

SUPERINTENDENTS' ETHICAL AND LEGAL
DECISION MAKING

By

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CHAPTER I

INTRODUCTION

Superintendents are hired to provide educational leadership and to manage the day-to-day operations of school districts. This expectation has become more difficult and challenging as our society and schools continue to grow in complexity. For superintendents to meet these expectations, many skills and competencies are required. The most important of these skills and competencies is the ability to make quality decisions (Langolis, 2004).

The decision making ability of a superintendent is crucial for the success of that organization as well as for employment stability. Decisions made affect all of the organization's stakeholders including school board members, staff, students, and members of the community. Superintendents' decision making can determine whether they will have their contracts extended or terminated by their school boards. Many superintendents have stated that, "There is no such thing as job security for a superintendent; you are only as good as your last decision" (Fitzpatrick, 2000, p. 50).

The decision making process of a superintendent is complex and can be influenced by many issues. These issues can include rules, regulations and laws of the organization, as well as the values or ethics of the individual or organization (Millerborg,

1990). These issues can create conflicts or dilemmas for superintendents, as they seek out appropriate responses to situations or problems.

School districts today are imbedded with dilemmas, as superintendents try to strike a balance in their decision making between the duty of the job and their personal and professional values (Millerborg, 1990). Federal legislation such as No Child Left Behind (NCLB) and the Family Educational Rights and Privacy Act (FERPA) have increased the amount of legal pressure on all administrators in public schools (Pardini, 2004). Consequently, system leaders face dilemmas during the decision making process as they try to comply with the law and still protect the privacy and rights of the students (Millerborg, 1990).

Most of the research on the dilemmas created for superintendents has focused on the ethical decision making of the superintendency (Dexheimer, 1969; Fenstermaker, 1996). The foundation for these studies is the Code of Ethics of the American Association of School Administrators. Researchers in these studies found that superintendents made ethical decisions on the job less than 50% of the time. The only research conducted on the dilemmas created when ethics and law conflict was completed over 16 years ago. This research indicated that superintendents make ethical choices 60% of the time when ethics and law conflict (Millerborg, 1990).

Statement of Problem

Decision making for a superintendent is a complex process. Conflicts or dilemmas may occur when superintendents make decisions on sensitive issues such as separation of church and state, special education, sexual orientation of students, racial and ethnic

diversity, school safety, appropriate funding for schools, and freedom of speech (Pardini, 2004). Superintendents may choose to make decisions on these issues based upon their personal values and their personal or professional code of ethics, or they may be made using local policies or regulations and state and federal laws. The presence of these issues creates conflicts or dilemmas for superintendents as they search for an appropriate response to a situation.

Purpose

Superintendents are confronted daily with important decisions that require both ethical and legal considerations. As these factors are considered, conflicts can emerge that make the decision making process for the superintendent very difficult. The purpose of this study was to identify and examine the decision patterns that emerged when ethical and legal dimensions were in conflict.

Research Questions

The following research questions were answered in this study:

1. What differences exist between the ethical decision making and legal decision making of superintendents?
2. What patterns emerge when conflict exists between ethics and law in decision making of superintendents?
3. What differences exist between identified decision making patterns of superintendents when ethics and law are in conflict?

Theoretical Perspective

Utilitarianism was used as the underpinning for this study on superintendent's ethical and legal decision making. Utilitarianism has as its foundation the principles of consequentialism and utility. The principle of consequentialism posits that consequences of actions guide a course of action. It has been referred to by philosophers as ends-based thinking, which requires subjects to do a cost benefit analysis to determine who will benefit or who will be hurt by decisions made. Kidder (1995) stated that this process assesses consequences and the one that produces the best result is the one chosen. Using this frame for decision making allows one to consider a wide range of consequences and to choose the outcomes that would be most desirable (Strike, 2007)

The utility principle refers to producing the greatest amount of positive consequences or maximizing good for everyone in situations that require judgments. With utility, an action is correct if it increases happiness or pleasure as well as decreases human suffering (Hinman, 2003). It also "views pleasure as the sole good and pain as the only evil. The utility principle states that an act is right if it either brings about more pleasure than pain or prevents pain, and an act is wrong if it either brings about more pain than pleasure or prevents pleasure from occurring" (Pojman, 2002, p.109).

The principle of utility is rooted in utilitarianism, which weighs the impact of consequences of individuals by ranking or using a scale to measure the amount of happiness or pleasure that produces the greatest good for those affected by the situation (Hinman, 2003). Significant philosophers of utilitarianism include David Hume (1711-1776), Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873). Hume

constructed this theory of ethics based on human experience and psychology with the intent to improve society. He called this construct utility which he believed would create happiness and pleasure in others (Beckner, 2004).

Jonathan Bentham continued Hume's work clarifying the principle of utility by defining utility in more practical terms of pleasure and pain by proposing that human actions are determined by the consequences of pain or pleasure. Pleasure was defined broadly by Bentham to include good, benefit, advantage or the preventing of unhappiness to individuals or groups (Abelson & Friquegnon, 1975). He also attempted to quantify ethics by proposing that the reduction of pain or the increase in pleasure could be measured by its intensity, duration, its certainty or uncertainty, and when or where it is to occur. Bentham concluded by establishing the criterion that the greatest good for greatest number should be the standard for all to follow (Beckner, 2004).

Two classic types of utilitarianism are act and rule utilitarianism. Act utilitarianism examines the consequences of each act and determines "an act right if and only if it results in as much good as any available alternative" (Pojman, 2002, p. 111). John Stuart Mill, who followed Bentham, spoke about these types of acts by stating that these "actions are proportional and right as they tend to promote happiness, and wrong as they tend to produce the reverse of happiness" (Piest 1957, p. 10). Mill further refined utility to include a stronger emphasis on happiness rather than pleasure because it was considered by philosophers as a construct of higher standards. Individuals who follow this form of utilitarianism examine individual decisions on a case-by-case basis, avoiding the constraints of rules. Each situation is judged on its own merits, thus allowing for exceptions to occur when necessary (Hinman, 2003). This reasoning allows for common

sense to prevail, but in some situations, can justify the act of lying when that produces the greatest utility.

Rule utilitarianism claims that rules are developed to guide actions in accordance to their probability of producing the greatest good. Individuals “act in accordance with those rules that produce the greatest overall amount of utility for society as a whole” (Hinman, 2003, p.152). This form of utilitarianism justifies the use and establishment of rules, regulations and laws by proposing that individuals should follow them in an effort to produce the best results for the most people instead of focusing the inconsistency of individual actions of people. Hinman (2003) proposed that if following the rule produces the most happiness, then that rule should be followed at all times.

One of the main attractions of utilitarianism (act and rule) among decision makers is that this philosophy of ethical thought wants the world to be a better place by seeking happiness through reducing pain and suffering. Utilitarians want to direct their attention to the life of those who will be hurt or made happy as a result of a decision. In essence, these individuals try to predict consequences with as much accuracy as possible while not allowing the negative consequences to affect their decision making (Hinman, 2003). Individuals who follow the utilitarian philosophy believe that, if we can prevent something bad from happening to others, then that is what we ought to do. Other arguments in support of using utilitarianism are that it keeps us from blindly following rules when they are not appropriate or when our conscience tells us that that they are wrong for the situation. One of the strongest arguments for utilitarianism is that it gives decision makers a frame to “logically decide which rule should prevail when one basic principle comes into conflict with another” (Beckner, 2004, p. 66). Finally it does not

give any special weight to consequences during the decision making process that could have a negative impact on the decision maker.

Main weaknesses of utilitarianism pointed out by ethical theorists are the attempts to define the abstract constructs of happiness, pleasure and good. Defining these types of abstract terms may be a matter of opinion, and the values of these could be debated among the ethical people who disagree on which goods are the most important (Beckner, 2004). Others state that, if the greatest good for the greatest number becomes the principle to follow, then majority opinion will most likely prevail and create intolerance as society tries to specify who decides right and wrong. This could lead to discrimination of minorities and social reformers. This thought has prevailed in the criticisms of act utilitarianism where some have stated that these principles of decision making may require individuals to perform actions that may violate the rights of certain individuals or small groups as they attempt to overcome certain rules (Beckner, 2004).

John Stuart Mill, one of the original philosophers and proponents of the utilitarianism ethical thought, countered the argument of individuals who believed that doing the greatest good for the greatest number ignores individuals and minorities, by stating that “even when a person’s conduct is motivated by the principle of the general good, this does not mean that he must think of the whole human race” (Beckner, 2004, p. 64). He further commented by stating that individuals need not “think of anyone beyond a particular person involved in the situation in which he is acting of their good and their happiness, first making sure that no one else will thereby be harmed (Adler & Cain 1962, p. 264). Mill further supported his claims by suggesting that those who believe that this ethical thought forces individuals to lie, kill, and steal to do the greatest

good should remember that in society these types of actions would not be acceptable alternatives regardless of the good that results from the actions. He continued by admitting that there could be the rare exception where one might have to lie or commit other actions that would be considered harmful to some if it prevented a greater harm to an individual involved in the situation. “It is the objective result on an action, not the motivation behind the action, which makes the ethical difference and the determining factor is not the agents own greatest happiness but the greatest amount of happiness altogether” (Beckner, 2004, p. 64).

Superintendent decision making often involves conflicts that arise from the dimensions of ethics and law. Actions taken by superintendents, while deciding how to resolve these dilemmas, are rooted in the principles of consequentialism and utilitarianism. When superintendents face dilemmas (e.g. writing a letter of reference for an unsatisfactory employee who is trying to gain employment in a neighboring school district) according to utilitarianism, they will weigh the consequences of the decision and choose a result that will bring about maximum pleasure or happiness to the greatest number or the minimum pain for their workplace. The results of this decision by the superintendent may mean writing a letter of reference for the employee. While this decision may be legally correct, is it ethical? In this dilemma, the superintendent might choose the legal consequence and write the letter of reference with the thought that it would result in minimum pain and maximum pleasure for his district and the superintendent. However, the superintendent could have decided not to write the letter of reference and, instead, started procedures for termination. This action or response appears as the ethically correct choice, thus bringing maximum pleasure for the neighboring

district and students. If termination procedures were initiated by the superintendent without proper documentation or a plan of improvement, it would have been an illegal choice for the district.

Utilitarianism is also a relevant frame for examining the dilemma faced by superintendents when choosing whether or not to sign a lucrative contract with a soft drink company. If the superintendent decided to sign the contract, it would have been a legally appropriate action. This would have created maximum pleasure for the district by providing extra funding for the school district to purchase supplies for the schools, but at the expense of the health risks to the students. However, had the superintendent chosen not to sign the contract, the superintendent would have made an appropriate ethical action and not exposed the students to increased health risks of obesity from junk food.

