

ETHICS AND THE LAW: WHAT DRIVES EDUCATIONAL
ADMINISTRATION DECISIONS?

By

MARTHA ANN MILLERBORG

Bachelor of Science
Oklahoma State University
Stillwater, Oklahoma
1963


Master of Education
Central State University
Edmond, Oklahoma
1982

Submitted to the Faculty of the Graduate College
of the Oklahoma State University
in partial fulfillment of the requirements
for the Degree of
DOCTOR OF EDUCATION
May, 1990

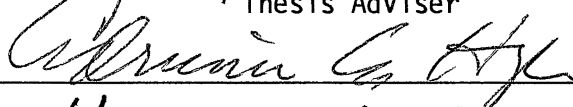
thesis
1990D
M1652e
cop 2

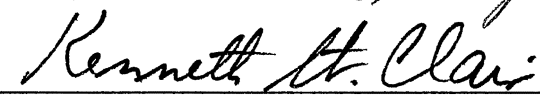
ETHICS AND THE LAW: WHAT DRIVES EDUCATIONAL
ADMINISTRATION DECISIONS?

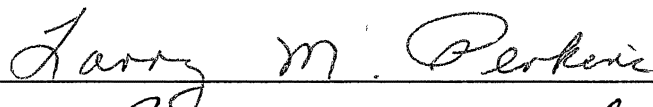
Thesis Approved:

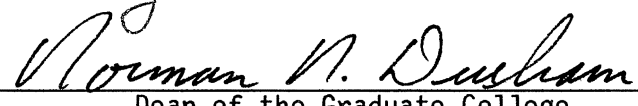


Thesis Adviser









Dean of the Graduate College

ACKNOWLEDGMENTS

I would like to sincerely thank the following members of my doctoral committee for their assistance in this study: Dr. Kenneth St. Clair, chairman of my committee, for his continuous encouragement throughout my doctoral program; Dr. Kenneth Stern, adviser of the dissertation, for his assistance and confidence; Dr. Adrienne Hyle, for her personal interest and knowledge related to the study; and to Dr. Larry Perkins, for his interest and support of the study. The efforts of these persons were greatly appreciated.

Special gratitude is expressed to Putnam City School District Superintendent Ralph Downs for allowing me the flexibility to pursue this study; to Elementary Director Dr. Elizabeth Ann Wisley, for continual encouragement; to the faculty of Wiley Post Elementary School, for their understanding of my pursuit and to Dr. Larry Claypool, for sharing his expertise concerning the statistical analysis.

I would like to give special recognition to my husband, Rubin. Without his special assistance, patience, and love, completion of this work would not have been possible. A special thanks is extended to my children, Jim and Mary Ann, and to my parents and mother-in-law for their continual words of encouragement and unselfish understanding. To all these persons, I am truly grateful.

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION.	1
Statement of the Problem	3
Theoretical Background	4
Purpose of the Study	5
Research Questions	6
Significance of the Study.	6
Summary.	8
II. REVIEW OF THE LITERATURE.	9
Ethics and Educational Administration.	9
Ethics as Principles of Conduct	10
Ethical Leadership.	10
Ethical Decision Making	12
Ethics Preparation.	13
Ethical Behaviors	14
Educational Administration as a Profession and the Code of Ethics	17
Legal and Ethical Dilemmas	18
Summary.	22
III. METHOD AND PROCEDURE.	23
Introduction	23
Subjects	23
Instrumentation.	24
Data Collection.	26
Data Analysis.	27
Summary.	30
IV. PRESENTATION AND ANALYSIS OF DATA	31
Introduction	31
Demographic Data	31
Analysis of Data	33
Research Question One	33
Research Question Two	35
Research Question Three	37
Research Question Four.	41
Summary.	48

Chapter	Page
V. SUMMARY, FINDINGS, CONCLUSIONS AND IMPLICATIONS, RECOMMENDATIONS, AND DISCUSSION	49
Summary.	49
Findings	50
Conclusions and Implications	52
Recommendations for Further Study.	56
Recommendations for Education.	57
Discussion	58
BIBLIOGRAPHY	61
APPENDIXES	65
APPENDIX A - CORRESPONDENCE	66
APPENDIX B - ETHICAL AND LEGAL DILEMMAS QUESTIONNAIRE	69

LIST OF TABLES

Table	Page
I. Demographic Data for Respondents	34
II. Mean Scores for Ethical Decisions.	35
III. Mean Scores for Legal Decisions.	36
IV. Paired Samples T-Test for Ethical vs Legal Decisions	37
V. Paired Samples T-Test for Ethical/Illegal vs Legal/ Unethical Decision Pattern	39
VI. Paired Samples T-Test for Ethical/Illegal vs Unethical Illegal Decision Pattern	39
VII. Paired Samples T-Test for Legal/Unethical vs Unethical/ Illegal Decision Pattern	40
VIII. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by Administrative Level.	42
IX. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by Gender of Administrator.	43
X. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by Age of Administrator.	44
XI. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by School Population	44
XII. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by District Population	45
XIII. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by Highest Degree Held by Administrator.	46
XIV. Analysis of Variance for Ethical/Illegal vs Legal/ Unethical Conflict Decision Pattern by Participation in Administrative Preparatory Course on Ethics	47

CHAPTER I

INTRODUCTION

An important and intertwining relationship exists between ethics and law. In a society's pursuit of shared goals, laws and policies are established to help accomplish objectives and resolve conflicts. At the same time, each individual responds to situations from a personal, social, and professional ethical experiential base. These moral and ethical considerations are as important as legal guidelines because not all critical issues are covered by law.

There has been a recent revival of interest in the ethics of persons holding positions of public concern, but there is little doubt that, historically, people have been concerned with such conduct. From the beginning of civilization, a vast body of rules, regulations, and laws have been accumulated to regulate the actions of persons (Gauerke, 1959). As far back as 400 B.C., Hippocrates, the renowned physician in ancient Greece, wrote a code of conduct for his students that set forth a physician's duties to the patient and duties to other members of the guild or profession of medicine (Mappes and Zembaty, 1981).

Despite the historical concern of society's members with the ethics of persons in public positions, there has been no universal consensus on what rules should apply to such persons. Agreement has been substantial in monolithic societies, whose laws, religious beliefs, ethical beliefs of individuals, and other regulations are consistent with one another. However, starting in the nineteenth century, Western nations began

developing into pluralistic societies. "The larger the pluralism actually is in a society, the more likely there will be disagreement among society's members over the standards by which the conduct of persons are to be judged" (Heslep, 1988, p. 3). In these nations, then, personal ethical beliefs, religious canons, laws, and other regulations oppose one another on occasion.

Personal ethics are acquired by individuals through the socialization process. They are formed from parental and family values, religious training and beliefs, and the lessons learned from experiences (Bass, 1987). As a result, the nature of a person's ethical belief system depends upon the nature of the values internalized.

In the United States, the Declaration of Independence and the Bill of Rights involve standards and rights that are generally respected by its citizens. Democracy, individualism, equality, and human optimism are dominant values in our culture and represent the hopes and desires of most Americans (Faily, 1980).

Professions have adopted codes to help regulate their members, established committees for reviewing ethical conduct of members, and designed courses in professional ethics as a part of the formalized training of members. However, when the public has believed a profession has not regulated adequately its behavior, relief has been sought through governmental intervention (Heslep, 1988). Therefore, laws and court decisions have been made to help regulate actions and solve conflicts.

Since our pluralistic society is so complex, ethical and legal issues are becoming more complicated and perplexing. As studies in modern social psychology have shown, man is not self-sufficient in social isolation, his nature cannot be deduced simply from internal elements, and there is an indispensable connection between man and such social groups

as the family, community, and interest associations (Nisbet, 1968). Because of this, administrators face a tremendous task. The situation is even more difficult for educational administrators because "the school is far more complex in the ethical relationships it harbors than any other institution that Man has developed" (Corson, 1985, p. 125). These complexities have emerged from technological advances, equal rights, changed values and morality, drugs, and urban/suburban crisis (Faily, 1980).

Educational administrators work in an environment where conflicts are inevitable, so they have not been exempt from mandates of control, both internal and external. Numerous regulatory guidelines have permeated education in recent years, and these legal demands are sometimes conflicting to each other and to the ethical principles of the individual and the profession. These conflicts often make decisions in the educational work place very difficult. Consequently, administrators in educational institutions are confronted increasingly with critical decisions that require both legal and ethical consideration, and decisions that confound legal and ethical parameters.

Statement of the Problem

The complexities of our society have permeated our schools. The effects of our mobile society, single-parent homes, racial tension, and the drug culture can be felt daily in our educational institutions. The actions of educational administrators are guided not only by personal ethics but also by professional codes of ethics, laws, and court decisions. Disclosing information about a student can create a conflict between the teacher's need to know versus the student's right to privacy. Searching without just cause can infringe upon a person's privacy but maintaining a safe learning environment is an obligation to the school

community. It is when these legal and ethical forces are in conflict, that dilemmas in decision making occur. What then drives administrative decision making?

Theoretical Background

This research focuses on educational administrators' behaviors in decision making when ethical considerations and legal parameters are in conflict. A notion of Vroom's (1964) expectancy theory can be considered in the study. Expectancy theory postulates the following: human nature can be regarded as the result of a state of arousal or internal tension that serves as an energy source for action. When energy is channeled in a particular direction, it is called a drive. A drive has a degree of intensity and a direction. It is a force to perform, often called motivation. Both the direction and the intensity of a person's motivation are influenced by the person's perceptions of self, one's own capabilities of action, the person's perception of the world external to self, and the extent to which the consequences of actions yield rewards or penalties. This theory assumes that peoples' actions are intended to bring about outcomes that will create maximum pleasure or cause minimum pain (Vroom, 1964).

An educational administrator's decisions result in actions. According to expectancy theory, the intensity and direction of these actions depend upon the individual and the perceived consequences of the decision (Silver, 1983). At times, decisions are made almost at the unconscious level. Decisions such as stopping at a stop sign are repeated occurrences. They happen frequently and are familiar. Other more complex decisions, such as ones that involve ethical and legal conflicts, create a dilemma and require consideration. Perhaps it is concern about the

rewards or legal penalties associated with the results of actions that makes choices difficult. Consideration about the consequences for the administrator as well as the concern for the well-being of a student or staff member can weigh heavily in motivating a decision.

Like Vroom's (1964) expectancy theory, Kimbrough and Nunnery (1983) pointed to consequences of actions. They believed that "to act thoughtfully is to monitor continuously what we are doing and how we are doing it, where we are and why we are there; and we must consider the consequences of these decisions and actions" (1983, p. 104). They suggested:

The moral factor in any choice situation is proportional to the consequences which follow from the alternative course of action. To discriminate and anticipate such consequences is an intellectual act of the highest quality. Decisions that are thus related to all aspects of our complex social experiences cannot be safely taken merely on the basis of what 'feels right' in the situation as immediately experienced (p. 402).

This study was designed to determine the decision patterns of educational administrators when ethics and the law are in conflict. Does the concern for adhering to ethical principles or the consideration of legal consequences motivate administrative decisions?

Purpose of the Study

Often appropriate administrative decisions are clearly defined. The correct choice is both ethical and legal. However, a dilemma in decision making can arise when an action might be ethical but illegal or legal but unethical. The purpose for this study was to determine, when given a choice, if educational administrators can make ethical and legal decisions, and to determine the differences, if any, between those forces in their decisions. The study examined when ethical and legal conflicts existed, whether an ethical but illegal, legal but unethical, or unethical and illegal decision pattern emerged. The demographic data were analyzed

to determine what independent variables, if any, affect administrative decisions.

