrium, situational appreciation, and the legal and moral decisions of school leaders. *Journal of School Leadership*, 22(2), 350-384. https://doi.org/10.1177/105268461202200206.

Pazey, B., & Cole, H. (2013). The role of special education training in the development of socially just leaders: Building an equity consciousness in educational leadership programs. *Educational Administration Quarterly*, 49, 243-271. https://doi.org/10.1177/0013161X12463934.

Perrone, F., & Tucker, P. (2019). Shifting profile of leadership preparation programs in the 21st Century. *Educational Administration Quarterly*, 55(2), 253-295. https://doi.org/10.1177/0013161X18799473.

Petty, T. (2016). The significance of principal preparation and education law: Principals' perception of students' rights. *National Teacher Education Journal*, 9(1), 25–38.

Redfield, S. (2003). The convergence of education and law: A new class of educators and lawyers. *Indiana Law Review,* 36, 609-643.

Salina, C., Girtz, S., & Eppinga, J. (2017). A turnaround success story. *Educational Leadership*,74, 67–71.

Schimmel, D., & Militello, M. (2008). Legal literacy for teachers. *Principal Leadership*, *9*(4), 54-58.

Schneider, T. (2020). A social constructivist grounded theory of school principal legal learning. *Journal of Research on Leadership Education*, 1 (17), 1-17. https://doi.org/10.1177/1942775120902191.

Spillane, J., & Lee, L. (2014). Novice school principal's sense of ultimate responsibility: Problems of practice in transitioning to the principal's office. *Educational Administration Quarterly*, 50(03), 431-465. https://doi.org/10.1177/0013161X13505290.

Stapleford, T. (2007). *In dispute: Conflict resolution for school leaders.* Author House.

Taylor, K. (2001). Legal literacy 101. *Principal Leadership*, 11(3), 8-10.

Theoharis, G. (2008). At every turn: The resistance that principals face in their pursuit of equity and justice. *Journal of School Leadership*, (18), 303-333.

Tie, F. (2014). A study on the legal literacy of urban public school administrators. *Education and Urban Society*, 46(2), 192-208. https://doi.org/10.1177/0013124512446220.

Trotter, R.T. (2012). Qualitative research sample design and sample size: Resolving and unresolved issues and inferential imperatives. *Preventative Medicine*, 55 (2012), 398-400.

Tschannen-Moran, M. (2014). *Trust matters: Leadership for successful schools* (2nd Ed.). Jossey-Bass.

Umpstead, R., Militello, M., & Eckes, S. (2016). Legal Literacy: Tools to avoid litigation in your school. *Principal Leadership*, 56-58.

Van Geel, T. (1995). Response to "Reflections on the knowledge base in law and ethics for educational leaders." *Educational Administration Quarterly*, 31(4), 640-647.

Wellner, L. (2012). Building parent trust in the special education setting. *Leadership*, 41(4), 16–19.

Young, M. (2015). Effective leadership preparation: We know what it looks like and what it can do. *Journal of Research on Leadership Education* 10(1), 3-10. doi:10.1177/1942775115569419.

About the author:

Thomas Hughes is an Associate Professor of Educational Leadership at Northern Arizona University. He is a former school psychologist, director of special education and school superintendent. He works across the intersections of leadership, legal literacy, special education, conflict, equity and empathy. His teaching emphasizes capacity building as well as advocacy through sensemaking to prepare practitioners for expanding challenges in school leadership.

E-mail: thomas.hughes@nau.edu