Utilitarianism can also be used in providing a frame for superintendents when faced with the challenges of dealing with students with disabilities. All students deserve and must be given a free and appropriate education. There is an expectation by law that students with disabilities receive this education in the regular classroom. There are, however, times when these students can receive better one-on-one instruction and have their special needs attended to in the special services classroom. An example of a dilemma superintendents could face involves a special needs student who is wheelchair bound and requires bathroom assistance. By law, the student should be in the regular classroom receiving instruction each day, but there are times during the day when the student must have bathroom assistance. These times can create embarrassment for the child, as educators have to tend to her toiletry needs. One could argue that, placing the student in a regular setting for the full day to comply with the law is in the best interest of

the child. Another consideration to weigh is the long-term effects of the embarrassment the student can suffer both hourly and daily as educators try to assist her. Should the student not be allowed to receive instruction in the special services classroom where the students and staff better understand the needs of the student? By placing this student in the special services classroom, the district might be making a better ethical decision, but risk making an illegal decision. Making the ethical choice would no doubt create minimal pain and maximum happiness for the student, but what about the workplace.

The consequences of actions make the decision making process for superintendents very difficult. Although some decisions faced by the superintendent are relatively mundane and simple, many are complex and involve multiple issues. The consequences of each decision reached must be carefully weighed among what is legally correct, ethically right, and in the best interest of those involved. This study focuses on superintendent ethical and legal decision making and the patterns formed.

Limitations

Survey research has proven to be an effective method to gather large amounts of data, but it also has limitations (Gay, 1996). One of these limitations is that the results gathered from the questionnaire reflect the perceptions or attitudes of superintendents on that specific day while answering the survey. At no time during the study were superintendents observed in their natural setting. Another limitation is the rate of response. An appropriate number of responses were needed to gather a valid representation of the group being studied. Generalization of the results beyond the scope

of this study should be carefully considered due to the attitudinal data obtained through the questionnaire and the response rate.

Another limitation of this study is the limited amount of time available on the job for superintendents to answer a survey. As a result of this consideration, the survey was placed on-line for superintendents to respond and return via e-mail to the researcher. The survey was also conducted in late fall, well after the beginning of the school year, when it was hoped that superintendents have more time to perform this task

This study was also limited by the number of active e-mail addresses of superintendents. This was due to superintendents not using email for communication, superintendents working in two districts, bad electronic addresses, e-mail blocked as a result of filtering or spy ware, no superintendent employed at the time of survey, and the amount of time available to the superintendents to answer the surveys. To overcome these issues, state superintendent associations were contacted to provide more accurate e-mail addresses and the survey was sent after the start of the new physical year.

Delimitations

Superintendents surveyed were employed in North Dakota, New Mexico and Texas during the 2006-2007 school year. Generalizations made beyond this population should be carefully evaluated and considered.

Definition of Terms

1. AASA Code of Ethics- Ethical code of America Association of School Administrators developed from the original code of ethics in 1962 for superintendents practicing in education.
2. Ethics-principles of conduct that influences the actions of individuals and is used to do right or good for a person or group (Millerborg, 1990).
3. Highest degree obtained- highest degree earned by a superintendent includes Doctorate, Specialist, Masters, or other
4. Length of contract- current length in years of superintendent's contract
5. Superintendent- Chief executive officer in a public school system in North Dakota, New Mexico or Texas.
6. School district size- average daily attendance
7. Superintendent turnover rate- number of superintendents employed within that district over the last five years.

Significance of Study

This study examined the influences of the dimensions of ethics and law on the decision making of superintendents. Results of the study fill a gap in the literature of the possible effects of ethics and law in decision making and the decision making patterns formed by superintendents. The results may assist school board members and community members in making decisions whether to employ or terminate a superintendent and to what length of contract to enter.

Results and conclusions of this study may also assist current superintendents in improving the quality of their decision making through better understanding of the relationship between their ethical and legal decision making. Results may also inform education administration professors in making decisions on the types of courses offered to future administrators in coping with dilemmas created when the dimensions of ethics and law conflict.

Summary

Presented in chapter I are a statement of the problem studied, the purpose of the study, the theoretical underpinnings of the study, research questions, the hypotheses, and the significance of the study. The problem dealt with the dilemmas superintendents face as a result of the conflicts created between the dimensions of ethics and law during the decision making process. These dilemmas force superintendents to struggle with striking a balance between the duty of the job and their personal and professional values as they choose an appropriate action.

CHAPTER II

REVIEW OF LITERATURE

Introduction

Superintendents face many issues and challenges from dilemmas created as forces collide on issues of the profession. These dilemmas are influenced by forces such as ethics, legal mandates from state and federal legislation, organizational interests, and interests of the community. The decision making ability of superintendents who are faced with these dilemmas is crucial for the success of those superintendents and their school district.

Given the importance of this issue, this literature review will examine the ethics, ethical performance of superintendents, ethical decision making, codes of ethics, ethics of care, justice and critique, ethical training for administrators, ethical versus legal decision making, and schools as a bureaucracy.

Ethics

The term ethics is derived from the Greek word *ethos* which refers to the beliefs, standards, and traits that define a group (Richardson & White, 1995). Ethics is also defined as a “quest for the good, or the right” (Fein, 1988, p. 45). Freakley and Burgh (2000) stated that ethics should be about the things we ought to do each day on the job.

Ethics may also be defined as principles of conduct that strongly influence the actions of an organization and the people that make them up (Peach & Reddick, 1986). Successful superintendents use principles of ethics to guide them in their decision making. Gonzales (1999) noted that ethics provides standards to help guide superintendents in making good decisions based on moral principles. Millerborg (1990) concludes that ethical considerations play a vital role in the decision making process of administrators. Decisions made by administrators based on this framework help maintain public trust, which is critical to the overall effectiveness of a school district.

Ethical Performance of Superintendents

Wilson (1960) viewed the position of school superintendent in the community as second only to the church minister in representing and upholding community values. Superintendents working in school districts today continue to face more and more complicated issues requiring ethical decisions. Superintendents indicate that more than 50% of their workday consists of situations involving ethical decisions (Colgan, 2004).

Lapses in ethical judgment by superintendents are undermining the public's trust in our schools and in its leaders (Pardini, 2004). The leaders of our public schools continue to be held to a higher standard of ethical behavior than their peers in the corporate world, which leaves little room for error in leadership and decision making (Millerborg, 1990).

Recent examples of lapses in ethical decision making of school executives have hurt the public's trust in its leaders. In Texas, two school executives pleaded guilty to mail fraud after a school district mailed a check for \$600,000 to a contractor to pay for

fraudulent invoices (Colgan, 2004). A US attorney is prosecuting the case and says the district could lose more than one million dollars. In Pennsylvania, the state ethics commission discovered that two superintendents used the status of their job improperly to earn \$172,000 (Colgan, 2004). These school executives secretly sold a program developed to assist students struggling in reading and math, but failed to disclose that they had developed the program.

Superintendents face additional ethical challenges beyond the issue of money. These ethical issues revolve around high stakes testing and the reporting of these data to state agencies as required by federal and state legislation such as NCLB. NCLB requires students to be tested annually, and has caused concern among educational leaders of increased incidents of misreporting scores to state agencies by school districts. The pressure of high stakes testing required by NCLB has led to the unintended consequence of “more cheating by school leaders” (Colgan, 2004, p.16).

In response to poor ethical decision making by school executives, larger urban districts have begun to implement ethical investigative units that independently investigate ethical complaints against district employees. The results of the investigations are then reported directly to the district’s board of education. This process has helped to avoid superintendents’ ethical lapses in judgment from being swept under the carpet by employees of the district (Colgan, 2004).

Superintendents set the ethical tone of a school district by communicating the vision and the moral purpose of the organization to all stakeholders both inside and outside the organization (Millerborg, 1990). These administrators are committed to sound ethical behaviors on the job and this should be the message sent to students, staff and the

community. Unfortunately, this is not always the message sent to the stakeholders as administrators are tempted to violate ethical standards of the profession (Peach & Reddick, 1986). These researchers concluded that administrators are more likely than teachers to exhibit unethical behaviors in an organization.

Ethical Decision Making

Superintendents must allow their decision making to be influenced not only by rules and regulations, but also by the values and ethics of the organization and society. Marshall (1992) stated that administrators should rely on the guidance of moral principles of church, family values and background, and ideals of justice, equity, fairness, openness and honesty. Mijares (1996) suggests that, when educators are confronted with decisions on the job, they should seek solutions that create a win-win situation for all stakeholders. In decision making, school leaders should not only consider how these decisions will affect them, but how it will make others feel as they learn of the decision.

Hejka-Ekins (1988) stated that ethical decision making is the biggest concern of educational administrative ethics instructors. Participants in this study noted that moral principles and the consideration of probable consequences need to be taken into account when weighing in ethical decision choices.

Situations and problems that require ethical decision making are many times both complex and ambiguous (Gonzales, 1999). As a result, decision making models have been presented giving superintendents assistance in better understanding the forces that affect ethical dilemmas. Cranston et al. (2003) presented a model that identifies several forces that influence the process of decision making when superintendents are confronted

with ethical dilemmas. These competing forces depend on the situation and can include ethics, legal issues, policies, organizational culture, public interest, society and community, global context, political frame, economics and financial influences (Cranston et al., 2003).

Superintendents use a variety of principles or frames to guide their decision making when confronted with issues affected by values or ethics. Some of these include the process of reflection, while others include the use of common sense, research, law, codes of conduct, and ethics of care and justice in determining an appropriate response to the situation (Mitchell, 1990; Kultgen, 1988; Strike, Haller, & Soltis, 1998).

Codes of Ethics

The actions and decision making of superintendents may be influenced and guided by a professional code of conduct. Kimbrough and Nunnery (1983) believes that effective administrative behavior results from an established and accepted code of ethics. This code provides a valuable tool directing expectations of what is appropriate behavior for individuals of an organization. Wenger (2004) concludes that professional codes or ethical codes are necessary by provide targets for individuals of a profession to achieve higher standards of moral behavior. These codes also provide an example for individuals of what is expected ethically in the profession and provides a clear image of the moral expectations of the individual profession.

Shapiro and Stefkovich (2001) suggest that professional codes of ethics are a dynamic process requiring administrators to use a combination of individual, personal, and professional codes. Superintendents should use the professional code as a guide in

developing their own personal codes. Using the professional code in this manner allows it to become more meaningful and usable to the individual on the job (Shapiro and Stefkovich, 2001).

Educational administration is guided by a professional code of conduct originally developed by the AASA in 1962. An ethics panel was then organized to monitor implementation and modification to the code. In 1981, the AASA code of conduct for administrators was modified and condensed from the original ten page document to a one page document called the Statement of Ethics for School Administrators which contained ten standards. At this same time, the ethics panel was dissolved and is no longer in existence.