Research Questions

To accomplish the purpose of this study, the following research questions were established:

1. To determine when given a choice, can educational administrators make ethical decisions?
2. To determine when given a choice, can educational administrators make legal decisions?
3. To determine when ethical and legal conflicts exist, will an ethical but illegal, legal but unethical, or unethical and illegal decision pattern emerge?
4. To determine if there is a difference in ethical but illegal or legal but unethical decision patterns by (a) administrative level, (b) gender, (c) age, (d) school population, (e) size of district, (f) highest degree held, or (g) ethics preparation?

Significance of the Study

Educational leaders are charged with the responsibility of adhering closely to a legal framework bound by federal and state constitutional, statutory, and case law. Decisions must be made in accordance with the law. With the vast number of legal decisions that have impacted schools in the past few years, at times these laws may seem insurmountable, restrictive and not in the best interest of an individual or the total school community. If the well-being of students is to be the fundamental value of decision making for administrators, legal and ethical conflicts arise. There is often a problem in determining what is the "right thing

to do" in a given situation. "An educator's action might be legal but unethical or ethical but illegal" (Stern and Gathercoal, 1987, p. 15).

To prepare students of administration for decision making, most preparatory programs in educational administration offer a course in educational law but include consideration of professional ethics as a session in an introductory preparatory course (Ashbaugh and Kasten, 1984). In addition, ethical leadership has not been a formal part of administrative training (Calabrese, 1988).

Many of today's key issues and problems for administrators cannot be readily resolved by applying managerial techniques which are now in vogue. It is imperative that we begin to recognize the importance of values in educational administration (Sharples, 1985, p. 18).

"The contemporary study of school administration must begin to take into account in a serious way the influence of values and ethics on decisions made in and about schools" (Stout, 1986, p. 198). "Despite renewed interest in ethics over the last decade, ethics education remains diffused" (Hejka-Ekins, 1988, p. 886). The need for ethics preparation and further research in educational administration ethics has been stressed repeatedly.

The literature in educational administration provides little ethical guidance. Examination of past issues of the Educational Administration Quarterly showed scant attention to ethical concerns. Ashbaugh and Kasten (1984) examined 347 articles in 60 issues of the journal from 1965. Using generous interpretation of ethics, fewer than 7% of the articles were identified as related to ethical issues in education. Schwen (1988) suggested that moral principles and moral reasoning in the context of professional behavior be studied through professional literature and training programs.

The need for this study was developed from the theory that the value based aspect of decision making, not the technical, is what makes administration difficult. When legal and ethical choices are in conflict, decisions are even more difficult. The problems become dilemmas when two apparent goods come into conflict. It is these dilemmas which call for legal and ethical consideration that were the focus in this study. By reflecting upon what determines administrative choices and subsequent actions, it is believed that educational administrators can improve their quality of judgment in legal and ethical decision making.

The results of this study should be beneficial to theoreticians, researchers, and practitioners. Theory will benefit from further analysis of educational administrative behavior in educational institutions. Researchers will benefit from the results by analyzing the intertwining relationship between ethics and the law in decision making. Institutions of higher education can utilize the research data when planning administrative preparatory programs. Administrators in the field will use the study to look critically at administrative decision making and refine the skills needed to make critical decisions.

Summary

Chapter I has included a statement of the problem studied, the theoretical framework, purpose, research questions, and significance of the study. The problem of the study dealt with the perplexing dilemmas that are facing educational administrators as a result of the complexities of the present society and the intertwining relationship between ethics and the law. The purpose of the study was to determine if administrators can make ethical and legal choices; and when ethical and legal conflicts existed, whether an ethical/illegal or legal/unethical decision pattern emerged.

CHAPTER II

REVIEW OF THE LITERATURE

A very close relationship exists between ethics and law. Although ethics and law closely parallel one another, there is a difference. Ethics refer to one's self imposed value system, and laws are regulations imposed by outside sources. Both are critical to decision making.

Educational administrators intuitively respond daily to personal, social, and professional ethics and consciously attempt to adhere to the law. However, they face many decisions which are not well defined. Conflict can result when legal and ethical choices must be made. These legal and ethical considerations can make critical choices very difficult for the practicing administrator.

Given the parameters of this study, the analysis of the literature will examine three major topical areas: Ethics and Educational Administration; Educational Administration and a Code of Ethics; and Legal and Ethical Dilemmas.

Ethics and Educational Administration

This first section incorporates five aspects of ethics in relation to educational administration. These include ethics as principles of conduct, ethical leadership, ethical decision making, ethics preparation, and ethical behaviors.

Ethics as Principles of Conduct

Ethics may be defined as a "quest for the good, the right," (Fein, 1988, p. 45). Ethics have been called the science of conduct and are often viewed as abstract speculation, disassociated from real life problems and situations (Harden, 1988). In reality, ethics are principles of conduct strongly influencing the actions of individuals, groups, and organizations (Peach and Reddick, 1986). Ethics deal with personal conduct and moral duty as they relate to human relations in respect to right and wrong.

Ethics are concerned with acceptable and conscionable standards which are determined by a specific society or culture:

The democratic ethos of the United States, as embedded in the Declaration of Independence and the Constitution as well as current social policy, embraces the notion of basic equality of opportunity and respect for individual dignity with a social context (Harden, 1988, p. 12).

Ethics encompass the ideas of respect for individual worth and equality of opportunity for everyone. Modeling ethical principles and maintaining public trust are crucial for effective administration of schools. Knowing that ethical behavior contributes to the effectiveness of public education and is critical to the public confidence, educational leaders have made ethics a viable concern.

Ethical Leadership

Ethics are imbedded in leadership. Barnard (1938, p. 288) defined leadership as "relatively high personal capacity for both technological attainments and moral complexity, combined with propensity for consistency in conformance to moral factors of the individual." Strike, Haller, and Soltis (1988) believed that the basis of ethical leadership is an

inherent freedom entrusted to Americans by our forefathers and educational decisions are made to reinforce the basic democratic concept. In schools, ethical leadership is the moral component of instructional leadership:

Ethical leadership should include respect for all members of society, tolerance of divergence of opinions and cultures, equality of persons, and equal distribution of resources as it is concerned with fairness, equity, commitment, responsibility and obligation (Calabrese, 1988, p. 1).

Realizing the importance of ethical perspectives in education, Gable and Kavich (1981) used the Leadership Behavior Descriptive Questionnaire with 12 leadership subscales (LBDQ, Form XII) to analyze leadership potential traits expressed as moral outcomes. Since high scores on both the subscales of "Initiating of Structure" and "Consideration" mean positive ethical perspectives for leadership potential, it was found that this tool could be used to analyze leadership potential traits and to help select educational professionals who reflect the ethical traits that are necessary for leadership behavior.

Administrators hold positions of leadership. In this role they continually face situations which test their moral character. "The higher up in the organization one goes, the more critically important high character becomes. When top decision makers become unethical, they soon corrupt the whole organization," (Faily, 1980, p. 35).

As Barnard (1938) so clearly stated, "Organizations endure in proportion to the breadth of the morality by which they are governed," (p. 282). Since schools are the institutions that shape our future, no where else can ethical leadership be more important than in educational administration.

Ethical Decision Making

As educational leaders, it is imperative that administrators' decisions be governed by traditional ethical guidelines and integrated with values of the democratic society. Corson (1985) pointed out that the conceptual link between ethics and educational administration focuses upon the relationship between "equality of judgment" and "deciding rightness." Since administrators have an obligation to serve both professional ethics and the best interest of the organization, decisions can be very difficult.

Faily (1980) felt that there are two aspects of decision making. The first involves values, and the second aspect of decision making is the knowledge and understanding of a problem. Often, conflicts develop between values, knowledge, and facts. A successful administrator must consider these two aspects of decision making so that effective and desirable results occur.

In a study by Hejka-Ekins (1988) dealing with the teaching of ethics, ethical decision making was considered the most important concern of administrative ethics instructors. A majority of the participants indicated that "both a consideration of moral principles and a weighing of the probable consequences need to be taken into account," (p. 889). Superintendents and principals are in highly visible positions, having to think in ethical terms and frequently make appropriate application to concrete situations. Foster (1986) reminded us that:

Each decision carries moral, rather than just technical implications. This realization distinguished the administrator from the technocrat. Each administrative decision carries with it a restructuring of human life; this is why administration at its heart is the resolution of moral dilemmas (p. 33).

Because administration is the process of making decisions (Barnard, 1938; Hodgkinson, 1978) and because decisions inevitably involve values, Ashbaugh and Kasten (1984) conducted a study to examine educational administrative decisions. It was designed to yield data about the value orientations of practicing administrators. Personnel decisions dominated the listing of those decisions characterized as most difficult. This is understandable, as administrators are required to make decisions affecting the well being of not only students but also staff. Those decisions involving teachers clearly dominated. One administrator suggested "making the decision is not difficult; living with the consequences is," (p. 197). The researchers pointed out that attempts of other adults, even those in authority, to make decisions that affect peoples' lives are resented frequently and often litigated.

It can be readily seen decisions about schools must be made with thorough knowledge and careful deliberation. Decisions that educational administrators make are critical, not only to their own lives, but to the lives of others.

Ethics Preparation

It is assumed that administrators are competent in a professional and ethical sense, so most often administrative preparatory programs deal sparingly with the formal teaching of ethics and ethical considerations. Noting this deficiency, Haller and Strike (1986) stated:

An education that provides the administrator with technical skills but fails to communicate anything of how ideals of liberty, equality, and fairness apply to administering educational institutions seems sadly incomplete (p. xxi).

In addition, the literature in educational administration provides little guidance on ethics for the either prospective or practicing

administrator. Consequently, administrators must rely on previous training as a source for much of their ethical decision making (Strike, Haller, and Soltis, 1988).

As Ashbaugh and Kasten (1984) pointed out, a great amount of research in the field of educational administration deals with educational administration as a science or technology, but at the heart of administration is the concern for values. Sharples (1985) warned that as pressure groups continue to buffet school administrators, tensions and conflicts will increase if educational leaders attempt to downplay the importance of values in the educational system. He felt that it is important that administrators understand what is meant by ethics and how they apply to human behavior for ethical knowledge and ethical experiences are key elements in fostering ethical behaviors.

In the study conducted by Hegka-Ekins (1988) to determine the current status of ethics education in graduate programs of public administration and policy, it was found ethics education for students of public administration is still in its formative stage. This finding seems to parallel the position of ethics education in educational administration. This view was supported by Stout (1986):

In the almost fifty years since Chester Barnard presented his seminal insights about the links among values, executive action and organizational success, scholars of school administration, for the most part, have ignored them (p. 198).

Ethical Behaviors

Most school executives are perceived and perceive themselves as a moral step or two above their counterparts in the private sector. Frequently, educational leaders are required to differentiate between a

popular stand and the ethically correct stand. In schools, the ethically correct behavior is often difficult to ascertain.

Changes in societal values, market place demands, organizational operating procedures, and public standards of conduct are making it increasingly difficult to delineate exactly which behaviors are and are not acceptable (Whisnant, 1988, p. 243).

Administrators must remember that "ethical guidelines should include respect for all members of society, tolerance of divergent opinions and culture, equality of persons, and equal distribution of resources," (Calabrese, 1988, p. 1). Problems arise when what is right and what is popular do not coincide.

