

[REDACTED] or
[REDACTED] icy
School of Human Development and Organizational Studies in Education
[REDACTED] a
Gainesville, FL

[REDACTED] D
[REDACTED] or
[REDACTED] hip
[REDACTED] ship
[REDACTED] e
[REDACTED] C

Abstract

[REDACTED] d by ever
[REDACTED] restricting
[REDACTED] FGFR 5 & DM

On many of these issues, along with so many others, schools rely heavily on top-down directives and cookie-cutter guidance to help educators stay within the guardrails of the law. But the law already gives us plenty of valuable guidance, salient examples, and critical advice that can help us navigate the highly nuanced contexts in schools.

Unfortunately, as many educators do not know much about the law and how it shapes education, they can lack the ability to interpret, implement, or affect the law in ways that align with their beliefs about what is best for students. This is likely one reason why so many educators have experienced laws like W.K.H.V.H.³ H.G.X.F.D.W.L.R.Q.D.O. J.D.J. R.U.G.H.U.V.' L.Q. V.X.F.K. Q.H.J.D.W.L.Y.H. ways (Woo et al., 2023). Without the tools to unpack these laws and confidently navigate their gray areas, educators can feel powerless and demoralized in the face of laws that run counter to deeply held educational ideas like equity and culturally responsive teaching.

Increasing educator legal literacy can change that. Legally literate educators could policies and more confidently advocate for change. They could more easily fill in the gaps created by ambiguous or nonexistent guidance. Legally literate educators can be empowered to balance their professional discretion with their legal obligations. Most importantly, they will be better able to adapt policies and practices to their unique contexts even as they claim their agency within larger public policy debates about what the law should be and what it should mean for schools.

What is Legal Literacy?

/H.J.D.O. O.L.W.H.U.D.F.\ U.H.I.H.U.V. W.R. W.K.H. D.E.L.O.L.W.\ W.R.³ V.S.R.W. O.H.J.D.O. issues, identify applicable laws or legal standards, and apply the relevant legal rules to V.R.O.Y.H. O.H.J.D.O. G.L.O.H.P.P.D.V.' 'H.F.N.H.U. %U.D.G.\ p. 231). It encompasses the skills and attitudes necessary for educators to take appropriate

action within the law. This includes (a)-5(c)-5(t)-4(i)-4(on

More knowledge, more confidence, and better decisions

Fortunately, increasing legal literacy has significant benefits for educators. Decker, Ober, and Schimmel (2019) found that 88% of students who were enrolled in an administrator preparation program and who took a school law course had increased confidence and about the law. Echoing prior research, they also found that 85% of those students indicated that the legal training changed their behavior. This emerging research suggests that more training in the law can empower educators and improve their practice as they transition away from issue avoidance or poor decisions to more empowered, knowledgeable actions that better meet the needs of their students. Simply put, increased legal literacy can assist educators in making better decisions (Bull & McCarthy, 1995).

7KHUH PD\ QRW EH RQH ³ULJKW' DQVZHU educators can use their discretion

Legal literacy also recognizes that the law is not black and white but offering varying shades of gray. For the legally literate educator, the question is not whether a decision, action, or policy is lawful or unlawful. Rather, the question is whether the decision adequately E D O D Q F H V H G X F D W R U V ¶ L Q V W U X F W L R Q D O D Q G pedagogical goals with their legal obligations and the potential for adverse legal consequences. This understanding reinforces the important and often overlooked fact that the law does not always provide clear answers and that educators have significant discretion to both interpret and implement the law.

Like the weather, the law is always changing « D Q G Z H F D Q E H D S D U W R I

The law is always in motion, and legal literacy acknowledges the messy, complicated, and ever-changing nature of law. Legal literacy allows us to understand and participate in the formal and informal processes by which the law is created and translated into practice. The

formal mechanisms of the law, like courts, legislatures, and the executive, create legal obligations. Legal literacy can provide a roadmap to access these institutions and affect their outcomes by helping us understand how they work, what interests are at play, and how to influence the relevant policy actors. Equally as important, though, legal literacy also encompasses a concern for the informal mechanisms of law. These include all of the ways in which the law goes from words on a page to practice.