The Statement of Ethics for School Administrators is the most recognized document on professional ethics for public school administrators. It has also been adopted by the National Association of Secondary School Principals and the National Association of Elementary School Principals (Millerborg, 1990). This code establishes benchmarks for all superintendents to maintain while on the job and has been used in studies on ethical decision making of educational administrators. These studies indicate that lapses in ethical judgment occur when the professional code of ethics for administrators has not been used (Colgan, 2004).

Dexheimer (1969) completed the first national study on ethical decision making of administrators. This study was later replicated by Fenstermaker (1996). Both studies used the AASA code of conduct as a baseline to examine administrators' ethical decision making. These studies were fairly consistent with their findings on superintendents' ethical decision making, concluding that ethical decisions were made less than 50% of

the time. Results further indicated that superintendents new to the superintendency, working in larger school districts, and receiving a higher salary as compared to other superintendents were most likely to make ethical decisions consistent with the AASA code of ethics.

The findings of other research on the discrepancy between the acceptance and adherence of the code of conduct for administrators are quite mixed. A regional study (Segars, 1987) in Mississippi found higher ethical scores for superintendents than the national studies, whereas Wenger (2004) found ethical scores similar to Dexheimer and Fenstermaker. Wenger also found a significant inverse relationship between the total number of years experience as superintendents and their ethics score. Those superintendents with fewer years of experience had higher ethical scores than those with more years. There was also no significant influence of the variables of superintendent salary and school district size, which was contradictory to the studies of Dexheimer and Fenstermaker.

Professional codes of conduct provide a benchmark for superintendents to use while making ethical decisions. This code helps to regulate the practice of individuals in administration which, in turn, helps to legitimize the profession. The studies examining this subject have revealed a discrepancy between the adherence and acceptance of the administrative code of conduct (Millerborg, 1990).

Ethics of Care, Justice and Critique

Gilligan (1982) presented the concept of ethic of care, a concept focused on one's commitment to care and compassion for others. The ethic uses relationships as the focal

point to take into account the sensitivity of a dilemma. The paradigm considers the concepts of loyalty, trust, and empowerment and is built on the idea that men and women see and experience the world differently (Shapiro & Stefkovich, 2001).

Langolis (2004) examined the ethics of care in her study concerning whether commissioners and superintendents in Quebec, Canada used ethics of care in combination with other ethical paradigms in the decision making process. Her study consisted of open ended interviews to gather data. She concluded that superintendents not only use the ethic of care, but also the ethic of justice.

The ethic of justice focuses on the laws and policies with respect to an individual's rights. It is characterized by a faith in our legal system and follows the line of logic that states that moral decisions are predetermined and that our individual rights will be protected if one follows universal principles (Wenger, 2004). The ethic of justice emphasizes rational thinking and reasoning (Enomoto, 1997).

Staratt (2001) examined ethics of justice and critique, which challenge individuals to question the status quo of laws, policies and values in our society. He concluded, contrary to Langolis' results, that all three ethic paradigms work together leading to better moral responses to ethical decisions by superintendents.

As a result of this research, Staratt (2001) proposed a triadic normative model with three triangles each containing one of the three ethics. These three triangles were joined to form one common triangle. Staratt theorized that this common triangle represented the place where most ethical decisions were established. He postulated that it was the blending of each paradigm that would encourage a rich human response to uncertain ethical situations in school communities.

Staratt's ethical theory on decision making had a structure similar to a previous ethical theory of decision making known as the Utilitarian ethical theory presented by John Stuart Mill. The Utilitarian ethical theory addressed all three of the components of the Staratt's normative model of ethics, ethics of care, justice and critique. Ethic of care and critique was represented by what Mill refers to as act utilitarianism and ethic of justice is represented by rule utilitarianism. Act utilitarianism examines the consequences of each act and determines "an act right if and only if it results in as much good as any available alternative" (Pojman, 2002, p. 111). John Stuart Mill, who followed Bentham, spoke about these types of acts by stating that these "actions are proportional and right as they tend to promote happiness, and wrong as they tend to produce the reverse of happiness" (Piest 1957, p. 10). Individuals who follow this form of utilitarianism examine individual decisions on a case-by-case basis, avoiding the constraints of rules and challenging individuals to look past status quo. Each situation is judged on its own merits, thus allowing for exceptions to occur when necessary (Hinman, 2003).

Rule utilitarianism claims that rules are developed to guide actions in accordance to their probability of producing the greatest good. Individuals "act in accordance with those rules that produce the greatest overall amount of utility for society as a whole" (Hinman, 2003, p.152). This form of utilitarianism justifies the use and establishment of rules, regulations and laws by proposing that individuals should follow them in an effort to produce the best results for the most people instead of focusing the inconsistency of individual actions of people. Hinman (2003) proposed that if following the rule produces the most happiness, then that rule should be followed at all times.

Ethical Training for Administrators

Some of the problems superintendents face in ethical decision making occur partially because of their lack of experience and appropriate training (Pardini, 2004). These superintendents are more inclined to use the first possible solution to a dilemma without fully examining the consequences of their decision. Ethical training can help to overcome this hurdle by allowing administrators opportunities to practice resolving dilemmas they face on the job (Colgan, 2004).

Ethics training in schools has been inadequate in providing skills necessary for superintendents to make quality decisions. Most college level programs do not focus on making decisions from the perspective of values or morals (Pardini, 2004). These institutions focus more on the field of educational administration as a science. As a result, many new superintendents must rely on their previous training and personal experiences as they seek out answers to ethical dilemmas (Strike, Haller, & Soltis, 1998).

Formal training for administrators on decision making has focused more on legal preparation than ethical preparation. This type of preparation prevents school administrators from developing the skills necessary to be competent in moral reasoning (Shapiro & Stefkovich, 2001). This trend by superintendent preparation programs is apparent even with evidence in research that shows a heavy reliance on ethics in decision making by superintendents (Millerborg, 1990).

Ethical versus Legal Decision Making

Our society has pre-established guidelines or standards for behavior that take the form of governmental policies, laws, and regulations. Our society also has behavioral

expectations that are put into place through the teaching of morals and values presented through religion, family, community, and professional codes. These guidelines are known as the ethical codes of society. Many times, in decision making, codes of law and ethics collide to form dilemmas as leaders search for an appropriate response to a situation (Millerborg, 1990).

School districts today are settings where numerous ethical and legal conflicts take place. In the past, superintendents have been guided primarily by rules, regulations, laws, and policies to solve these types of dilemmas (Dexheimer, 1969; Fenstermaker, 1996). These codes have at times complicated the process of decision making by limiting the power of the superintendent to make decisions based on individual judgment and values (Shapiro & Stefkovich, 2001).

Ethical and legal dilemmas have continued to become more difficult and confusing for superintendents as our society, schools, and students have become more complex (Shapiro & Stefkovich, 2001). This complexity and confusion are a result, in part, to a larger pool of stakeholders in our schools who disagree on policies, procedures and the final outcome of dilemmas. It is also a result of federal legislation and court cases that have affected school districts' educational policy on the daily procedures used by teachers, administrators, and members of the board of education (Lunenburg & Ornstein, 1996).

Two court cases with a lasting impact on educational policy are *New Jersey vs. T.L.O.* in 1985, which held that students have a legitimate expectation of privacy that is guaranteed under the Fourth Amendment of the constitution, and *Tinker vs. Des Moines* in 1969, which established that neither teachers nor students shed their constitutional

rights when they enter the school building (Lunenburg & Ornstein, 1996). These court cases as well as others has created ethical and legal dilemmas for superintendents as they attempt to advise staff on how to strike a balance between the responsibility of providing a safe learning environment for students and protecting the rights of students and teachers (Millerborg,1990).

Federal legislation continues to play a greater role in administrative decision making with the passage of laws such as NCLB, FERPA, and the reauthorization of the Individuals with Disabilities Education Act (IDEA) (Pardini, 2004). NCLB requires that all students and schools show increases in student achievement. This has resulted in administrators being held more accountable for higher student performances on test scores and as result have increased incidents of misreporting scores to state agencies by school districts (Colgan, 2004).

FERPA protects the privacy of students' educational records. These educational records are restricted and can be released to other institutions only with parental consent or consent from a student that is 18 years or older. Litigation has resulted from administrators not releasing necessary information to schools, on the behavioral tendencies of violent students. Families of those injured by these students have claimed that the school failed to protect the students from danger or supervise adequately (Millerborg, 1990).

Students with disabilities also create ethical and legal dilemmas for school superintendents. Special education legislation such as the reauthorization of IDEA puts increased legal restrictions on the decision making powers of administrators. Principals must obey the law and adhere to the ethical principles of families and special education

interest groups. This has been a difficult for the regular classroom teachers and special education teachers. Many times friction and misunderstandings result between staff members as they adhere to the guidelines of the individual education plan which places students in the least restrictive environment (Millerborg, 1990).

Kohlberg's moral development theory has also been examined in relation to superintendents' ethical and legal decision making (Richmond, 1987). This theory involved cognitive processing and included six stages of moral development. Once a human passed through one stage they would not regress to a previous stage of development. His ethical theory posits that the key virtue in ethical growth in each stage was of development was justice (Rebore, 2001). Richmond (1987) examined the degree to which ethical and legal guidelines shape an administrator's behavior versus the tested behavior on Kohlberg's moral development scale instrument. The findings of this study were not conclusive, but were later interpreted and clarified by Neely (1987) who suggested that, not only do the opinions of the population create an atmosphere for interpretation, but also legal interpretation affects the opinions in the hearts of individuals who follow and comply with the law. Neely (1987) concludes that administrative behavior in schools is affected by ethics and also by law.

The conflict between ethics and law in administrative decision making was more recently studied by Millerborg (1990). She surveyed 226 principals nationwide to determine what drives administrative decision making when dilemmas occur between ethics and law. She concluded that administrators can make both ethical and legal decisions and that, when dilemmas exist between these two areas, an ethical but illegal decision pattern emerges. Millerborg also statistically examined several demographic

variables as did Dexheimer (1969) and Fenstermaker (1996) looking for differences in responses within the population. She found no statistical significance in gender, age, size of school district, highest degree earned, or participation in ethics course work. The significance of her study is that, although laws and court cases have had a significant impact on superintendent decision making, it is the influence of ethics that plays a major role in decision making when the forces of ethics and law collide to form dilemmas.

Schools as a Bureaucracy

Schools are very structured bureaucratic organizations that contain rules, routines, and a hierarchy of authority (Lunenburg & Ornstein, 1996). This hierarchy is evident in with boards of education, superintendents, assistant superintendents, principals and assistant principals, teachers, and students. Groups or stakeholders in the organization have distinct functions or responsibilities that require them to perform or carry out tasks to attain organizational goals (Hoy & Sweetland, 2001). Schools today, because of their design, function as bureaucratic organizations.