Recently, there have been numerous incidents where professional behavior has been questioned and public trust has been compromised. There have been cases of educational leaders involved in false statements in the use of federal funds, kick backs, misuse of funds, and misrepresentation of travel expenses, just to mention a few (McCormick, 1984). However, being human is not an acceptable excuse, because failure to observe and practice ethics has shortened the tenure of many school leaders. In a study of 100 major American corporations, Hess (1986) found dishonesty and lack of integrity have been identified as primary reasons for dismissal of executives. Peach and Reddick (1986) concluded in their study that administrators are more likely to become involved in ethical/unethical behavior than teachers. Administrators who are tempted to violate ethical standards must have the moral courage to say "no." They must take positions that are consistent with the duty, obligation and responsibility expected from their roles.

An administrator sets the district's ethical tone by carefully choosing the staff, by communicating a sense of purpose for the organization, by reinforcing appropriate behavior, and by articulating these

moral positions to internal or external constituents (Stout, 1986). Commitment to high ethics can be demonstrated in the way school leaders deal with people and manage their schools. "Unless administrators practice good ethics, they could send a message to students, teachers, and community that high standards of morality and honesty, which constitute ethical conduct, are not valued in the learning place any more than they have been valued in the market place," (Doggett, 1988, p. 6).

Former Secretary of Education William Bennett (1988) felt that educational leaders must not only state the difference between right and wrong, but must make efforts to live the difference. Albert Schweitzer once remarked, "True ethics begins where the use of words ceases," (cited in Steele, 1979, p. 9). Aristotle stated, "Actions do speak louder than words," (cited in Pemberton, 1980, p. 23). Principals who sincerely believe the presence of certain values is critical to the success of schools will attempt to model those values in their own behavior (DuFour and Eaker, 1987). "Perhaps of greatest importance is that one make a strong commitment to a high standard of ethics. Making such a personal commitment plays a very important cornerstone for ethical behavior," (Kimbrough, 1968, p. 427).

Working to build a community of shared goals and values is a primary responsibility of an educational administrator; and for this goal to be accomplished, ethical considerations must be addressed. To be successful, it is essential for an administrator to understand ethics, demonstrate ethical leadership, make ethical decisions, receive ethical preparation, and communicate ethical principles to the school community.

Educational Administration as a Profession
and the Code of Ethics

Heslep (1988) views professional ethics as values, duties, and rights officially professed by a profession, usually in a code. Certification for school administrators was not required until 1920. So, educational administration is still in its infancy. Consequently, there is widespread debate over educational administration as an established profession (Silver, 1982). Greenwood (1957) enumerates the five distinguishable characteristics of a profession as: systematic theory, authority, community sanction, an ethical code, and a culture. With these guidelines, educational administration may be nearing that hallowed ground because each of these areas is being addressed, including a code of ethics.

The development of a code of ethics has transpired with the evolution of educational administration as a profession. Schurr (1982) noted that a professional code arises as a response to internal tension and external pressures. Callahan (1982) pointed out that

Historically, codes of ethics have been used to state the ideals of a profession or field, to legitimate the profession or field in the face of skepticism or uncertainty, to regulate practices of its practitioners toward each other, and to delineate the relationship that should be obtained between a practitioner and the patient or client (p. 336).

In 1966, the American Association of School Administrators (AASA) felt the need to adopt a code of ethics, which was revised in 1973 and 1976 (Heslep, 1988). In 1981, AASA adopted the current Statement of Ethics for School Administrators. It is now the most widely recognized reference to professional ethics in public school administration and has been adopted by the National Association of Elementary School Principals

(NAESP) and the National Association of Secondary School Principals (NASSP).

The code provides a bench mark for administrators, but only a limited amount of research is available to determine how it affects administrative actions and decisions. In 1969, Dexheimer investigated administrators' decisions to see if there might be a discrepancy between the acceptance of the 1966 AASA code and actual adherence to the code. The results of this study indicated a discrepancy between acceptance of and adherence to the existing code for administrators.

Based upon the initial research by Dexheimer, Hyle (1989) replicated and broadened the efforts. The findings in this study suggested that no consistent ethical code exists in public school administration despite development and adoption of a code of ethics by national administrator associations. She felt that the primary function of the code may be to serve as a symbol of professionalism in educational administration.

Faily (1980) believed employment of and familiarity with the code of ethics is a necessity for effective behavior within a profession. Living by a defensible and acceptable code of ethics is essential for the well being of the profession and will contribute a great deal to effective administrative behavior (Kimbrough and Nunnery, 1976).

Legal and Ethical Dilemmas

Schools are a setting where ethical and legal conflicts are inevitable. "Different generations confront one another; racial, ethnic, and religious groups are intermingled; and stakeholders disagree about desirable policies, procedures, and outcomes," (Ashbaugh and Kasten, 1984, p. 195). To determine what is ethical in an environment with few absolutes is a difficult challenge. With the myriad of federal

legislation and mounting court cases involving schools, legal decisions are becoming equally as challenging. Education law literature reveals that the United States Supreme Court provided few opinions affecting education prior to 1950; but during the years following, a resounding number of decisions have created a conflict of competing social interests in schools (Hawkins, 1986).

The movement of courts into the arena of decision making relative to educational policy has had considerable impact on all spheres of education from the daily classroom procedures of teachers through the exercise of authority by administrators, and the fiscal decisions of boards (Orlosky, McCleary, Shapiro and Webb, 1984, p. 185).

The end of legislation involving education is not in sight, and it is likely to play an even greater role in administrative decisions in the future.

In 1974, Congress passed the Family Educational Rights and Privacy Act of 1974 (FERPA). It restricts third party access to student records. If a school knows or has reason to believe that one of its students has violent propensities, its duty, under the law, to supervise adequately includes protecting others against this special threat (Baker, 1987). As violence in schools rises, there is a mounting concern about physical and emotional harm. Victims and their families have begun to seek damages against schools for their alleged failure to supervise adequately or protect students from crime. Some dilemmas arise because FERPA restricts release of records without parental consent only to those within the school who have a "legitimate educational interest." Divulging the information about behavioral tendencies could lead to litigation involving the student's right of privacy.

The Fourth Amendment of the United States Constitution, as it presently relates to public school searches and seizures, is uncertain

and confusing. Embodied in the Fourth Amendment is the student's right to be protected from unreasonable searches and seizures (Avery and Simpson, 1987). In *New Jersey vs. T.L.O.* the court held that students have a legitimate expectation of privacy, and that the Fourth Amendment constrains school officials in search and seizures. In *Horton vs Goose Creek Independent School District*, the court stated the dilemma in this way:

When society requires large groups of students too young to be considered capable of mature restraint in their use of illegal substances or dangerous instrumentation, it assumes a duty to protect them from dangers . . . and to provide them with an environment in which education is possible. To fulfill that duty, teachers and school administrators must have broad supervisory and discretionary powers. At the same time we must protect the Fourth Amendment rights of students (Avery and Simpson, 1987, p. 407)

The dilemma for school officials is to find the proper balance point between their duty to provide a safe learning environment on one side and the protection afforded students under the Fourth Amendment on the other.

Maintaining the independence of professional judgment during the evaluation process can also create ethical and legal conflicts for administrators. Allowing value judgments to permeate professional assessment can result in costly litigation (Henderson, 1985). In 1969, the Supreme Court held in *Tinker vs. Des Moines Independent Community School District* that neither students nor teachers shed their constitutional rights at the schoolhouse gate. Non-renewal of contracts must be founded upon the Fourteenth Amendment and state statutes, not the ethical belief system of administrators. Clearly, biases administrators hold can affect the quality of teacher evaluations. Professional ethics must provide a responsible base from which administrators operate.

Considering the varieties of ethical thought, the myriad of federal legislation, and the disparate attitudes toward special education

programs, school leaders' tasks are not easy in this area. In dealing with the Education of Handicapped Act, PL 94-142, administrators must reconcile the demands of pressure groups with their own ethical standards (Brennan and Brennan, 1988). In some cases, there may be friction and misunderstanding between special education and regular classroom teachers in adhering to the individualized educational placement and providing the least restrictive environment for handicapped students. The regular classroom teacher might refer to the posture of wanting to do what is best for the greatest number. The administrative task can present an ethical and legal dilemma. The principal is required to obey the law, and at the same time, make an ethical decision that benefits students and others concerned.

The handling of public funds is another area that requires ethical and legal responsibility. Frequently, purchases or practices are legally within the law but present an ethical concern, or vice versa. McCormick (1984) reported the case of a group of school employees, including an administrator, who were charged with concealing that milk money was used to purchase other dairy items. The community rallied behind the school employees and against the federal government. They believed that feeding food to students that would not be wasted was more important than following government rules.

Richmond (1987) conducted a study to determine the degree to which legal and ethical guidelines shape the administrator's actual behavior, as opposed to tested behavior, on Kohlberg's moral development scale instrument. A group of scenarios were used. The findings were unclear. But Neely (1987, p. 3), in reporting the study, stated that: "Not only do the prevailing opinions of the populace create the atmosphere for interpretations but also those legal interpretations shape the prevailing

opinions in the 'hearts of people' who comply with law." As the study found, the underlying basis for administrative behavior is not only ethics but also the law. Dilemmas develop when the law and ethics conflict.

Summary

Ethics and ethical leadership are the foundations of educational administration. Although ethical training has not been a formal part of educational administration curriculum, it is assumed that administrators are committed to ethical behaviors and are competent in an ethical and professional sense. The Statement of Ethics for School Administrators (AASA, 1981) has been created to legitimate the profession and give educational administrators a guideline to help administrators make decisions. However dilemmas do emerge when laws, regulations, and guidelines are imposed that conflict with ethical principles. The astute leader reflects on issues, examines all sides, determines if ethical and legal considerations exist, and proceeds to make decisions that uphold self-respect as well as public trust and confidence.

CHAPTER III

METHOD AND PROCEDURE

Introduction

The purpose of this study was to determine what drives decisions for educational administrators when ethical and legal conflicts exist. A description of the method and procedures utilized in addressing this purpose is accomplished in the following sections: (1) Subjects, (2) Instrumentation, (3) Data Collection, (4) Data Analysis, and (5) Summary.

Subjects

The samples examined included elementary principals, secondary principals, and superintendents in public institutions. The members were obtained from Pattersons Elementary Education (Moody, 1989a) and Pattersons Secondary Education (Moody, 1989b), directories of educational administrators published each year. The first directory contained a listing of elementary principals and the second directory listed the secondary principals and superintendents. Two elementary principals, two secondary principals, and two superintendents from each of the United States and the District of Columbia were selected to participate, so the total sample consisted of 306. A table of random numbers (Gay, 1981) was utilized to select randomly the sample of educational administrators. The appropriate number of samples were selected from each state using this method.

Instrumentation

This study involved survey research. Professional ethics and legal issues relate to and come from professional settings, so they can be analyzed through hypothetical case studies that involve issues faced by educational administrators. Since the subjects in the sample resided throughout the United States, a questionnaire was mailed to obtain the necessary data.

A survey instrument on "Ethical and Legal Decisions" was designed which consisted of 15 scenarios and responses. Section I contained three anecdotal situations that dealt with ethical concerns. For each case, the respondent was directed to select the most ethical decision response from a list of four or five choices. These scenarios replicated three used in a study by Dexheimer in 1969. Dexheimer's questions were based upon actual experiences taken from periodicals such as School Management and the School Board Journal and from oral sources, primarily administrators known to Dexheimer. For each question there was one response which corresponded closely to a standard in the 1966 AASA code of ethics. All other responses ranged from less ethical to unethical, as judged by the code. Hyle (1989) revised Dexheimer's instrument according to the Statement of Ethics for School Administrators (AASA, 1981) and replicated the study. The three scenarios that solicited the greatest percentages of ethical responses in Hyle's study were used as the ethical anecdotal situations for this research project. The purpose of Section I was to determine if administrators can make ethical decisions.