Within these informal mechanisms, legal literacy offers two important lessons to consider. First, the law is ambiguous and subject to an ongoing push and pull to determine its meaning. The law is made of words, and words themselves are subject to interpretation (Chafee, 1941). For example, FRQVLGHU WKH UXOH ³1R 9HKL

The legally literate individual will recognize that this rule hinges on how we X Q G H U V W D Q G W K H Z R U G μ Y H K L vehicles? What about bicycles? Is a baby stroller a vehicle prohibited by this rule? What about modes of transportation that do not have wheels? Is a hoverboard a vehicle? Is a horse? E D O D Q F H V H G X F D W R U V ¶ L Q V W U X F W L R Q D O D Q G

To implement this rule, we have to wrestle with the meaning of its words. The same is true for all laws, most of which are more complicated and, therefore, more open to interpretation than this one. While the formal mechanisms of law may be responsible for making the rules, the meaning-making process interprets and puts rules into practice. It is within this powerful space that the legally literate educator has the potential to truly influence the informal mechanisms of law and better attain their educational goals.

The second lesson is rooted in the relational nature of the law. The law, at its core, shapes how we relate to each other and the

state. As legally literate educators, we understand the significance of those relationships and how both the meaning making process of the law and its implementation occur within relationships.

From this perspective, the law is not something abstract that exists outside of us but rather a process of shared meaning making that we engage in with others. Revisiting the R

9 H K L F O H V L Q W K H 3 D U N ' U X O H W K H U H O D W L R Q D O
 approach requires us to ask who is affected by this rule and what they want. Will we involve them in the meaning making process? How will we communicate with them about the rule and its meaning? How will we enforce the rule and mediate disputes about its meaning or application? While teachers and administrators often ask questions like these with the many

References

Author (2022)

Author (2023a)

Author (2023b)

Author (2024a)

Author (2024b)

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

Chafee, Z. (1941). The disorderly conduct of words. *Columbia Law Review*, 43, 381-404.

'H F N H U - 5 % U D G \ . 3 , Q F U H D V L Q J V F K R R O H P S O I
Journal of School Public Relations, 36, 231-259.

Decker, J. R., Ober, P. D., & Schimmel, D. M. (2019). The attitudinal and behavioral impact of school law courses. *Journal of Research on Leadership Education*, 14(2), 160-185.

Heubert, J. (1997). The more we get together: Improving collaboration between educators and their lawyers. *Harvard Educational Review*, 67, 531-582.

McCarthy, M. M. (2008). One model to infuse the law in teacher education. *Action in Teacher Education*, 3(2), 59-70.

Militello, M., Schimmel, D., & Eberwein, H. J. (2009). If they knew, they would change: How legal N Q R Z O H G J H L P S D F W V N S i o n a l A s s o c i a t i o n o f S e c o n d a r y S c h o o l P r i n c i p a l s Bulletin, 93(1), 27-52.

PEN America. (2023). \$ P H U L F D \ V & H Q V R U H G & O D V V U R R P V / D Z P D N H
Resistance Rises. <https://pen.org/report/american-sensored-classrooms-2023/>

Schimmel, D. M., Eckes, S. E., & Militello, M. C. (2010). Principals teaching the law: 10 legal lessons your teachers must know. *Corwin*.

Woo, A., Lee, S., Prado Tuma, A., Kaufman, J. H., Lawrence, R. A., & Reed, N. (2023). H J J V K H O O V 7 H D F K H U V \ U H V S R Q V H a n d W r i t e n F e e d b a c k M o d e l s
RAND Corporation.
https://www.rand.org/content/dam/rand/pubs/research_reports/RRA100/RRA13416/RAND_RRA13416.pdf