Bureaucratic organizations run with high administrative efficiency. This can be accomplished through a hierarchy of authority, division of labor, impersonality, objective standards, and formal rules and regulations. (Hoy & Sweetland, 2001). The rules and regulations put into place in schools guide decision making and are used to support and meet the needs of the teachers and staff. Administrators also ensure compliance to the rules or laws in the belief that this will create an even more structured school and will result in a more effective school (Hoy & Sweetland, 2001)

Decision making in bureaucratic organizations is highly centralized and flows from the top down through a chain of command (Hoy & Sweetland, 2001). These decisions are primarily legalistic based on the rules, directives or laws, all of which are followed with few questions from subordinates. This arrangement leads to a very rational process where the problem is defined, and alternatives are evaluated and chosen based on consequences.

Strengths of this bureaucratic process are that it reduces stress on employees, defines responsibilities, and allows organizations to make quicker decisions which can lead to quicker implementation of changes made by superiors for improvement. Organizations using this process are also goal oriented, which lead to the establishment of a direction and vision. Unfortunately, organizations that display characteristics of a bureaucracy can be seen as weak by the feeling that it reduces creativity, and by the lack of open communication between all ranks of stakeholders as decisions are made primarily by those in the top clusters of the organization (Hoy & Sweetland, 2001).

Summary

Dilemmas occur for superintendents daily as they search for an appropriate response to situations that occur on the job. These dilemmas involve a myriad of issues that are influenced by forces such as ethics, law, society and community, politics, economics, and financial decisions. Superintendents use a variety of frames to guide them in their decision making on dilemmas. These frames may include common sense, research, law, codes of conduct, ethics of care and justice.

The decision making ability of superintendents faced with dilemmas is crucial for the success of the superintendents and their school districts. Dilemmas force superintendents to find a balance between the duty of the job and their personal and professional values. Studies examining this issue have used the administrative code of conduct for ethics as a benchmark to measure superintendents' ethical and legal decision making. The results and conclusions revealed that when superintendents are seeking to find a balance between the duties of the job and their personal and professional values they rely on ethics 50% of the time.

CHAPTER III

METHOD AND PROCEDURES

The purpose of this investigation was to identify and examine the decision patterns that emerge when ethical and legal dimensions are in conflict. The research questions answered in this study included: what differences exist between the ethical decision making and legal decision making of superintendents; what patterns emerge when conflict exists between ethics and law in decision making of superintendents; what differences exist between identified decision making patterns of superintendents when ethics and law are in conflict?

The purpose of this chapter is to describe the methods and procedures used for the study. These are presented in the following sections of research design, ethical considerations, sample, instrument, pilot study, validity and reliability, data collection, data analysis.

Research Design

The survey research design was used to conduct this study. Survey research seeks a quantitative description of trends, attitudes, perceptions and opinions of a population by examining a sample, for the purpose of generalizing and making inferences on characteristics or attitudes to a population (Creswell, 2003). It determines the current

status of a population regarding the variables being studied and is the most common research in schools (Gay, 1996).

The advantage of using a survey research design, in particular online, is that it has been proven to be an effective method to gather large amounts of data in a short amount of time as well as have a quick turn around in results (Gay, 1996). The disadvantage of this type of research is that the results gathered from the online questionnaire reflect the perceptions or attitudes of superintendents on that specific day.

Ethical Considerations

Application for this study was made and approved by the Institutional Review Board at Oklahoma State University. Participants granted consent by clicking on the icon to complete the questionnaire. Participants were guaranteed anonymity as the survey design program used to build this instrument was not capable of either tracking or tying information to individual respondents.

Sample

The population for this study was the 860 superintendents in New Mexico, North Dakota and Texas with valid e-mail addresses. The sample of convenience consisted of the 517 superintendents who responded to the online questionnaire. Texas was chosen because it has many large school districts, North Dakota because it primarily rural districts, and New Mexico because it has a mix of both small and larger districts. The names of the superintendents were obtained from state directories of education published annually from each state and from state superintendent associations.

Instrumentation

A questionnaire on ethical and legal decision making was used for this study. This instrument was designed and used in a previous study by Millerborg (1990), and permission was obtained from her to use the instrument and the key. She explained superintendents' ethical decision making through the Expectancy Theory where as, this study was based on the Utilitarian Ethical Theory.

The demographic variables included on the questionnaire were gender, highest degree obtained, years of experience as a superintendent in all districts, years of experience as a superintendent in the current district, length of current contract, superintendent turnover rate in the last five years, enrollment size of school district, salary, and the state in which he or she is employed as a superintendent. Other variables included the response scores of superintendents on an ethical and legal dilemma survey.

The questionnaire, sent to superintendents in New Mexico, North Dakota and Texas electronically during the fall of 2006, had 15 scenarios with multiple responses allowing the respondent to select the most appropriate choice. Respondents were also asked to provide these demographic data in Section (See Appendix A, p. 90)

Section II consisted of three questions or scenarios with responses involving ethical concerns. These scenarios were used originally in Dexheimer's study (1969) and later refined in Millerborg's (1990). Dexheimer based these scenarios on actual experiences taken from the American School Board Journal and the School Management Journal. Each question had one correct ethical response as judged by AASA Code of Ethics with the remaining responses ranging from less ethical to unethical.

Section III consisted of three questions or scenarios with responses that involved legal concerns. These legal scenarios, taken from Millerborg's study, were developed from actual experiences of other administrators and from the NASSP Bulletin, Journal of School Law, School Management, and the American School Board Journal. Each question had one correct legal response followed by other illegal choices.

Section IV consisted of nine dilemmas created when the dimensions of ethics and law conflicted. Superintendents were asked to choose either an ethical response, legal response, or other (unethical and illegal) response. Respondents were to select a response that would best represent a solution to each dilemma created. The dilemmas and responses designed for this section of the survey were borrowed from Millerborg (1990).

Pilot Study

The instrument was piloted during the summer of 2006 to determine if the scenarios used in the 1990 original instrument were relevant today and due to minor changes made to three questions to address issues faced by superintendents rather than principals. Nine retired superintendents were selected to answer the survey by e-mail. Those chosen were to provide suggestions for improvements, perceptions, and to refine grammatical or language use. These retirees were chosen because all had worked previously as a superintendent. All nine superintendents returned the instrument and stated that the dilemmas proposed were similar to ones that they had encountered during their career, and added that, of the responses given, they could select an appropriate choice. Superintendents further added that there were no grammatical or language use problems.

Validity and Reliability

Superintendents involved in the pilot study were asked to provide feedback on questions and responses to establish content and face validity. They stated that the instrument and responses were relevant to situations and decision making done on a daily basis. As a result, no revisions were made to the instrument.

Construct and concurrent validity were established by examining the relationship of each section of the survey with the results of each section of Millerborg (1990). The results showed similar mean scores for the ethical and legal portions. The results of the ethical and legal dilemma portions revealed a mean score difference of 1.2 for ethics, .7 for legal, and .7 for other responses. External validity was addressed by surveying all superintendents in each of the three states who were employed during the 2006-2007 school year. Validity for the instrument was further supported in Millerborg (1990) using the Code of Ethics for School Administrators, federal and state constitutional, statutory, and case law as benchmarks for the instrument. Reliability was determined by calculating a Cronbach Alpha score. A score of .714 was obtained and was within the acceptable range for reliability.

Data Collection

Data were collected from superintendents currently working in K-12 school districts in New Mexico, North Dakota, and Texas. After the subjects were identified, a questionnaire was sent electronically to 860 superintendents in these three states during October, 2006 to collect cross-sectional data. Of these, 517 responded for a response rate

of 60.1 %. The instrument was administered electronically for ease and efficiency of data collection and to enhance the chances of obtaining a better response rate. An additional e-mail was sent to all subjects two weeks after administering the survey requesting non-respondents to complete the instrument.

Data Analysis

Data were processed using SPSS Graduate Pack and analyzed by using both descriptive and inferential statistics. The former consisted of the measures of central tendency, percentages, frequency distributions, and standard deviations, and the latter consisted of paired sample t-tests ($\alpha < .05$).

In section I of the instrument, superintendents were asked to provide demographic information on 10 items (See Appendix A, p. 90). Analysis of these items provided a better understanding of the respondents who participated in the study. Mean scores were used in the analysis of sections II and III of the instrument. Each respondent received one point for the most appropriate response to each scenario in each section. The key was provided and accepted as correct from Millerborg's study. A response mean score of 1.5 or greater on each section indicated that the superintendents made the best ethical or legal decision. Mean scores of each section were then used to determine whether any differences existed in the mean scores of the ethical and legal decision making of superintendents. A paired sample t-test was used to determine if any differences proved significant.

Section III consisted of nine ethical and legal dilemmas. These dilemmas were used to determine if any patterns emerged when conflict existed between ethics and law.

Each time a respondent chose a response a point was given to that decision category. Mean scores were calculated for each decision response category. The categories included ethical, legal, or other (unethical or illegal) decision responses. The decision response category with the greatest mean score was chosen as the superintendent's preferred decision response pattern.

Section III of the survey was also used to determine if any differences existed between the patterns that emerged when conflict existed between ethics and law. A paired sample t-test was used to compare ethical to legal decision pattern responses, ethical to other (unethical or illegal) decision pattern responses, and legal to other (unethical or illegal) decision pattern responses.

Summary

Described in this chapter are the methods and procedures used for this study including a discussion on the Subjects for the study, Variables, Instrumentation, Pilot Study, Validity and Reliability, Data Collection and Data Analysis. These methods and procedures were used to gather the data and analyze them relative to the research questions.

CHAPTER IV

PRESENTATION AND ANALYSIS OF DATA

Introduction

The purpose of this study was to identify and examine the decision patterns that emerge when ethical and legal dimensions are in conflict. The research questions answered in this study included: what differences exist between the ethical decision making and legal decision making of superintendents; what patterns emerge when conflict exists between ethics and law in decision making of superintendents; what differences exist between identified decision making patterns of superintendents when ethics and law are in conflict?

The purpose of this chapter is to describe and analyze the data collected from an online instrument sent to superintendents in New Mexico, North Dakota, and Texas during the fall 2006. Presented first are the demographic data of the responding superintendents. The remaining parts of the chapter present the analysis of data on ethical and legal decision making and the patterns that emerged in relation to the research questions.

The statistics used to analyze the data were frequencies, means, percentages, and paired samples t-tests. The data were processed using SPSS Graduate Pack 13.0.

Response Rate

Eight hundred-sixty superintendents of K-12 school districts in New Mexico, North Dakota, and Texas were sent the questionnaire online. Of these, 517 responded for a response rate of 60.1%. This response rate resulted, in part, to not all superintendents in K-12 school districts in these three states having working e-mails. It is estimated that there were five inactive e-mail addresses in North Dakota, 25 in New Mexico and 150 in Texas. Of the responses received, 5.2% was from New Mexico, 12.0% from North Dakota and 82.8% was from Texas. When examining this response rate by state, Texas returned the greatest number at 428 or 63.8% of surveys sent, North Dakota superintendents returned 62 or 47.6%, and New Mexico returned 27 or 45% of surveys sent. Table 1 depicts these data.