Section II contained three scenarios addressing legal concerns. For each case, the respondents were to select the answer that represented the correct legal decision. The responses included legal and illegal

choices. The legal case studies and responses were founded in federal and state constitutional, statutory, and case law. They were developed from case studies in the NASSP Bulletin, Journal of School Law, School Management, School Board Journal and from the experiences of practicing administrators known by the researcher. The purpose of Section II was to determine if administrators can make correct legal decisions.

Section III contained nine dilemmas which presented ethical and legal decision conflicts for the administrator. The ethical decision responses were designed to reflect the standards of the Statement of Ethics for School Administrators (AASA, 1981), and the legal decision responses were founded in federal and state constitutional, statutory, and case law. Each scenario established the conditions for a borderline decision. The respondent was asked to select the choice that would represent the solution he or she would implement in that situation. Section III was designed to allow respondents to make ethical but illegal, legal but unethical, or unethical and illegal choices to determine what decision pattern emerged when decision conflicts arise for educational administrators.

Following the instrument design, the survey was piloted. A class of educational administration students first tested the instrument in the summer of 1989. These students were used to test the instrument for clarity of language, thought, and grammar usage. Then in the early fall, 15 administrators from the Putnam City and Edmond School Districts in Oklahoma were selected to pilot the questionnaire and provide suggestions. These responses were solicited to gather perceptions from practicing administrators concerning ethical and legal conflicts and to refine the instrument. The instrument was then revised and refined.

To establish reliability for the instrument, a statistical comparison was made on the results of the findings on the three ethical questions that were the same on this instrument as in the Dexheimer (1969) and Hyle (1989) research. The basis for validity was founded in the Statement of Ethics for School Administrators (AASA, 1981) and federal and state constitutional, statutory and case law.

The questionnaire cover letter explained the study and provided instructions for completing the instrument. The participants were asked to respond to 15 scenarios and then complete the demographic data which included administrator level, gender, age, size of school, size of school district, years of service as administrator, highest degree held and ethics preparation. The responses to the scenarios provided the dependent variables, and the responses to the demographic data supplied the independent variables. A question addressing a course on ethics during graduate work in school administration was also included. It was noted the respondents had been randomly selected from a national population of public school administrators and that their responses would be kept confidential. A self addressed, stamped envelope was provided for returning the questionnaire.

Data Collection

Three hundred and six administrators were selected randomly from the total population of public school administrators in the United States. After the subjects were identified in September 1989, they were mailed a questionnaire and a self addressed, stamped envelope on November 6, 1989. A target return rate of 65% was set. After the first mailing, 61% was returned.

On January 4, 1990, a follow-up letter, an additional questionnaire, and a self addressed, stamped envelope were sent to those who failed to respond to the original questionnaire mailing. A final return rate of 74.8% was achieved. The secondary principals had the highest rate of return (83%), and the elementary principals the lowest (65%). Responses were received from all 50 states and the District of Columbia. The return rate ranged between two samples from the District of Columbia and two states to all six samples from 10 states.

Data Analysis

The data analysis involved the use of descriptive and inferential statistics. The survey consisted of 15 scenarios divided into three sections. Analysis of Section I data was used to answer the first research question: To determine, when given a choice, can educational administrators make ethical decisions? Section I included three anecdotal situations pertaining to ethics and each contained ethical and unethical response choices. Respondents were asked to select the most ethical choice. The respondents were given one point for each correct ethical answer. A mean of 1.5 or greater indicated that administrators could make ethical choices.

The second analysis involved Section II to answer research question two: To determine, when given a choice, can educational administrators make legal decisions? This section contained three case studies addressing legal concerns which required legal and illegal decision choices. Administrators were asked to make the choices that most closely followed legal guidelines. The respondents were given one point for each correct legal response. A mean of 1.5 or greater verified administrators could correctly select appropriate legal actions. To compare statistically the

ethical and legal choices from Sections I and II, the following hypothesis was established:

Hypothesis 1: There will be no statistical difference in responses between ethical and legal choices. The paired samples t-test was used to determine the difference, if any, between the ability to make ethical and legal choices. A .05 level of significance was established.

Data analysis from Section III of the questionnaire was used in order to answer research question three: To determine, when legal and ethical conflicts exist, will an ethical but illegal, legal but unethical, or unethical and illegal decision pattern emerge? This section contained scenarios which involved ethical and legal conflict decisions. Respondents were asked to make choices between ethical but illegal, illegal but unethical, or unethical and illegal decision choices. They were to select the response they would make in that situation. Three paired samples t-tests were used to compare ethical/illegal, legal/unethical, and unethical/illegal conflict responses to see if a decision pattern emerged when ethical and legal conflicts occurred in decision making. The first paired samples t-test compared ethical/illegal response choices to legal/unethical choices. The second compared ethical/illegal response choices to unethical/illegal choices. The third paired samples t-test compared legal/unethical choices to unethical/illegal response choices.

To answer research question four, to determine if there is a difference in ethical but illegal and legal but unethical decision patterns by (1) administrative level, (2) gender, (3) age, (4) school population, (5) size of district, (6) highest degree held, or (7) ethics preparation, the following hypotheses were formulated:

Hypothesis 2.1: There will be no significant difference in ethical/illegal and legal/unethical decision patterns between (a) elementary principals, (b) secondary principals, and (c) superintendents.

Hypothesis 2.2: There will be no significant difference in ethical/illegal and legal/unethical decision patterns between male and female administrators.

Hypothesis 2.3: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by four age groups: (a) 25-34, (b) 35-44, (c) 45-54, and (d) 55 and older.

Hypothesis 2.4: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by school population: (a) 0-249, (b) 250-499, (c) 500-999, and (d) 1,000 or more.

Hypothesis 2.5: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by district population: (a) 0-999, (b) 1,000-2,999, (c) 3,000-9,999, and (d) 10,000 or more.

Hypothesis 2.6: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by highest degree held: (a) Master's, and (b) Ed.D. or Ph.D.

Hypothesis 2.7: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by participation in an administrative preparatory course on ethics: (a) No, and (b) Yes.

A difference test was first computed to determine the difference between the ethical/illegal and legal/unethical decision pattern responses. To compute this test, the legal responses were subtracted

from the ethical responses. Then the analysis of variance (ANOVA) was used to see if there was a significant difference between ethical/illegal and legal/unethical responses by (1) level, (2) age, (3) gender, (4) school population, (5) size of district, (6) highest degree held, and (7) ethics preparation. The difference mean was used as the dependent variable and the demographic data were the independent variables. The Tukey (HSD) Test ($\alpha = .05$) was used to establish the critical range. A Bartlett Test for homogeneity of group variances confirmed equal variance for each independent variable. To determine validity of the instrument, a frequency distribution on responses was run to check variances on each item on the survey.

Summary

The steps involved in the present study included identifying a population and selecting a random sample, constructing and refining a survey instrument, collecting the data, and analyzing the data. Three hundred six administrators from each state and the District of Columbia were selected to receive the questionnaire. An original mailing and follow-up mailing resulted in a response rate of 74.8%. Following the date set for the deadline for return of the questionnaire, the data were compiled and analyzed in relation to the research questions and stated hypotheses.

CHAPTER IV

PRESENTATION AND ANALYSIS OF DATA

Introduction

The purpose of this chapter was to describe and analyze the data collected from the questionnaires sent to a sample population of educational administrators in the 50 states and the District of Columbia during the 1989-90 school year. The presentation of the data will begin with a summary of the demographic data from the elementary principals, secondary principals, and superintendents who responded from the selected sample. The remainder of the chapter will report and analyze the data on ethical and legal choices and patterns that emerge as they related to the four research questions and the eight stated null hypotheses.

Statistical measures used were frequencies, means, percentages, paired samples t-tests, difference test, analysis of variance, the Tukey (HSD) Test ($\alpha = .05$), and the Bartlett Test for homogeneity of group variances. The data were processed using the SYSTAT: System for Statistics (Wilkinson, 1989).

Demographic Data

The research instrument included 11 demographic items and one related question pertaining to any special attention paid during graduate work to the study of ethical issues of the profession, to ways of looking at the ethical aspects of making decisions, and to the obligations of the

school administrator to his/her clients. The items contributed to the development of variables which assisted in a descriptive study of the educational administrators.

When comparing gender for total respondents, male administrators outnumbered female administrators four to one. The percentage of female administrators decreased as administrative level increased. Elementary male principals outnumbered female principals two to one. Secondary male principals outnumbered their female counterparts four to one, and male superintendents outnumbered female superintendents ten to one.

Overall, the mean age of an administrator rose by administrative level. The mean age for an elementary principal was 45.6, ranging from 30 to 60. The mean age for a secondary principal was 47.6, ranging from 32 to 62. The superintendents' mean age was 48.5, ranging from 29 to 63.

Schools were categorized into four average daily attendance groups: (1) 0-249, (2) 250-499, (3) 500-999, and (4) 1,000 or more. The secondary administrators were principals in schools that were generally larger in size than the schools of the elementary principals. The average elementary school population mean was 2.246 and the secondary school was 2.688. The smallest elementary school had a population of 125 and the largest 1,200. The smallest secondary school was comprised of 105 students and the largest had 2,100 students.

Concerning degrees, the superintendents had the greatest number holding an Ed.D. or Ph.D. degree (43%). Ten percent of the secondary principals and nine percent of the elementary principals held an Ed.D. or Ph.D. degree. Again, the higher the administrative level the higher percentage of doctoral degrees among the respondents.

When comparing administrative levels by ethics preparation, less than half of the elementary and secondary principals received formal

ethics preparation, 49% of elementary and 48% of the secondary. However, 60% of the superintendents indicated formal ethics preparation. Since the superintendents had the highest percentage of positive ethics preparation responses, this indicates that either higher level courses or a greater number of administrative courses provides a greater opportunity to experience ethics training. Table I presents additional demographic data.

Analysis of Data

Research Question One

Research question one was stated as follows: To determine when given a choice, can educational administrators make ethical decisions? Research question one was formulated to examine if administrators could choose an ethical response to three scenarios that required administrative action. In each situation, the response choices included one ethical choice and other responses that were unethical. These responses were based upon the Statement of Ethics for School Administrators (AASA, 1981).

To answer this question, a mean score was calculated. Table II presents the data. The possible correct responses ranged from 0 to 3, so a score of 1.5 or greater was established to demonstrate that administrators could make the ethical choice the majority of the time. A mean ethical score of 2.619 for the total group of 226 respondents was greater than 1.5; the data revealed that administrators can make an ethical response the majority of the time. The mean score for each level was above 1.5. The secondary principals had the highest (mean = 2.699) and the superintendents (mean = 2.500) the lowest. From this analysis of data,

TABLE I
DEMOGRAPHIC DATA FOR RESPONDENTS

Variable	N	Response Code	Frequency	Percentage
Level	226			
(1)		Elementary Principal	65	28.8
(2)		Secondary Principal	83	36.7
(3)		Superintendent	78	34.5
Sex	226			
(1)		Male	181	80.1
(2)		Female	45	19.9
Age	226			
(1)		25-34	7	3.1
(2)		35-44	83	36.7
(3)		45-54	99	43.8
(4)		55+	37	16.4
School Population	156			
(1)		0-249	23	14.7
(2)		250-499	49	31.5
(3)		500-999	54	34.6
(4)		1,000+	30	19.2
District Population	226			
(1)		0-999	51	22.5
(2)		1,000-2,999	61	27.0
(3)		3,000-9,999	65	28.8
(4)		10,000+	49	21.7
Highest Degree Held	226			
(1)		Masters	179	79.2
(2)		Ed.D., Ph.D.	47	20.8
Ethics Preparation	226			
(1)		No	105	46.5
(2)		Yes	121	53.5

it can be inferred that educational administrators at all levels can make ethical choices in educational decisions.