Table 1

<i>Response Rate By State (n=860)</i>				
State	Sent	Received	Percent Received	Percent of Total
New Mexico	60	27	45.0	5.2
North Dakota	130	62	47.6	12.0
Texas	670	428	63.8	82.8
Total	860	517	60.1	100.0

Demographic Data

The questionnaire included the following 10 demographic items examining characteristics of the respondents: gender, degree earned, superintendent experience, years as superintendent in current district, contract length, superintendent turnover, district enrollment size, compensation, state currently employed in, and whether or not ethics instruction was included in the superintendent's graduate studies. Also included in the questionnaire was a series of scenarios measuring ethical and legal decision making and the decision making patterns of superintendents when an administrative dilemma was created between ethics and law.

The first demographic variable examined on the questionnaire was gender. Of the responses, male superintendents outnumbered the female superintendents by more than five times. Almost 84% were male and 16% female. These demographic findings are similar to other research findings on superintendent gender (e.g. Gonzales, 1999; Sullivan, 2005, and AASA, 2006). When examining gender by state, male superintendents also outnumbered the female superintendents in each state. Texas male superintendents represented 83.9% of the state's superintendents compared to female superintendents at 16.1%. In North Dakota, male superintendents represented 93.5% of the state's superintendents and female superintendents represented 6.5%, and in New Mexico 62.9% were male superintendents followed by 37.1% female superintendents. Table 2 depicts these data by gender.

Table 2

State	Male		Female		Total
	No.	Percent	No.	Percent	
New Mexico	17	62.9	10	37.1	27
North Dakota	58	93.5	4	6.5	62
Texas	359	83.9	69	16.1	428
Total	434	83.9	83	16.1	517

Examining the demographic variable school district enrollment size, more than half the superintendents surveyed (54.2%) indicated that they were employed in school districts with 0-999 students and fewer than 10% (8.1) indicated a student population of greater than 10,000+. These findings are slightly greater than the values reported by common core data from the National Center of Educational Statistics. The common core data findings indicated that 46.6% of school districts across the United States have a student enrollment size between 0-999 students and 5.9% of school districts have a student population of greater than 10,000 (AASA, 2006).

Examining these data by state reveals that North Dakota had the greatest percentage of the smallest school districts (82.2) and the lowest percentage of the largest school districts with a student population of over 10,000+ (4.8). Texas results showed the highest percentage of districts with 10,000+ students (8.6) and the lowest percentage of school districts with 0-999 students (49.5). New Mexico enrollment size results fell in between the results of Texas and North Dakota with 63.0% of reporting school districts at 0-999 and 7.4% at 10,000+. The enrollment size categories of 1,000-2,999 and 3,000-

9,999 revealed that Texas had the highest percentage of school districts at 26.2 and 15.7 respectively; this was followed by New Mexico (14.8) in both enrollment categories and North Dakota (6.5) in both categories. Table 3 depicts these data values.

Table 3

Enrollment Size by State

State	0-999		1000-2999		3000-9999		10000+		Total No.	Percent of Total
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
New Mexico	17	63.0	4	14.8	4	14.8	2	7.4	27	5.2
North Dakota	51	82.2	4	6.5	4	6.5	3	4.8	62	12.0
Texas	212	49.5	112	26.2	67	15.7	37	8.6	428	82.8
Total	280	54.2	120	23.2	75	14.5	42	8.1	517	100.0

Concerning degree, the majority of the superintendents responding to the survey held a master's degree (65.2%), while fewer than a third (29.0%) held a doctorate. The percentage of those reporting doctorate was eight points higher and the percentage of those reporting masters was 14 points lower than Millerborg (1990) reported of superintendents nationwide. Additional demographic data for this study for superintendent degree found that superintendents holding a Specialist degree represented

4.8% of the respondents, and only 1.0% of the superintendents responded that they held some degree other than those listed above. This trend was also true in each of the three states.

Examining superintendent degree data by state revealed that Texas had the greatest percentage of superintendents holding a doctorate (31.3), while New Mexico and North Dakota had 25.9 and 14.5 respectively. The state with the greatest percentage of superintendents holding a Specialist degree was North Dakota (14.5), followed by New Mexico and Texas respectively at 3.7 and 3.5. The master's degree category had North Dakota with the largest percentage at 71.0 followed by New Mexico and Texas at 70.4 and 64.0, respectively. Five (1.2%) of the superintendents from Texas held a degree other some other than those listed above; Texas was the only state to indicate this. Table 4 depicts these data.

The significance of the findings on superintendent degree indicates that superintendents who held the highest superintendent degree (doctorate) worked in a state with the largest enrollment size category and the largest percentage of superintendents with the highest compensation category of \$110,000. This is supported by the data from Texas where 31.3% of superintendents working held their doctorate, had the highest number school districts with the largest enrollment size categories of 3,000-9,999 and 10,000+ (104), and had the highest percentage of superintendents in the \$110,000+ compensation category (27.4). The findings further indicated that the state with the smallest percentage of superintendents with their doctorate had the highest number of small districts and the poorest compensation. This was evident in North Dakota where only 14.5% of superintendents held a doctorate, had 45.2% of superintendents receiving

compensation in the \$50,000-\$69,999 category and had 82.2% of districts reporting an enrollment size of 0-999 students.

Table 4

Respondents' Degree by State

State	Degree								Total No.	Percent of Total
	Doctorate		Specialist		Masters		Other			
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
New Mexico	7	25.9	1	3.7	19	70.4	0	0.0	27	5.2
North Dakota	9	14.5	9	14.5	44	71.0	0	0.0	62	12.0
Texas	134	31.3	15	3.5	274	64.0	5	1.2	428	82.8
Total	150	29.0	25	4.8	337	65.2	5	1.0	517	100.0

Respondents were categorized based on experience as a superintendent and tenure in their current district as a superintendent. These categories were 0-5, 6-10, 11-20, and 21 or more years. The category receiving the highest percentage of responses for both experience as a superintendent and tenure in their current district as a superintendent was 0-5 year's experience at 43.0% and 66.9% respectively. Superintendent responses then decreased in frequency and percent as the number of years of experience increased, with the smallest percentage found in the category of 21+ years' experience. This was also

true for the tenure of the superintendent, where 1.7% of respondents had 21+ years tenure as superintendent in their current district. The results are consistent with Sullivan (2005) who found that the top two categories for superintendent experience and tenure were 0-5 years and 6-10 years. Results were also consistent with a recent national study completed on the State of the Superintendency data. This study reported that the mean number of years for superintendent experience and tenure is 5.7 years (State, 2006). Examining the other categories of superintendent experience revealed that 24.5% and 23.6% of the respondents were identified with 6-10 years and 11-20 years experience as superintendent respectively; these same categories for tenure of a superintendent in the current district produce the results of 23.8% and 7.6%.

Examining these data by state revealed that New Mexico with the highest percentage of superintendents with 0-5 years experience as a superintendent at 59.3 followed by Texas (44.7) and North Dakota(24.2). The 6-10 year category had Texas with the largest percentage (25.7) followed by New Mexico (22.2) and North Dakota (17.7). North Dakota had the highest percentage of superintendents with 11-20 years and 21+ years as a superintendent with 37.1 and 21.0, respectively. Texas and New Mexico then followed in the category of 11-20 years and 21+ years experience as a superintendent.

The state data for tenure as a superintendent in the current district had New Mexico with the highest percentage (74.1) of superintendents in their current district for 0-5 years, followed by Texas (68.9) and North Dakota (50.0). The category for 6-10 years tenure reported that Texas had the highest percent at 24.8 followed by North Dakota (19.3) and New Mexico (18.5). The 11-20 years and 21+ years tenure had North

Dakota with the highest percentage at 24.2 and 6.5, respectively. This was followed New Mexico (7.4%) and Texas (5.1%) in the 11-20 year tenure category and Texas (1.2%) and New Mexico (0.0%) at the 21+ year of tenure. Tables 5 and 6 depict these results.

The significance of these findings indicates that superintendents with the most experience and tenure had the shortest contract length, worked in the smallest districts, and were paid the least. This is supported by the data from North Dakota where 58.1% and 30.7% of superintendents had 11-20 and 21+ years experience and tenure, respectively, had 67.7% of superintendents working with a one year contract, had 82.2% of superintendents reporting an enrollment size of 0-999, and 45.2% of superintendents were being paid \$50,000-\$69,999. The findings further indicated that superintendents who had the least experience and tenure had the highest turnover rate and the highest percentage of superintendents on a two year contract. This was supported by the data from New Mexico showing where 59.3% and 74.1% of superintendents reported 0-5 years experience and tenure on the job, 25.9% of superintendents reported a turnover rate of three or more times in a five year period, and had the highest percentage (44.4) of superintendents on a two year contract.

Table 5

*Superintendents' Experience by State**

State	Years as a Superintendent									
	0-5 years		6-10 years		11-20 years		21+ years		Total No.	Percent of Total
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
New Mexico	16	59.3	6	22.2	4	14.8	1	3.7	27	5.3
North Dakota	15	24.2	11	17.7	23	37.1	13	21.0	62	12.1
Texas	190	44.7	109	25.7	94	22.1	32	7.5	425	82.6
Total	221	43.0	126	24.5	12 1	23.6	46	8.9	514	100.0

*Three missing Cases

Table 6

*Tenure in District as Superintendent by State**

State	Tenure in District								Total No.	Percent of Total
	0-5 years		6-10 years		11-20 years		21 + years			
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
New Mexico	20	74.1	5	18.5	2	7.4	0	0.0	27	5.2
North Dakota	31	50.0	12	19.3	15	24.2	4	6.5	62	12.0
Texas	294	68.9	106	24.8	22	5.1	5	1.2	427	82.8
Total	345	66.9	123	23.8	39	7.6	9	1.7	516	100.0

*One missing case

Concerning the demographic characteristic, contract length, more than half (57.4%) of the superintendents reported that they had a three year contract, while only 9.7% reported a contract length of more than three years. One and two year contracts represented 15.3% and 17.6%, respectively. Examining these data by state revealed that Texas had the highest percentage (64.5) of superintendents holding a three year contract. While there are no national data on superintendent contract length, the findings in this study were consistent with the TASA study on Texas superintendent salaries and benefits of 2006-2007, which revealed that 65% of school district superintendents in Texas are currently working under a three year contract (Superintendent, 2007). Texas was followed in the three year contract category in New Mexico (26.9%) and North Dakota (22.6%). Texas also led the way in the more than three years contract category at 11.2% followed by New Mexico (3.7%) and North Dakota (1.6%). The data from the one year contract category revealed that North Dakota had the highest percentage (67.7), followed by New Mexico and Texas while New Mexico had the highest percentage (44.4) of superintendents on a two year contract followed by Texas and North Dakota. Table 7 illustrates these data.

Superintendents who worked in a state with the largest enrollment size had the longest contract length. This is supported by the data from Texas where 75.7% of superintendents were working with a three year or more than three year contract and also had the highest number school districts with the largest enrollment size categories of 3,000-9,999 and 10,000+ (104). The findings of contract length further indicated that superintendents who worked in a state with the highest percentage of districts with an enrollment size of 0-999 also had the greatest number of superintendents working on a

one year contract. This finding was supported by the data from North Dakota where 82.2% of the districts reported an enrollment size of 0-999 and also had 67.7% of reporting superintendents working with a one year contract.

Table 7

Superintendent Contract Length by State

State	Contract Length									
	1 Year		2 Years		3 Years		More than 3 Years		Total No.	Percent of Total
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
New Mexico	7	25.9	12	44.4	7	25.9	1	3.7	27	5.2
North Dakota	42	67.7	5	8.1	14	22.6	1	1.6	62	12.0
Texas	30	7.0	74	17.3	276	64.5	48	11.2	428	82.8
Total	79	15.3	91	17.6	297	57.4	50	9.7	517	100.0

Concerning superintendent turnover rate, superintendents responded that 37.7% of the districts had one turnover in five years, 34.2% had no turnover in the last five years, and 19.3% of the superintendents reported two turnovers in the last five years. The lowest category reported was a change in superintendents three or more times in five years at 8.8%. Examining these data by state revealed that for the category of no turnover in five years, North Dakota had the largest percentage (46.8), followed by Texas (33.4), and New Mexico (18.5). The category of one turnover in five years revealed that Texas had the highest percentage (38.8) followed by New Mexico (33.3) and North Dakota (32.3). The state with the highest turnover percentage was New Mexico where 25.9% of

superintendents reported a turnover in the superintendent three or more times, this was followed by North Dakota and Texas at 11.3% and 7.2%, respectively. New Mexico again had the highest percentage (22.2) of superintendents reporting two turnovers in five years followed by Texas (20.6) and North Dakota (9.7). Table 8 depicts these data.

Superintendents who worked in a state with the lowest turnover rate of none in five years had the greatest tenure and experience at lowest paid. This is supported by the data from North Dakota where the turnover rate for superintendents was 46.8% for none in five years, 58.1% had 11-20 years or 21+ years experience and 45.2% were paid in the \$50,000-\$69,999 compensation category. The findings further indicated that superintendents who worked in a state with the highest turnover rate of three or more times in five years also had the lowest percentage of superintendents with experience and tenure. This was evident in New Mexico where 25.9% of superintendents reported a turnover rate of three or more times in five years and 18.5% and 7.4% superintendents had 11-20 and 21+ years experience and tenure, respectively. Examining compensation for New Mexico, the highest percentage (33.3) of superintendents was found earning the median compensation category of \$90,000-\$99,999.

Table 8

Superintendent Turnover by State

State	Turnover								Total No.	Percent of Total
	Once		Twice		Three Times or More		None			
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
New Mexico	9	33.3	6	22.2	7	25.9	5	18.5	27	5.2
North Dakota	20	32.3	6	9.7	7	11.3	29	46.8	62	12.0
Texas	166	38.8	88	20.6	31	7.2	143	33.4	428	82.8
Total	195	37.7	100	19.3	45	8.8	177	34.2	517	100.0

To determine the categories for the demographic variable, superintendent compensation, previous research was consulted (Wenger 2004). When examining the demographic superintendent compensation, 38.0% of all respondents indicated that their compensation fell between \$70,000-\$89,999, followed by 24.5% of superintendents earning \$110,000+. The compensation categories of \$50,000-\$69,999; \$90,000-\$99,999; and \$100,000-\$109,999 were 11.8%, 14.5% and 11.2%, respectively. These categories were chosen as a result of previous research involving superintendent salaries (Wenger, 2004 & Fitzpatrick, 1999).

Superintendents in Texas which had the greatest number of large school districts, received the highest compensation (27.4%) at \$110,000+, followed by New Mexico (18.5%) and North Dakota (6.5%). These findings are consistent with the results of a

superintendent survey completed by the Educational Research Service that revealed that regionally Texas and New Mexico superintendents earn an average of \$105,345 in compensation compared to North Dakota's region at \$102,109 (Educational Weekly, 2006). Texas superintendents also led the way in the compensation category of \$70,000-\$89,999 with 38.9% followed by North Dakota (35.5%) and New Mexico (29.7%). Superintendents from North Dakota, which had the highest percentage of small school districts, had largest percentage of respondents in the lowest compensation category of \$50,000-\$69,999 at 45.2; this was followed by Texas and New Mexico at 7.5 and 3.7, respectively. Compensation data further revealed that New Mexico had the highest percentage of responses in the categories of \$100,000-\$109,999 and \$90,000-\$99,999 followed by Texas and North Dakota. Table 9 depicts these data.

Table 9

*Superintendent Compensation by State**

State	Compensation Categories										Total No.	Percent of Total		
	\$50,000-\$69,999		\$70,000-\$89,999		\$90,000-\$99,999		\$100,000-\$109,999		\$110,000+					
	N o.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent				
New Mexico	1	3.7	8	29.7	9	33.3	4	14.8	5	18.5	27	5.2		
North Dakota	2		8	45.2	22	35.5	2	3.2	6	9.6	4	6.5	62	12.0
Texas	3		2	7.5	166	38.9	64	15.0	48	11.3	117	27.4	427	82.8
Total	6		1	11.8	196	38.0	75	14.5	58	11.2	126	24.5	516	100.0

*One missing case

Over two thirds (68.9%) of the superintendents responded that time was given to discussing ethical issues relating to administrative decision making in their graduate studies. The frequency of those reporting ethics preparation was 15 percentage points higher than Millerborg (1990) reported of superintendents nationwide. Of the superintendents who responded yes, several stated that their “Ethics training was interwoven into their course work,” while a few superintendents stated they took “separate courses” that focused on ethics alone. Nearly one-third of the respondents reported receiving no formal ethics training during their graduate studies. Two superintendents, who indicated no to ethics preparation, stated that they had graduated “so long ago” that “very little time was given” to ethical training, and another one stated that “back then administrators were expected to be ethical people in the work place.”

An examination of the ethics preparation by state and then by degree shows that 71.8% of the superintendents in the Texas responded that they had received ethics preparation courses in their graduate studies, followed by North Dakota (62.9%) and New Mexico (37.0%). Examining the no ethics preparation data by state revealed that 63.0% of New Mexico superintendents received no formal instruction followed by North Dakota (37.1%) and Texas (28.2%). Concerning degree, the highest degree category that the respondents stated that they had received ethics preparation was Education Specialist at 76.0% followed by the doctorate at 74.7%, master’s degree at 66.6%, and other at 20%. In the no ethics preparation response, the other degree category had the highest percent of respondents (80%) followed by the master’s degree (33.4%), the doctorate (25.3%), and Education Specialist (24.0%). Tables 10 and 11 display these data.

Table 10

*Ethics Preparation by State**

State	Yes		No		No.	Total Percent
	No.	Percent	No.	Percent		
New Mexico	10	37.0	17	63.0	27	5.3
North Dakota	39	62.9	23	37.1	62	12.0
Texas	306	71.8	120	28.2	426	82.9
Total	355	68.9	160	31.1	515	100.0

* Two missing cases

Table 11

Ethics Preparation by Degree

Degree	Ethics Preparation	No.	Percent
Doctorate	Yes	112	74.7
	No	38	25.3
Total		150	100.0
Ed. Specialist	Yes	19	76.0
	No	6	24.0
Total		25	100.0
Masters	Yes	223	66.6
	No	112	33.4
Total		335	100.0
Other	Yes	1	20.0
	No	4	80.0
Total		5	100.0

A cross tabulation of the demographic characteristics of compensation and enrollment size shows that superintendents working in the smaller school districts received less compensation than those in the larger school districts. These findings were consistent with a survey conducted by the Educational Research Service that concluded that superintendents working in larger school systems made more than their peers operating the smaller districts (Swanson, 2006). All superintendents receiving \$50,000-\$69,999 in compensation worked in school districts with an enrollment size of 0-999. The compensation category of \$70,000-\$89,999 revealed that 85.2% of superintendents were working in school districts with an enrollment size of 0-999 and, in this same compensation category, 14.8% were working in districts with an enrollment size of 1,000-2,999 students. Superintendents who earned \$90,000-\$99,999 worked in districts with an enrollment size of 0-999 (46.7%), 1,000-2,999 (49.3%) or 3,000-9,999 (4.0%). The compensation category of \$100,000-\$109,999 revealed that 20.7% of the respondents worked in a district with an enrollment size of 0-999, followed by 53.4% in districts with 1,000-2,999 students, 20.7% in districts with 3,000-9,999 students and 5.2% in districts with 10,000+ students. The highest compensation level of \$110,000+ revealed that 79.2% of superintendents worked in districts with an enrollment size of either 3,000-9,999 or 10,000+; this was followed by an enrollment size of 1,000-2,999 at 18.4% and 0-999 at 2.4%. There were no superintendents working at the \$70,000-\$89,999 compensation level with an enrollment size of 3,000-9,999 students or \$90,000-\$99,999 at an enrollment size of 10,000+ students. Table 12 depicts these data.

Table 12

*Superintendent Compensation + Enrollment Size **

Compensation	0-999		1,000-2,999		3,000-9,999		10,000 +		Total	% of Total
	No.	Percent	No.	Percent	No.	Percent	No.	Percent		
\$50000-\$69999	61	100.0	0	0.0	0	0.0	0	0.0	61	11.8
\$70,000-\$89,999	167	85.2	29	14.8	0	0.0	0	0.0	196	38.1
\$90,000- \$99,999	35	46.7	37	49.3	3	4.0	0	0.0	75	14.6
\$100,000-\$109,999	12	20.7	31	53.4	12	20.7	3	5.2	58	11.3
\$110,000 +	3	2.4	23	18.4	60	48.0	39	31.2	125	24.3
Total	278	54.0	120	23.2	75	14.6	42	8.2	515	100.0

* Two Missing Cases

Superintendents' compensation increased with the level of degree: as the number of doctorates increased, the number of master's degrees decreased. An examination of the degree categories revealed that the highest percentage of doctoral degrees (61.1) was reported at the highest compensation level \$110,000+ and the highest percentage of master's degrees (88.5) was reported at the lowest compensation level of \$50,000-\$69,999. For the remaining doctoral degrees and compensation, the compensation category of \$100,000-\$109,999 had 37.9% with a doctorate; this was followed by 28.0% at \$90,000-\$99,999, 14.8% at \$70,000-\$89,999 and 1.6% at \$50,000-\$69,999. The highest percentage of responses for the specialist degree was at the \$50,000-\$69,999 compensation level with 9.8, followed by \$70,000-\$89,999 at 6.6, \$100,000-\$109,999 at

5.2, \$110,000+ at 1.6 and \$90,000-\$99,999 at 1.3. The remaining master's degrees were 78.6% at \$70,000-\$89,999; 66.7% at \$90,000-\$99,999; 55.2% at \$100,000-\$109,999; and 36.5% at \$110,000+. The other degree category had responses in three compensation categories only with the greatest in \$90,000-\$99,999 (4.0%) followed by \$100,000-\$109,999 (1.7%) and \$110,000+ (.8%).