TABLE II
MEAN SCORES FOR ETHICAL DECISIONS

Source	N	Mean Ethical
Total Group	226	2.619
Elementary	65	2.662
Secondary	83	2.699
Superintendent	78	2.500

Research Question Two

Research question two was stated as follows: To determine when given a choice, can educational administrators make legal decisions? Research question two was formulated to examine if administrators could select a legal response to three anecdotal situations. In each scenario, the response choices included one legal response and the other choices were illegal, according to the United States Constitution, federal law, and case law.

To answer this question, a mean score was calculated. (Table III presents the data.) The correct responses could range from 0 to 3; therefore, a score of 1.5 or greater was established to demonstrate that

administrators can make the legal choice the majority of the time. A mean score of 1.925 for the 226 responses was greater than 1.5, so the data analysis confirmed administrators can make the legal choice the majority of the time. All levels had a mean greater than 1.5. The elementary principals selected the correct response most often (mean = 2.062) and the superintendents had the lowest (mean = 1.795) score. From this analysis of data, it can be inferred that educational administrators at all levels can make legal choices in educational decisions.

TABLE III
MEAN SCORES FOR LEGAL DECISIONS

Source	N	Mean Legal
Total Group	226	1.925
Elementary	65	2.062
Secondary	83	1.940
Superintendent	78	1.795

Hypothesis 1: There will be no significant difference in correct ethical and legal choices. A paired samples t-test was used to compare the means of the ethical and legal responses. The overall ethical mean score for the administrators was 2.619 and the total group mean score for the legal response was 1.925. A significant difference between ethical choices and legal choices was found at the .05 level of significance.

The data revealed that the respondents were able to select the ethical choice with significantly greater accuracy than the legal choice (Table IV).

TABLE IV
 PAIRED SAMPLES T-TEST FOR ETHICAL VS
 LEGAL DECISIONS

Variable	df	M	SD DIFF	MEAN DIFF	T	P
Ethical		2.619				
	225		.943	.0695	11.079	.000*
Legal		1.925				

*Significant < .05

Research Question Three

Research question three was stated as follows: To determine when ethical and legal conflicts exist, will an ethical but illegal, legal but unethical, or unethical and illegal decision pattern emerge? Research question three was formulated to determine if there is a difference between the ethical and legal forces that drive administrative decisions when conflicts exist between ethics and laws. To answer this question, nine scenarios were constructed that required an administrative decision. In each anecdotal situation an ethical and legal dilemma was created. The response selections included ethical/illegal, legal/unethical, and

unethical/illegal choices. These response options mirror choices in the educational arena. A response conflict was established to force a choice between ethics and the law to determine which force drives administrative decisions when a decision conflict arises.

To analyze the data, three paired sample t-tests were calculated. The first test compared the means of the ethical/illegal and legal/unethical decision pattern responses, the second compared the means of the ethical/illegal and unethical/illegal decision pattern responses, and the third compared the means of the legal/unethical and unethical/illegal decision pattern responses.

In Table V, the ethical/illegal mean was 5.646 and the legal/unethical mean was 2.956. The data revealed there was a significant difference found in the mean scores between ethical/illegal and legal/unethical decision patterns at the .05 level of significance. The ethical/illegal response was selected significantly more often than the legal/unethical choice pattern.

The second paired samples t-test compared the difference between ethical/illegal and unethical/illegal decision patterns (Table VI). The mean score for the ethical/illegal decision pattern was 5.646 and the unethical/illegal decision pattern mean was .230. There was a significant difference found between the ethical/illegal and unethical/illegal scores at the .05 level of significance. The ethical/illegal decision pattern was selected significantly more often than the unethical/illegal choice pattern.

The third paired samples t-test compared the differences between legal/unethical and unethical/illegal decision patterns (Table VII). The mean score for the legal/unethical choice was 2.956 and the mean score for unethical/illegal was .230. There was a significant difference found

TABLE V
 PAIRED SAMPLES T-TEST FOR ETHICAL/ILLEGAL
 VS LEGAL/UNETHICAL DECISION PATTERN

Source	df	M	SD DIFF	MEAN DIFF	T	P
Ethical/Illegal		5.646				
	225		3.250	2.690	12.445	.000*
Legal/Unethical		2.956				

*Significant <.05

TABLE VI
 PAIRED SAMPLES T-TEST FOR ETHICAL/ILLEGAL
 VS UNETHICAL/ILLEGAL DECISION PATTERN

Source	df	M	SD DIFF	MEAN DIFF	T	P
Ethical/Illegal		5.646				
	225		1.750	5.416	46.531	.000*
Unethical/Illegal		.230				

*Significant <.05

between legal/unethical and unethical/illegal choices at the .05 level of significance. The legal/unethical decision pattern was selected significantly more often than the unethical/illegal decision pattern.

TABLE VII
 PAIRED SAMPLES T-TEST FOR LEGAL/UNETHICAL
 VS UNETHICAL/ILLEGAL DECISION PATTERN

Source	df	M	SD DIFF	MEAN DIFF	T	P
Legal/Unethical		2.956				
	225		1.800	2.726	22.764	.000*
Unethical/Illegal		.230				

*Significant <.05

From the results obtained through the analysis of data, it can be inferred that a decision choice pattern clearly emerged. The ethical/illegal choice pattern (mean = 5.646) was significantly different from the legal/unethical (mean = 2.956) and the unethical/illegal (mean = .230) choice pattern. When there was a conflict in ethical and legal decision making, the ethical/illegal choice pattern dominated. Only when compared to unethical/illegal choices did the legal/unethical choice pattern emerge.

Research Question Four

Research question four was stated as follows: To determine if there is a difference in ethical but illegal or legal but unethical decision patterns by (1) administrative level, (2) gender, (3) age, (4) school population, (5) district population, (6) highest degree held, and (7) ethics preparation? To answer these questions, seven null hypotheses were formulated and tested to determine differences which might exist in these independent variables. This additional information provided data to better understand the rationale of administrative decision patterns. A difference score was computed to help analyze the data. For each respondent, the number of legal responses was subtracted from the number of ethical responses. The range could be from +9 to -9. A positive score would represent an ethical choice in decision patterns, and a negative score would represent a legal choice. This difference mean was used as the dependent variable in the analysis of variance (ANOVA) to analyze the independent variables from the demographic data. Hypothesis 2.1: There will be no significant difference in ethical/ illegal and legal/unethical decision patterns between (a) elementary principals, (2) secondary principals, and (3) superintendents. To test this hypothesis, an analysis of variance was used to compare conflict difference score means of 65 elementary principals, 83 secondary principals, and 78 superintendents. A significant difference in decision patterns by administrative level was found. Equal variances were established with the Bartlett Test and the Tukey (HSD) Test ($\alpha = .05$) indicated that the critical range for pairs of means was 1.207. There was no difference found between elementary principals (mean = 1.723) and superintendents (mean = 2.679) or between secondary principals (mean = 3.473) and super-

intendents (mean = 2.679). However, it was revealed that there was a significance between elementary principals (mean = 1.723) and secondary principals (mean = 3.473); therefore, the null hypothesis was rejected (Table VIII).

TABLE VIII
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION PATTERN
BY ADMINISTRATIVE LEVEL

Source	df	Sum of Squares	Mean Squares	F Ratio	Prob
Level 1					
Between Groups	2	111.722	55.861	5.589	.004*
Within Groups	223	2228.684	9.994		

*Significant <.05

Hypothesis 2.2: There will be no significant difference in ethical/illegal and legal/unethical decision patterns between male and female administrators. To test this hypothesis, an analysis of variance and Tukey (HSD) Test ($\alpha = .05$) was used to compare conflict difference means of male and female administrators. Among the respondents there were 181 males and 45 females. When the mean scores of these two groups were compared, a significant difference was not found at the .05 level; therefore, the null hypothesis was retained (Table IX).

TABLE IX
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION PATTERN
BY GENDER OF ADMINISTRATOR

Source	df	M	OVERALL MEAN	SD	T	P
Gender						
Male		2.836				
	1		2.696	3.225	1.310	.192
Female		2.133				

*Significant <.05

Hypothesis 2.3: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by four age groups: (a) 25-34, (b) 35-44, (c) 45-54, (d) 55 and older. The analysis of variance and the Tukey (HSD) Test were used to analyze the mean conflict difference scores of the four age groups: (a) 25-34, (b) 35-44, (c) 45-54, and (d) 55 and older. The null hypothesis was retained since no significant difference was revealed at the .05 level of significance (Table X).

Hypothesis 2.4: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by school population: (a) 0-249, (b) 250- 499, (c) 500-999, and (d) 1000 or more. The analysis of variance and the Tukey (HSD) Test were used to compute the scores. There was no significant difference at

the .05 level found among groups categorized by school population. Therefore, the null hypothesis was retained (Table XI).

TABLE X
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION PATTERN
BY AGE OF ADMINISTRATOR

Source	df	Sum of Squares	Mean Squares	F Ratio	P
Age					
Between Groups	3	26.489	8.830	.847	.469
Within Groups	222	2313.917	10.423		

*Significant <.05

TABLE XI
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION
PATTERN BY SCHOOL POPULATION

Source	df	Sum of Squares	Mean Squares	F	P
Between Groups	3	43.038	14.346	1.482	.222
Within Groups	152	1471.135	9.679		

*Significant <.05

Hypothesis 2.5: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by district population: (a) 0-999, (b) 1,000-2,999, (c) 3,000-9,999, and (d) 10,000 or more. The analysis of variance and the Tukey (HSD) Test at the .05 level of significance were used to compute scores. There was no significant difference found among groups categorized by size of district. The null hypothesis was retained (Table XII).

TABLE XII
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION PATTERN
BY DISTRICT POPULATION

Source	df	Sum of Squares	Mean Squares	F	P
Between Groups	3	24.511	8.170	.785	.503
Within Groups	222	2310.214	10.406		

*Significant <.05

Hypothesis 2.6: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by highest degree held: (a) Masters and (b) Ed.D. or Ph.D. There is no significant difference in conflict difference scores based upon highest degree held by administrators. An analysis of

variance was calculated for each group and the Tukey (HSD) Test ($\alpha = .05$) was used to compare different sets of means for the two groups. The null hypothesis was accepted based on the supportive data found in Table XIII.

TABLE XIII
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION PATTERN
BY HIGHEST DEGREE HELD BY
ADMINISTRATOR

Source	df	M	Overall M	SD	T	P
Degree						
Masters		2.823				
	1		2.696	3.225	1.155	.249
Ed.D., Ph.D.		2.213				

*Significant $< .05$

Hypothesis 2.7: There will be no significant difference in ethical/illegal and legal/unethical decision patterns of administrators when categorized by participation in an administrative preparatory course on ethics: (a) No, and (b) Yes. An analysis of variance and the Tukey (HSD) Test were used to compare the conflict difference scores and ethics preparation. There was no significant difference in administrative decision patterns by ethics preparation when compared at the .05

significance level (Table XIV). Therefore, the null hypothesis was retained.