Adding superintendent gender and degree showed that the highest percentage of male superintendents (31.7) was found in the master's degree category at \$70,000-\$89,999 and the highest percentage of female superintendents (19.2) was found in the doctoral degree at \$110,000+. Table 13 depicts these data.

Cross tabulating compensation with contract length and gender revealed that there were a higher percentage of male and female superintendents on a one year contract at the \$50,000-\$69,999 compensation level at 60.6; this percent then decreased as compensation increased to 5.6% at \$110,000+. The \$50,000-\$69,999 compensation category also had 19.8% of superintendents on a two year contract, 18% on a three year and 1.6% of superintendents on more than three years. The compensation categories of \$70,000-\$89,999; \$90,000-\$99,999; \$100,000-\$109,999; and \$110,000+ revealed that the three year contract for male and female superintendents was the highest at 58.7%, 68.0%, 69.0%; and 63.5%, respectively. This was followed by two year contracts at \$70,000-\$89,999 (26.0%) and \$90,000-\$99,999 (17.3%). and the more than three year contract category at \$100,000-\$109,999 (13.8%). The longest contract length category of more than three years was primarily reserved for those superintendents who were earning \$110,000+ at 24.6%, and then decreased in percentage as compensation continued to drop. Table 14 depicts these data.

Table 13

Superintendents' Compensation + Gender + Degree

Compensation	Degree + Gender									
	Doctorate		Ed. Specialist		Masters		Other		Total No.	% of Total
\$50,000-\$69,999	No.	%	No.	%	No.	%	No.	%		
Male	1	2.0	6	12.0	43	86.0	0	0.0	50	82.0
Female	0	0.0	0	0.0	11	100.0	0	0.0	11	18.0
Total	1	1.6	6	9.8	54	88.5	0	0.0	61	100.0
\$70,000-\$89,999										
Male	22	12.8	12	7.0	138	80.2	0	0.0	172	87.8
Female	7	29.2	1	4.2	16	66.7	0	0.0	24	12.2
Total	29	14.8	13	6.6	154	78.6	0	0.0	196	100.0
\$90,000-\$99,999										
Male	17	28.3	0	0.0	41	68.3	2	3.3	60	80.0
Female	4	26.7	1	6.7	9	60.0	1	6.7	15	20.0
Total	21	28.0	1	1.3	50	66.7	3	4.0	75	100.0
\$100,000-\$109,999										
Male	19	35.8	3	5.7	30	56.6	1	1.9	53	91.4
Female	3	60.0	0	0.0	2	40.0	0	0.0	5	8.6
Total	22	37.9	3	5.2	32	55.2	1	1.7	58	100.0
\$110,000 +										
Male	61	62.2	2	2.1	34	34.7	1	1.0	98	77.8
Female	16	57.0	0	0.0	12	43.0	0	0.0	28	22.2
Total	77	61.1	2	1.6	46	36.5	1	0.8	126	100.0

Table 14

Superintendents' Compensation + Gender + Contract Length

Compensation	Contract Length and Gender	
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	1 year		2 years		3 years		3+ years		Total	% of Total
	No.	%	No.	%	No.	%	No.	%		
\$50,000-\$69,999										
Male	32	64	10	20.0	7	14.0	1	2.0	50	82.0
Female	5	45.4	2	18.2	4	36.4	0	0.0	11	18.0
Total	37	60.6	12	19.8	11	18.0	1	1.6	61	100.0
\$70,000-\$89,999										
Male	23	13.4	46	26.7	99	57.6	4	2.3	172	87.8
Female	3	12.5	5	20.8	16	66.7	0	0.0	24	12.2
Total	26	13.3	51	26.0	115	58.7	4	2.0	196	100.0
\$90,000-\$99,999										
Male	2	3.3	10	16.7	42	70.0	6	10.0	60	80.0
Female	3	20.0	3	20.0	9	60.0	0	0.0	15	20.0
Total	5	6.7	13	17.3	51	68.0	6	8.0	75	100.0
\$100,000-\$109,999										
Male	4	7.5	6	11.3	37	69.8	6	11.3	53	91.4
Female	0	0	0	0.0	3	60.0	2	40.0	5	8.6
Total	4	6.9	6	10.3	40	69.0	8	13.8	58	100.0
\$110,000 +										
Male	7	7.1	6	6.1	61	62.2	24	24.5	98	77.8
Female	0	0.0	2	7.1	19	67.9	7	25.0	28	22.2
Total	7	5.6	8	4.8	80	63.5	31	24.6	126	100.0

An examination of superintendents' experience, compensation and gender revealed that the highest number of male and female superintendents had 0-5 years experience (221) and the lowest was superintendents with 21+ years (46). The data further showed that the highest compensation category percentage for superintendents with 0-5 years, 6-10 years and 21+ years was \$70,000-\$89,999 at 46.6, 29.9, and 28.3. The highest compensation category for superintendents with 11-20 years was \$110,000+ (34.7). The lowest compensation category for superintendents with 0-5 years experience was \$100,000-\$109,999 at 6.8%. The lowest compensation category for superintendents

with 6-10 years and 11-20 years experience was \$50,000-\$69,999 at 7.2% and 6.6% respectively. The lowest compensation category for superintendents with 21+ years experience was \$90,000-\$99,999 at 10.9%. The largest number of male superintendents (84) and female superintendents (19) had 0-5 years experience and were earning \$70,000-\$89,999. Table 15 reports these data.

Table 15

Superintendents' Compensation + Gender + Superintendent Experience

Experience	\$50,000-\$69,999		\$70,000-\$89,999		\$90,000-\$99,999		\$100,000-\$109,999		\$110,000+		Total	% of Total
	No.	%	No.	%	No.	%	No.	%	No.	%		
0-5 years												
Male	27	16.0	84	49.7	21	12.4	12	7.1	25	14.8	169	76.5
Female	9	17.3	19	36.5	9	17.3	3	5.8	12	23.1	52	23.5
Total	36	16.3	103	46.6	30	13.6	15	6.8	37	16.7	221	100.0
6-10 years												
Male	7	6.7	34	32.7	23	22.1	15	14.4	25	24.0	104	83.2
Female	2	9.5	3	14.3	4	19.0	2	9.5	10	47.6	21	16.8
Total	9	7.2	37	29.6	27	21.6	17	13.6	35	28.0	125	100.0
11-20 years												
Male	8	7.1	40	35.7	11	9.8	17	15.2	36	32.1	112	92.6
Female	0	0.0	1	11.1	2	22.2	0	0.0	6	66.7	9	7.4
Total	8	6.6	41	33.9	13	10.7	17	14.0	42	34.8	121	100.0
21+ years												
Male	8	17.8	12	26.7	5	11.1	8	17.8	12	26.7	45	97.8
Female	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	1	2.2
Total	8	17.4	13	28.3	5	10.9	8	17.4	12	26.0	46	100.0

Examining a superintendent's tenure with compensation and gender revealed that the number of superintendents decreased as the tenure increased. Three hundred forty-five superintendents had 0-5 years tenure in a school district compared to nine

superintendents with 21+ years tenure. This trend was also true for male and female superintendents. There were 282 male superintendents with 0-5 years tenure and eight with 21+ years tenure. There were 63 female superintendents with 0-5 years tenure and only one with 21+ years tenure. The highest compensation category for superintendents with 0-5 years was \$70,000-\$89,999 at 39.4%. This was true for both male superintendents (41.1%) and female superintendents (31.7%). The second highest category for male and female superintendents with 0-5 years tenure was \$110,000+ at 22.9%. At the 6-10 year tenure level, there were a higher percentage of superintendents in the \$70,000-\$89,999 compensation category at 31.1. Male superintendents were also highest in this category at 33.3%, but females had the highest percentage in the \$110,000+ category at 47.1. Also, at the 6-10 year tenure level, the second highest compensation level for all superintendents was \$110,000+ at 28.7%. At the 11-20 years tenure and the 21+ years tenure, \$70,000-\$89,999 was the highest compensation level at 43.6% and 44.4%, respectively, and the second highest was at \$110,000 + at 28.2% for 11-20 years tenure and, for 21+ years tenure, it was \$90,000-\$99,999 at 33.3%. Male superintendents at 11-20 years tenure had the highest percentage of compensation at \$70,000-\$89,999 at 45.9. At 21+ years tenure for superintendents, the highest compensation level was split between \$70,000-\$89,999 and \$90,000-\$99,999 both at 37.5%. Female superintendents at 11-20 years tenure reported the highest compensation at the \$70,000-\$89,999 and \$110,000+ equally at 50%, but only two female superintendents reported at this level. One female superintendent at the 21+ years tenure reported compensation at \$70,000-\$89,999. No respondents were recorded in the

\$100,000-\$109,999 compensation category with 21+ years tenure. Table 16 depicts these data.

Table 16

Superintendents' Compensation + Gender + Tenure in District

Tenure	\$50,000- \$69,999		\$70,000- \$89,999		\$90,000- \$99,999		\$100,000- \$109,999		\$110,000+		Total	% of Total
	No.	%	No.	%	No.	%	No.	%	No.	%		
0-5 years												
Male	39	13.8	116	41.1	35	12.4	32	11.3	60	21.3	282	81.7
Female	10	15.9	20	31.7	11	17.5	3	4.8	19	30.2	63	18.3
Total	49	14.2	136	39.4	46	13.3	35	10.1	79	22.9	345	100.0
6-10 years												
Male	5	4.8	35	33.3	20	19.0	18	17.1	27	25.7	105	86.1
Female	1	5.9	3	17.6	3	17.6	2	11.8	8	47.1	17	13.9
Total	6	4.9	38	31.1	23	18.9	20	16.4	35	28.7	122	100.0
11-20 years												
Male	5	13.5	17	45.9	2	5.4	3	8.1	10	27.0	37	94.9
Female	0	0.0	0	1.0	50	0.0	0	0.0	1	50.0	2	5.1
Total	5	12.8	17	43.6	52	7.7	3	7.7	11	28.2	39	100.0
21-30 +years												
Male	1	12.5	3	37.5	3	37.5	0	0.0	1	12.5	8	88.9
Female	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	1	11.1
Total	1	11.1	4	44.5	3	33.3	0	0.0	1	11.1	9	100.0

There were three research questions posed to examine the ethical and legal decision making of superintendents. These research questions were: what differences exist between the ethical decision making and legal decision making of superintendents; what patterns emerge when conflict exists between ethics and law in decision making of superintendents; what differences exist between identified decision making patterns of superintendents when ethics and law are in conflict?