TABLE XIV
ANALYSIS OF VARIANCE FOR ETHICAL/ILLEGAL VS
LEGAL/UNETHICAL CONFLICT DECISION PATTERN
BY PARTICIPATION IN ADMINISTRATIVE
PREPARATORY COURSE ON ETHICS

Source	df	M	Overall M	SD	T	P
Ethics Course						
No		2.543				
	1		2.696	3.225	.664	.507
Yes		2.829				

*Significant <.05

From the results obtained through the analysis of data, it can be inferred that there were no significant differences in conflict decision patterns in six of the seven demographic variables. When comparisons were made by administrative level, the null hypothesis was rejected. When comparisons were made by gender, age, school population, district population, highest degree held, and ethics preparation, no significant difference was found in conflict decision patterns.

Summary

The samples of this study consisted of 226 educational administrators in the United States and the District of Columbia during the 1989-90 school year. A return rate of 74.8% was achieved. Data related to each of the four research questions and eight hypotheses were presented and discussed in the chapter.

CHAPTER V

SUMMARY, FINDINGS, CONCLUSIONS AND IMPLICATIONS, RECOMMENDATIONS, AND DISCUSSION

Summary

The purpose of this study was to determine if educational administrators can make ethical and legal choices and to determine, when ethical and legal conflicts arise, which conflict decision pattern would emerge. An analysis of the literature revealed that standards of behavior emerged from personal ethics, professional standards, and the law. Ethics, in relation to educational administration, were explored in terms of principles of conduct, ethical leadership, ethical decision making, ethics preparation, and ethical behavior. Educational administration as a profession and the development of a code of ethics were examined. Dilemmas in decision making arising from legal and ethical conflicts were addressed.

This study was designed to collect data through survey research from three populations of educational administrators. These consisted of elementary principals, secondary principals, and superintendents in public institutions in the 50 states and the District of Columbia during the 1989-1990 school year. Two administrators from each state and level were randomly selected from the total population of school administrators. A survey on "Ethical and Legal Decisions" was constructed and utilized to gather data related to the stated research questions, stated hypotheses,

and demographic data. The survey was mailed to each of the subjects along with directions for completing the instrument. Sixty-one percent of the sample returned the questionnaire within six weeks. A second mailing followed and an additional 14% of the sample responded. This brought the total respondents to 75%.

The demographic data analysis involved frequency distributions and percentages. Mean scores were used to determine if respondents could make legal and ethical choices. Paired samples t-tests were computed to determine differences in decision choice patterns. The sample subjects were categorized using the demographic data as independent variables. Each individual choice pattern score was calculated and used to secure a mean difference score to be used as the dependent variable. Then analyses of variance tests were computed to determine what independent variables affect administrative decisions. The .05 level of significance was used throughout the study. When comparing more than two groups, the Tukey (HSD) Test was used to find the critical range. The Bartlett Test was used to determine equal variance of groups.

Findings

Findings which were obtained through the statistical analyses of the data included the following:

1. When given a choice, educational administrators make ethical decisions.
2. When given a choice, educational administrators make legal decisions.
3. Educational administrators make correct ethical decisions significantly more often than legal decisions.

4. When ethical and legal conflicts existed, an ethical but illegal decision pattern emerged.

a. The ethical/illegal choice (mean = 5.646) was significantly different from the legal/unethical (mean = 2.956) choice and the unethical/illegal (mean = .230) choice.

b. The legal/unethical choice (mean = 2.956) was significantly different from the unethical/illegal (mean = .230) choice.

5. There was a significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by administrative level. The elementary principals' decision pattern (mean = 1.723) was significantly different from the secondary principals' pattern (mean = 3.473). The differences between elementary principals' pattern and superintendents' pattern (mean = 2.679) and secondary principals' pattern and superintendents' pattern were not significant.

6. There was no significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by gender.

7. There was no significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by age.

8. There was no significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by school populations.

9. There was no significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by size of district.

10. There was no significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by highest degree held.

11. There was no significant difference in ethical/illegal and legal/unethical decision patterns when respondents were categorized by participation in ethics course work during administrative preparation.

Conclusions and Implications

From the findings in this study, the following conclusions have been derived:

1. A score of 1.5 was determined by the research as the necessary significance level to show that an ethical choice could be made. Since the respondents achieved a mean score of 2.619, the conclusion would be that educational administrators can make ethical decisions when given a choice. This finding was consistent with Hyle (1989) who found administrators make ethical decisions the majority of the time with these same three choice options.

The study by Hyle (1989) found a significant difference between ethical mean scores of elementary principals and superintendents, the superintendents having a greater mean. However, in this research study, a significant difference in ethical mean scores among levels was not found. The secondary principals had a greater ethical mean score than elementary principals and superintendents, but none of the differences were significant. The fact that only three of the original questions were included in this study may have contributed to this difference.

2. A score of 1.5 was determined by the researcher as the necessary score to show that a legal choice could be made. Since the respondents achieved a score of 1.925, the conclusion was made that educational

administrators can make legal decisions when given a choice. This finding supports Neely (1987) in the belief that legal interpretations shape opinions. The elementary principals had a higher mean score than the secondary principals and the superintendents.

3. Hypothesis 1 indicated there was a significant difference in ethical and legal choices. Since the mean score was greater for the ethical choice, the administrator identified the ethical choice more often than the legal choice. It can be inferred, the respondents are able to make the ethical choice more often than the legal choice.

The ethical choice was more clearly identifiable than the legal choice. This might be attributed to the fact that the three ethical scenarios selected from Hyle's (1989) study were the ones that elicited the greatest percentage of ethical responses in that study. The legal case studies were developed for this study and had not been previously tested.

Since the mean was higher for the ethical choice than the legal choice, one also might conclude that the correct legal choice is more difficult for administrators to recognize than the ethical choice. With the vast number of laws that have impacted education in the last 30 years (Hawkins, 1986), it is difficult for administrators to keep abreast with all the legal boundaries. Also, the interpretations of laws can be very difficult, diffused, and absolutely unique to a given legal jurisdiction.

4. The three paired samples t-test compared the means of the decision choices. The ethical/illegal pattern was significantly greater than the legal/unethical and unethical/illegal decision patterns. Also, the overall ethical/legal difference mean was +2.6. A positive score favored an ethics choice. The ethical/illegal decision pattern clearly emerged. A negative score would have represented a legal choice. From

this study, it appears educational administrators significantly more often rely on ethics than the law when conflicts in decision making emerge. This supported the findings of the study by Peach and Reddick (1986) that ethics as principles of conduct strongly influence the actions of individuals.

This finding has a major significance. It supports the belief that it is the ethical principles, not the technical aspect of educational administration, that drives administrative decisions (Foster, 1986).

5. It is important to note that the ethical/illegal and the legal/unethical decision choices were significantly different from the unethical/illegal choice. This again supports the finding that administrators can and do make ethical and legal decisions rather than illegal or unethical decisions.

6. Hypothesis 2.1 indicated a significant difference in ethical and legal conflict decision patterns between levels of administrators. The ethical/illegal decision pattern emerged for all levels, but the elementary principals' mean score (1.723) was significantly different from the secondary principals' mean score (3.473). It could be concluded both make the ethical/illegal choice more often than the legal/unethical choice but secondary principals made the ethical choice significantly more often than elementary principals. Consequently, the elementary principals made the legal choice significantly more often than the secondary principals.

7. Hypotheses 2.2, 2.3, 2.4, 2.5, and 2.6 indicated no significant differences in ethical/illegal and legal/unethical decision patterns by gender, age, school size, district population, and highest degree held. There were only minimal differences within these various categories;

consequently, the conclusion seems to be that these are not areas which influence ethical and legal conflict decision patterns.

Dexheimer (1969) and Hyle (1989) found that autobiographical information had little relationship to ethical behavior. This is consistent with the findings in this study. Perhaps in future studies it might be more beneficial to examine the history and personality traits of the individual administrators rather than simple demographic data pertaining to the respondents.

8. Hypothesis 2.7 indicated no significant difference in conflict decision patterns when respondents were categorized by ethics course work during professional training. However, numerous comments were made in the survey by respondents concerning the inadequacy of ethical preparation for the administrative role. From this information, it would appear there is a need to give serious attention to ethics in school administration preparatory programs.

9. In the survey, administrators were given the opportunity to provide information concerning graduate work and special attention paid to ethical issues and ethical aspects of decision making. From the data compiled, it can be concluded that legal aspects are covered in special courses dealing with educational administration, but ethical issues are generally addressed only as a part of other courses and on an informal basis. From the responses, it was noted laws were discussed but not how to deal with deviations. The general consensus concluded that if ethics were addressed in preparatory work, it was done sparsely. This is consistent with the findings of Ashbaugh and Kasten (1984).

Many respondents felt ethics need to be a primary focus in administrative preparatory course work. This supports Callahan and Bok's (1980, p. 62) thought, "Courses in ethics should make it clear that there are

ethical problems in personal and civic life ... and that there are better and worse ways of trying to deal with them."

Although the implications are not conclusive, they do provide some evidence that ethics strongly influence administrative choices. Recommendations for further research are discussed below.

Recommendations for Further Study

Recommendations for further study into the relationship of ethics, the law, and administrative decision making include the following:

1. Systematic research into values and actions is both possible and essential if scholars in school administration are to have a part to play in developing schools for the future (Stout, 1986). Collecting and analyzing data on administrators' values and actions can provide further insight into the educational administrators' impact on schools.

2. It is suggested ethical principles and ethical reasoning be studied further in the context of professional behavior and explored in both professional literature and training programs. It should not be assumed these qualities are developed without study.

3. Research should be conducted which will examine the relationships of personal traits and the leadership style of the principal to ethical and legal decision patterns. Perhaps this would give additional insight into administrative characteristics that determine choice patterns.

4. Further study with this instrument, "Ethical and Legal Dilemmas," should be done to determine if the same findings are true when:

- a. The survey is administered to professors of educational administration in institutions of higher education.

b. The survey is administered to administrators in private institutions.

c. Educational administrators are compared by geographic region.

d. Respondents are categorized by years of administrative service.

e. The survey is administered as a pretest and posttest in an administrative preparatory course on ethics.

5. Design a survey that contains scenarios that would result in more severe legal consequences and then determine the ethical and legal conflict decision pattern.

Recommendations for Education

The following are recommendations which resulted from this study:

1. The responsible administrator must seek personal clarification of the beliefs that direct his/her actions, consider alternative beliefs and their consequences, and develop comprehensiveness and unity in the personalized system of values used as a basis of behavior (Kimbrough, 1968).

2. Educational administrators should detach themselves from the day-to-day activities long enough for reflective thought concerning the consequences of what they are doing (Kimbrough, 1968).

3. The formal study of ethics during educational administration preparatory courses should be implemented because of the strong reliance on ethics during decision making found in this study. It would provide a basis for thinking through the alternatives available for the most intelligent actions of all (Kimbrough and Nunnery, 1983). Discussing ethics

through case study would provide alternative ways to view situations and establish a broader knowledge base for decision making.

4. More educational administration seminars and sessions at conferences and conventions of professional organizations should address ethical conflicts. The practicing administrator needs the opportunity to refine skills for difficult decision making.

Discussion

It appeared from this study that ethics do play a major role in educational administrative decisions. Although laws and court cases have made a significant impact on public schools in recent years, this study has provided additional data that individuals still respond to situations from a personal, social, and professional experiential base as well as a legal base. Ethical considerations play a vital role in decision making.

It was interesting to note that educational administrators still seem to lean toward the ethical aspects of decision making even though in administrative preparation students usually engage in preparatory courses in law but not in ethics. This practice might be attributed to the theory that by the time a person is an adult personal ethics have been established since ethics are formed over time from family values, religious training and beliefs and through personal experience. However, laws must be reviewed and interpreted and are continually subject to change. Therefore, formal legal preparation has been viewed as more essential than ethical preparation. Since this study supported the heavy reliance on ethics in decision making, it is believed a focus on ethics would be an added dimension that could strengthen administrative preparation.

The scenarios in this survey instrument generally presented problems that were borderline decision situations. If the law was overlooked, the consequences might not be extremely severe for the administrator for one isolated incident. This could have had some influence upon the decision pattern that emerged. However, in daily decision choices for the administrator, it is the choices that can be called either way that are so difficult. The single decision that can result in litigation, usually does not create a dilemma. It is the daily encounters that occur in the school setting which require ethical preparation and knowledge of the law to make the correct choice for a given situation that are so critical. They are critical because a secure educational environment is achieved through thousands of decisions over a long period of time.

One must remember that individuals and schools are both complex and unique; therefore, there is no one right choice or simple solution to many of the dilemmas within education. Educators must continually strive to make decisions that not only enhance the goals of the institution but also take into consideration the worth and uniqueness of an individual.

This research revealed that it is not the legal consequences that dominate decision making. Perhaps the question as to what drives administrative decisions is best summarized by Evers (1985):

Making the morally right decision involves more than considering feeling, counting people, or calculating consequences. It requires, ultimately an attitude of disinterest to outcomes and non-attachment to rewards, according priority to duty and commitment to moral principals (p. 39).

In relation to Vroom's (1964) expectancy theory concerning the role that consequences play in motivating decision making, the legal consequences are not the only consequences that need to be considered, for they are not the only consequences which weigh on administrative decisions. This study would seem to say it is the consequences of living

with one's own consciousness of ethical beliefs that influences and plays a dominant role in decision making; and perhaps ultimately, it is not the making of decisions that is hard, but it is living with the consequences that is so difficult.

BIBLIOGRAPHY

- American Association of School Administrators. 1981. Statement of Ethics for School Administrators. Arlington, Virginia: AASA.
- Ashbaugh, C. R., and Kasten, K. L. 1984. A typology of operant values in school administration. Planning and Changing, 15(4), 195-208.
- Avery, C. W., and Simpson, R. J. 1987. Search and seizure: A risk assessment model for public school officials. Journal of Law and Education, 16(4), 403-409.
- Baker, M. G. 1987. The teacher's need to know versus the student's right to privacy. Journal of Law and Education, 16(1), 71-88.
- Bass, G. R. 1987. Code of Ethics for Oklahoma School Administrators. Stillwater, Oklahoma: Oklahoma State University Press.
- Barnard, C. L. 1938. The Functions of the Executive. Cambridge, MA: Harvard University Press.
- Bennett, W. J. 1988. Moral literacy and the formation of character. NASSP Bulletin, 72(512), 29-34.
- Brennan, A. D. H. and Brennan, R. 1988. The principal, ethics and special education. NASSP Bulletin, 72(512), 17-19.
- Calabrese, R. L. 1988. Ethical leadership: A prerequisite for effective schools. NASSP Bulletin, 72(512), 1-3.
- Callahan, D. 1982. Should there be an academic code of ethics? Journal of Higher Education, 53(3), 335-344.
- Callahan, D., and Bok, S. 1980. Goals in the teaching of ethics. Ethics Teaching in Higher Education. New York: Plenum.
- Corson, D. 1985. Quality of judgment and deciding rightness: Ethics and educational administration. Journal of Educational Administration, 23(2), 122-130.
- Dexheimer, C. L. 1969. The administrative ethics of chief school administrators: A study of accommodation. (Unpub. doctoral dissertation. University of Rochester.)
- Doggett, M. 1988. Ethical excellence for school-based administrators. NASSP Bulletin, 72(512), 7-11.

- DuFour, R., and Eaker, R. 1987. The principal as leader: Two major responsibilities. NASSP Bulletin, 71(500), 80-89.
- Education of Handicapped Act of 1975. PL 94-142 (Federal Statute), 1975.
- Evers, C. W. Fall, 1985. Hodgkinson on ethics and the philosophy of education. Educational Administration Quarterly, 21(4), 27-50.
- Faily, A. 1980. Effective administrative behavior. NASSP Bulletin, 64(433), 30-37.
- Family Educational Rights and Privacy Act, 20 U.S.C. sect. 232, (Federal Statute), 1982.
- Fein, R. 1988. Tough choices: Ethical dilemmas in our profession. Journal of Career Planner, 47, 44-49.
- Foster, W. 1986. Paradigms and Promises. Buffalo, New York: Prometheus.
- Gable, S. K., and Kavich, L. L. 1981. Ethical perspectives: Leadership sub-scales applied to education. (ERIC Document Reproduction Service Number ED 252 923.)
- Gauerke, W. E. 1959. Legal and Ethical Responses of School Personnel. Englewood Cliffs, N.J.: Prentice-Hall.
- Gay, L. R. 1981. Educational Research. Columbus, Ohio: Charles A. Merrill.
- Greenwood, E. 1957. Attitudes of professionals. Social Work, 2, 44-55.
- Haller, E. J., and Strike, K. A. 1986. An Introduction to Educational Administration: Social, Legal, and Ethical Perspectives. New York: Longman.
- Harden, G. D. 1988. The principal's ethical responsibility and the parents' right to know. NASSP Bulletin, 72(512), 12-14.
- Hawkins, H. L. 1986. Preventive Law: Strategies for Avoidance of Litigation in Public Schools. UCEA Monographic Series. University Council for Educational Administration, Tempe, AZ.
- Hejka-Ekins, A. 1988. Teaching ethics in public administration. Public Administration Review, 48(5), 885-891.
- Henderson, D. H. 1985. The constitutional rights of probationary teachers: Improper assessment may be costly to school boards. Journal of Law and Education, 14(1), 1-20.
- Heslep, R. D. 1988. Professional ethics and the Georgia public school administration. (ERIC Document Resource Reproduction Service Number ED 298 659.)

- Hess, F. 1986. Part I: Causes of executive dismissal. School Administrator, 43(4), 14-15, 18.
- Hodgkinson, C. 1978. Toward a Philosophy of Administration. Oxford Basil Blackwell.
- Horton vs Goose Creek Independent School District, 690 F.2d 470 (Court Case), 1982.
- Hyle, A. E. 1989. Ethics and professionalism in educational administration: Public school administrators and their codes of ethics. (Paper presented at American Educational Research Association. San Francisco, CA.)
- Kimbrough, R. B. 1968. Administering Elementary Schools: Concepts and Practices. New York: Macmillan.
- Kimbrough, R. B. and Nunnery, N. Y. 1976. Educational Administration: An Introduction. New York: Macmillan.
- Kimbrough, R. B. and Nunnery, N. Y. 1983. Educational Administration: An Introduction, 2nd ed. New York: Macmillan.
- Mappes, T. A. and Zembaty, J. S. 1981. Biomedical Ethics. New York: McGraw Hill.
- McCormick, K. 1984. Malfeasance: How one weak moment can ruin your career. Executive Educator, 6(11), 17-20.
- Moody, D. 1989a. Pattersons Elementary Education. Mount Prospect, New York: Educational Directories, Inc.
- Moody, D. 1989b. Pattersons Secondary Education. Mount Prospect, New York: Educational Directories, Inc.
- Neely, M. A. 1987. Decisions of student affairs administrators: Ethical or legal basis? (Paper presented at the Meeting of the American College Personnel Association/National Association of Student Personnel Administrators, Chicago, IL.)
- New Jersey vs. T.L.O., 105 S.Ct. 742 (Court Case), 1985.
- Nisbet, R. A. 1968. Tradition and Revolt: Historical and Sociological Essays. New York: Random House.
- Orlosky, D. E.; McCleary, L. E.; Shapiro, A.; and Webb, L. D. 1984. Educational Administration Today. Columbus, OH.: Merrill Publishing.
- Peach, L., and Reddick, T. L. November, 1986. A study of the attitudes of public school teachers and administrators in middle Tennessee concerning ethical behaviors. (Paper presented at the Annual Meeting of the Mid-South Educational Research Association, Memphis, TN.)

- Pemberton, J. E. 1980. Discussions on Aristotle's "ethics": Implications for teachers and administrators. (ERIC Document Reproduction Series Number ED 185 551.)
- Richmond, J. 1987. Ethical and legal issues among student personnel administrators. (Paper presented at the Annual Convention of the American College Personnel Association, March 16, 1987, Chicago, IL.)
- Schurr, G. M. 1982. Toward a code of ethics for academics. Journal of Higher Education, 52(3), 318-334.
- Schwen, T. M. 1988. Professional ethics: An analysis of some arguments for development of virtuous behavior. (Proceedings of selected papers presented at the Annual Meeting of the Association for Educational Communication and Technology), January 14-19, 1988, New Orleans, LA.)
- Sharples, B. 1985. The forgotten dimension in educational administration. Educational Digest, L(8), 18-20.
- Silver, P. F. 1982. Toward a redefinition of professionalism in educational administration. (Paper prepared for the Occasional Papers Series, Institute of Educational Administration, Melbourne.)
- Silver, P. F. 1983. Educational Administration: Theoretical Perspectives on Practice and Research. Urbana: University of Illinois Press.
- Steele, C. 1979. Ethics: A dual responsibility for school administrators. Catalyst for Change, 9(1), 8-9, 13.
- Stern, S., and Gathercoal, F. 1987. Facing ethical concerns. School Shop, 47(3), 15-17.
- Stout, R. 1986. Executive action and values. Issues in Education, 4(3), 198-214.
- Strike, K. A.; Haller, E. J.; and Soltis, J. F. 1988. The Ethics of School Administration. New York: Teachers College Press.
- Tinker vs. Des Moines Independent Community School District, 393 U.S. 503 (Court Case), 1969.
- Vroom, V. H. 1964. Work and Motivation. New York: John Wiley and Sons.
- Whisnant, W. T. 1988. Ethics and administration in America's community colleges. Community/Junior College Quarterly, 12(1), 243-249.
- Wilkinson, L. 1989. SYSTAT: The System for Statistics. Evanston, Illinois: SYSTAT.

APPENDIXES

APPENDIX A
CORRESPONDENCE



Oklahoma State University

DEPARTMENT OF EDUCATIONAL ADMINISTRATION
AND HIGHER EDUCATION

STILLWATER, OKLAHOMA 74078 0146
309 GUNDERSEN HALL
405 744 7244

November 6, 1989

Dear Administrator

Code Number _____

I would like to ask your assistance in a research project. This is a national survey of administrators. Legal and ethical issues dealing with educational administration are being studied. I know your time is extremely valuable and in great demand, but if you would take a few minutes to respond to 15 scenarios, it would be greatly appreciated.

Your task will be to read each section and follow the directions for that section. Please do not omit a question. Following the last scenario is an autobiographical information section. Please circle the appropriate response or fill in the requested information. You have been randomly selected from the national population of school administrators as a participant in this study. Your response will remain confidential.

Thank you in advance for your time and expertise. A self-addressed postage paid envelope has been provided for your convenience in returning the questionnaire.

Sincerely,

Ann Millerborg

Ann Millerborg
Doctoral Candidate,
Educational Administration
Oklahoma State University



Celebrating the Past Preparing for the Future



Oklahoma State University

DEPARTMENT OF EDUCATIONAL ADMINISTRATION
AND HIGHER EDUCATION

STILLWATER OKLAHOMA 74078 0146
309 GUNDERSEN HALL
405 744 7244

January 4, 1990

Dear Administrator

In November a letter was sent asking you to participate in a research project. Your response is valuable in order to compile data from the random sampling and to conclude the project. Enclosed you will find another copy of the survey. I know your time is very valuable and in great demand, but if you would take a few minutes to respond to 15 scenarios, it would be greatly appreciated.

Your task will be to read each section and follow the directions for that section. Please do not omit an answer. Following the last scenario is an autobiographical information section. Please circle the appropriate response or fill in the requested information. You have been randomly selected from the national population school administrators as a participant in this study, and your response will remain confidential.

Thank you in advance for your time and expertise. If this questionnaire could be returned by January 15, 1990, it would be very beneficial. A self-addressed postage paid envelope has been provided for your convenience.

Sincerely,

Ann Millerborg
Doctoral Candidate
Educational Administration
Oklahoma State University



Celebrating the Past Preparing for the Future

APPENDIX B

ETHICAL AND LEGAL DILEMMAS QUESTIONNAIRE

Section 1 Please answer each scenario by circling the letter of the response that you feel represents the most ethical choice. Please answer each question.

- 1 The parents of a good student and generally responsible youngster have come to you with complaints about the teaching style of a social studies teacher. They claim the teacher is using biased materials and slanted opinions in class. Further, they claim that when their son tried to question these approaches, he was greeted with sarcasm and thinly veiled threats to have his grades lowered. The matter is complicated by the father's active role in town matters, and he demands evidence of action immediately. What action do you take?
- A Agree with the parents that the teacher is in the wrong, and indicate that censure will be applied in some form.
 - B Transfer the student into another classroom with a teacher whose techniques and methods are well known to you, and which you know will placate these irate parents.
 - C Call the most immediate supervisor of the teacher and ask for some corroboration of the incidents, then proceed with action.
 - D Indicate to the parents that you will take the matter up with the teacher but that no direct action will be taken until both sides of the controversy have been aired.
- 2 Your Board has maintained a policy of refusing any federal funds for school programs. Now you have been approached by the state department of education and urged to conduct a federally financed program in your district. They ask this because they know that your district is particularly well suited for such a program. You are sympathetic and flattered, especially since the experimental program fits in very well with what you consider to be educationally desirable and sound. Now what?
- A You stand on the Board's policy, however regretfully, and decline the offer.
 - B You approach the Board members, asking that they reconsider its previous stand for various reasons.
 - C You devise a plan where the special aid can be masked as a type of state aid, a plan which has the support of the state education department. Then you implement the program in your district.
 - D You not only ask for Board support in the program and a reversing of their policy statements, but indicate that such a reversal is a deciding factor regarding whether or not you'll remain as superintendent.

3 Your district is a rural one, and quite homogeneous in its population. The teaching staff also reflects this homogeneity, that is, they're mostly white, middle-class, and Protestant. In your search for new staff members, an excellent candidate with extremely promising credentials appears. The interview turns up an additional fact: the candidate is Black (or Jewish, or Italian, or any other group not generally found in your area). The Board has made it clear in the past that all hiring is entirely your decision; they'll ratify any recommendation you make to them. What is your recommendation?

- A You turn to other candidates, not because of prejudice, but as a form of protection for the candidate, who would be clearly in a lonely and vulnerable position.
- B The Board is given a list of candidates, with all credentials, and asked to make its own decision.
- C Exercising your usual prerogative of a nearly final decision in hiring, you sign the teacher.
- D Although other candidates are clearly inferior as prospects, you hire one of them as the best course of action for this particular community at this particular time.
- E You do not hire the candidate, but make every effort to place the candidate in another district.

Section II Please answer each scenario by circling the letter of the response that you feel represents the legal choice. Please answer each question.

4 A student from another district enrolls in the school where you are the principal. The parents give you the student's special education confidential file. What should you do with the file?

- A Place the folder in a locked box.
- B Have the school personnel who have educational interest in the child review and sign the folder, and then place it in a locked area.
- C Put a memo on the teachers' bulletin board informing the faculty of the new special education student and reminding them to read and sign the confidential folder.
- D Forward the folder to the classroom teacher.
- E Ask the secretary to make sure the teachers who have the child see the file.

- 5 The education statutes of your state contain a number of laws which you believe to be of questionable value. Two in particular are 1) that no regular program prayers may be offered in the classrooms, and 2) that a flag salute is required each day. You know full well that some prayers are still continued in certain classrooms, and you know that many teachers are lax on the flag salute. To be within the law, what action should you take?
- A Look the other way until someone complains
 - B Remind the teachers of the statute
 - C In cooperative planning, find some way to go around the law
 - D Notify the teachers of the statute in writing and follow-up to see that they have complied
 - E Allow the teachers to continue their practices and talk to some legislators about your concern
- 6 The school picture representative stops by to see you at the end of the year. He wants you to join him for lunch, just to celebrate the summer vacation. He mentions it will be his treat. You choose to
- A Decline the offer, but tell him to ask you again
 - B Accept the engagement and allow him to pay
 - C Join him for lunch, but you pay for your own
 - D Reject the offer
 - E Go to lunch with him but you pay the total bill

Section III Please answer each scenario by circling the letter of the answer that best represents the decision you would make in this situation. Please give an answer to each scenario.

- 7 A teacher in your building is planning to retire in three years. You know she has not kept up with the subject content, and she no longer is an effective teacher. However, she is very loyal to the school and to you. What will your action be?
- A Reduce her teaching load
 - B Overlook her faults and wait three years
 - C Initiate a transfer for her to another school
 - D Proceed to prove the teacher incompetent without consideration for her years of service
 - E Give her assistance when possible and let her end her career with dignity

- 8 State law requires that all medicine brought to school be kept in the principal's office or the clinic under lock and key. An asthmatic child in your school has a medical prescription for an inhaler. If an asthmatic attack occurs, the child has a need for the inhaler quickly. What would you decide?
- A Allow the child to keep the inhaler at his desk.
 - B Inform the parents that you cannot be responsible for a child with an asthmatic condition.
 - C Keep the medicine in the designated area locked.
 - D Tell the teacher to be responsible.
 - E Honor a parent's request to have the child keep the inhaler in the desk.
- 9 As you pass by the copy machine, you notice a teacher duplicating a copyrighted workbook for each person in the class. Your action would be to
- A Pretend you did not notice and return to your office.
 - B Discuss the concern with the teacher and allow her to finish but work out an alternate plan for the next time.
 - C Tell her to quit immediately and use an alternate strategy.
 - D Allow the teacher to copy the materials, a few at a time.
 - E Discuss the incident at the next faculty meeting and inform the faculty of your expectations.
- 10 A mandate comes from the state requiring all districts to comply with the state adopted curriculum guides and adopted texts. You feel complete compliance with the regulation would demoralize the faculty, stagnate the curriculum, and stifle creativity. Your course of action would be
- A. Require compliance by your staff.
 - B Tell teachers to do what they can and not worry about the rest.
 - C Encourage partial compliance and attempt to work through proper channels to secure policy changes.
 - D Require the teachers write their own curriculum guides.
 - E Ignore the new regulation.

- 11 Public law 94-142 states handicapped children should be placed on the least restrictive environment. A child enters your school with an Individualized Educational Placement (IEP) that states the child will be mainstreamed to art and music. The music class has thirty-five students. The music teacher has difficulty with control and has no experience with special education students. You know it is in the teacher's and other students' best interest that the child not attend music. Your action will be to
- A Require the child remain in his special education class until the IEP can be changed
 - B Ignore the IEP and have the child to remain in the special education class during that period
 - C Allow the child to go to two art classes since art classes are small and the art teacher agrees
 - D Require the music teacher to take the child and do the best she can
 - E Tell the music teacher if she will take the child, she can have one less duty per week
- 12 A teacher wants to refer a student for assessment to determine if there is a need for physical therapy services. You are aware that the physical therapist's load is at capacity. The placement of another student would require you to hire another therapist, and you know the district is short on funds. Your choice would be to
- A Hold the referral in your desk until a child moves.
 - B Get parental consent and submit the referral for evaluation, but ask the psychometrist to delay the testing
 - C Ask the teacher to delay in making the referral
 - D Tell the parents of the concern and ask them to seek help on their own since the district is at capacity.
 - E Inform the parents about the teachers' concern and allow them to decide if they want their child tested, with the understanding there may be a delay in placement if the child qualifies
- 13 A student enters your school from another district. As you review the confidential information, you notice the child has tendencies toward violent behavior. You have a conference with the parents and ask permission to share this information with faculty who will be responsible for supervising the child on the grounds that the Family Rights and Privacy Act allows parents this choice. They do not want their child judged or labeled. Your decision would be

- A Show the records to his teacher and suggest that the teacher tell the others
 - B Keep the information confidential
 - C Share the records with the faculty and ask the teachers to keep the information confidential
 - D Remove the information from the records
 - E Refuse to admit the student, unless the parents comply
- 14 Federal law requires that all children are served a minimum proportion of each item on the menu. You observe that when students are allowed to delete one serving of an item which they do not like, they eat the rest of their food better than when they are required to take all items. Your action would be to
- A Allow the cafeteria to delete an item at the child's request
 - B Require all trays to be served the same
 - C Ignore that the cafeteria allows a choice
 - D Refuse to excuse students who do not eat the entire tray
 - E Require students to eat all the food on their tray or be eliminated from the program
- 15 A student comes to you in strictest confidence and shares that his father is out of work. There is no food at home, and he has no money for lunch. His parents refuse to sign a free/reduced lunch form. He asks you not to tell anyone about the situation. What would you do?
- A Call an agency and have an official talk to the parents
 - B Dismiss the concern from your mind.
 - C Sign the parent's name on the form
 - D Allow the child to eat free and continue to try to convince the child to let you seek assistance
 - E Tell the student your hands are tied and you can do nothing unless he agrees to let you share the information

AUTOBIOGRAPHICAL INFORMATION

- 1 Please indicate the letter of your current administrative position and indicate the total number of years in your current position
- A Elementary Principal _____
 B Secondary Principal _____
 C Superintendent/central administration _____
 D Other _____
- 2 Age _____
- 3 Sex _____
- 4 Total number of years of teaching _____
- 5 Total number of years as administrator at the building level _____
- 6 Total number of years as chief school administrator/central administrator _____
- 7 Highest degree held _____
- 8 If a building administrator, number of students enrolled in your school _____
- 9 Number of students in your present school district (to the nearest hundred _____)
- 10 In any graduate work you have taken in school administration, was any special attention paid to ethical issues of the profession? That is, was time given to discussing ways of looking at the ethical aspects of making decisions, or the obligations of the school administrator to his/her clients?
- A No
 B Yes
 Please explain _____

VITA²

Martha Ann Millerborg
Candidate for the Degree of
Doctor of Education

Thesis: ETHICS AND THE LAW: WHAT DRIVES EDUCATIONAL ADMINISTRATION DECISIONS?

Major Field: Educational Administration

Biographical:

Personal Data: Born in Oklahoma City, Oklahoma, November 27, 1941, the daughter of Ralph and Martha James.

Education: Graduated from Harding High School, Oklahoma City, Oklahoma, in May, 1959; received Bachelor of Science degree in Education from Oklahoma State University, Stillwater, Oklahoma, in May, 1963; received Master of Education degree in Educational Administration from Central State University in May, 1982; completed requirements for the Doctor of Education Degree at Oklahoma State University in May, 1990.

Professional Experience: Teacher, Edgemere Elementary School, Oklahoma City Schools, Oklahoma City, Oklahoma, 1963-66; Teacher, Piedmont Public Schools, Piedmont, Oklahoma, 1975-82; Assistant Principal, Wiley Post Elementary School, Putnam City Schools, Oklahoma City, Oklahoma, 1982-84; Principal, Lake Park Elementary School, Putnam City Schools, 1984-86; Principal, Wiley Post Elementary School, Putnam City Schools, Oklahoma City, Oklahoma, 1986 to present.