Research Question One

The first research question asked whether there is a difference in the ethical and legal decision making of a superintendent. Two sections of the instrument were designed to determine the answer to this question. Section I contained three scenarios which examined whether superintendents could choose the most appropriate ethical response. Each scenario contained a most appropriate ethical response with the remaining responses ranging from less ethical to unethical. Ethics question one stated: 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 at the high school. 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 veiled threats that his grades could be lowered. The matter is complicated by the father's advisory role in town matters, and he demands evidence of action immediately. What action do you take?

Results showed 91.9% of superintendents selected D, the most appropriate ethical response. This response was to tell the parents that you would take the matter up with the

principal but that no direct action would be taken until both sides of the controversy had been aired. The unethical responses included A, B, and C with 7.5% of the superintendents selecting C and 0% choosing A or B. There were three or .6% of superintendents who did not respond to the dilemma. Table 17 depicts these data.

Table 17

<i>Ethics Question 1</i>		
Response	Frequency	Percent
A-Unethical	0	0
B-Unethical	0	0
C-Unethical	39	7.5
D-Ethical	475	91.9
Missing cases	3	.6
Total	517	100.0

The second ethics question asked: The school board has maintained a policy of refusing any federal funds for school programs. You have been approached by the state department of education and urged to conduct a federally financed program in your district, because your district seems 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. What do you do?

Results showed 83.2% of superintendents selected B, the most appropriate ethical response. This response was to approach board members, asking that they reconsider its previous stand for various reasons. The unethical responses included 12.4%, A; .8%, C; and 2.7%, D. There were five or .9% of the superintendents who did not respond to the dilemma. This dilemma received the lowest ethical score of the three posed in the ethics section of the questionnaire. Table 18 depicts these data.

Table 18

Ethics Question 2

Response	Frequency	Percent
A-Unethical	64	12.4
B-Ethical	430	83.2
C-Unethical	4	.8
D-Unethical	14	2.7
Missing Cases	5	.9
Total	517	100.0

The third ethics question asked: Your district is a rural one, with a homogeneous population. The teaching staff also reflects this homogeneity. 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 of an ethnic minority not generally found in your area. The board made it clear in the past that all hiring is entirely your

decision and they'll ratify any recommendation you make to them. What is your recommendation? Results showed 94.2% of superintendents selected C, the most appropriate ethical response. This response was to exercise your usual prerogative of a nearly final decision in hiring the teacher. The unethical responses included 3.5%, A; .4%, B; .6%, D; and .4%, E. There were five or .9% of the superintendents who did not respond to the dilemma. This dilemma received the highest ethical score of those posed in the ethics section of the questionnaire. Table 19 illustrates these data.

Table 19

Ethics Question 3

Response	Frequency	Percent
A-Unethical	18	3.5
B-Unethical	2	.4
C-Ethical	487	94.2
D-Unethical	3	.6
E-Unethical	2	.4
Missing Cases	5	.9
Total	517	100.0

The second section of the instrument contained three scenarios to examine whether superintendents could choose a correct legal response. Each scenario contained one correct legal choice with the remaining choices being illegal. The first legal question asked: A student from another district enrolls in your district. The parents give the principal the student's special education confidential file. What should he do with the

file? Results showed 89.2% of superintendents chose B, the correct legal response, while illegal responses included 2.7%, A; 1.5%, C; .8%, D; and 4.3%, E. There were eight or 1.5% of the superintendents who did not respond to the dilemma. The correct legal response chosen was to have school personnel who have an educational interest in the child review and sign the folder, and then place it in a locked area. This dilemma received the highest legal score of those posed in the legal section on the questionnaire. Table 20 depicts this data.

Table 20

Legal Question 1

Response	Frequency	Percent
A-Illegal	14	2.7
B-Legal	461	89.2
C-Illegal	8	1.5
D-Illegal	4	.8
E-Illegal	22	4.3
Missing Cases	8	1.5
Total	517	100.0

The second legal question asked: 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 prayers may be offered in the classrooms and 2) that a flag salute is required each day. You know 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 do you

take? Results showed 65.6% of superintendents chose the correct legal response while illegal responses chosen were .6%, A; 31.3%, B; .2%, C; and 1.0%, E. There were seven or 1.3% of the superintendents who did not respond to the dilemma. The correct legal response chosen was to notify all district staff members of the statute in writing and follow-up to see that they have complied. Table 21 illustrates these data.

Table 21

Legal Question 2

Response	Frequency	Percent
A-Illegal	3	.6
B-Illegal	162	31.3
C-Illegal	1	.2
D-Legal	339	65.6
E-Illegal	5	1.0
Missing Cases	7	1.3
Total	517	100.0

The third legal question asked: 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. What action do you take? Results showed 49.1% of superintendents selected C the correct legal response C. This response was to join him for lunch but pay your own. The illegal responses included 4.1%, A; 22.8%, B; 21.3%, D; and 1.7%, E. There were five or 1.0% of the superintendents who did not respond to the dilemma. This question received the lowest legal score of those posed in the legal section of the questionnaire. Table 22 depicts this data.

Table 22

Legal Question 3

Response	Frequency	Percent
A-Illegal	21	4.1
B-Illegal	118	22.8
C-Legal	254	49.1
D-Illegal	110	21.3
E-Illegal	9	1.7
Missing Cases	5	1.0
Total	517	100.0

The data were then recoded and analyzed to obtain an answer for the first research question. Each superintendent was awarded one point for a correct response to each scenario presented with a possible correct score ranging from 0-3 for each superintendent. Mean scores were then calculated using these raw scores for the sections on ethical choices and legal choices. The overall ethical decision mean score for the 517 superintendents was 2.742. This would indicate that, overall, superintendents could make

the appropriate ethical decisions. In the next section, the overall legal decision mean score for the 517 superintendents was 2.022. This would indicate that superintendents could make correct legal decisions. A paired sample t-test was then used to determine if any differences existed between the ethical and legal decision making of the superintendents in this study. No significant difference existed at the .05 level, indicating that there was no significant difference in superintendents' accuracy in ethical or legal decision making. Table 23 presents the data.

Table 23

Paired Samples T-Test For Ethical vs. Legal Decisions

Variable	df	M	SD DIFF	MEAN DIFF	T	P
Ethical		2.742				
	516		0.93834	0.71954	17.436	0.992
Legal		2.022				

* $p < .05$

Research Question Two

The second research question asked: What patterns emerge when conflict exists between ethics and law in decision making of superintendents? To answer this question, a section containing nine scenarios was constructed on the survey that required a decision by a superintendent. Each scenario created an ethical and legal dilemma for superintendents to consider when making a decision. Each scenario had responses that

were ethical, legal, or other (unethical or illegal). These responses created a conflict for superintendents, where they were forced to choose between ethics or law when making administrative decisions.

The first dilemma asked: A teacher in your district is planning to retire in three years. You know she has not kept current with subject content and she is no longer an effective teacher. However, she is very loyal to the school and to you. What will your action be? Results showed 72.3% of superintendents selected the most appropriate ethical response. This response was to give assistance to the teacher and allow her to end her career with dignity. There were 23.2% of superintendents who responded legally, which was to proceed to prove the teacher incompetent without consideration for her years of service. The unethical/illegal responses A and C included 1.5% and .4% respectively. There were 13 superintendents who did not respond to this dilemma. Table 24 depicts these data.

Table 24

<i>Dilemma Question 1</i>		
Response	Frequency	Percent
A-Unethical/Illegal	8	1.5
B-Unethical/Illegal	0	0.0
C-Unethical/Illegal	2	.4
D-Legal	120	23.2
E-Ethical	374	72.4
Missing Cases	13	2.5
Total	517	100.0

Dilemma two asked: State law requires that all medicine brought to school is 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 immediate need for the inhaler. What would you decide? Results showed 50.3% of superintendents chose the ethical response, which was to allow the child to keep the inhaler at his desk; this was followed by the legal response at 39.3% and unethical/illegal responses of B and D at .4 and 8.1% respectively. There were 10 or 1.9% of superintendents who did not respond to this dilemma. Table 25 depicts these data.

Table 25

<i>Dilemma Question 2</i>		
Response	Frequency	Percent
A-Ethical	260	50.3
B-Unethical/Illegal	2	.4
C-Legal	203	39.3
D-Unethical/Illegal	42	8.1
Missing Cases	10	1.9
Total	517	100.0

Dilemma three asked superintendents: During a building walk-through, you pass by the copy machine and notice a teacher duplicating a copyrighted workbook for each person in the class. Your action would be to? Results showed 41.8% of superintendents selected the legal response, which was to tell her to quit immediately and use an alternate strategy. This was followed by the unethical/illegal responses A, D, and E at 1.4%, .2%

and 37.1% respectively. The lowest response category scored on this dilemma was the ethical response at 18.6%. The ethical response superintendents chose was to discuss the issue with the teacher when she was finished. There were five or 1.0% of superintendents who did not respond to this dilemma. Table 26 illustrates these data.

Table 26

Dilemma Question 3

Response	Frequency	Percent
A- Unethical/Illegal	7	1.4
B- Ethical	96	18.6
C-Legal	216	41.8
D-Unethical/Illegal	1	.2
E-Unethical/Illegal	192	37.0
Missing Cases	5	1.0
Total	517	100.0

Dilemma four asked: A mandate comes from the state requiring that all districts comply with the state adopted curriculum guides and tests. You feel complete compliance with the regulation would demoralize the faculty in your district, stagnate the curriculum, and stifle creativity. What will be your course of action? Results showed 66.9% of superintendents selected the legal response, which was to require compliance by all the teaching staff in the district. The ethical response selected was C at 28.3% which was to encourage partial compliance and attempt to work through proper channels to secure policy changes. The unethical/illegal responses included B, D, and E at 1.9%,

.4%, and .4%, respectively. There were 11 or 2.1% of the superintendents who did not respond to this dilemma. Table 27 depicts these data.

Table 27

Dilemma Question 4

Response	Frequency	Percent
A-Legal	346	66.9
B-Unethical/Illegal	10	1.9
C-Ethical	146	28.3
D-Unethical/Illegal	2	.4
E-Unethical/Illegal	2	.4
Missing Cases	11	2.1
Total	517	100.0

Dilemma five asked: The Individuals with Disability Education Act (IDEA) states children with disabilities should be placed in the least restrictive environment. A child enters a school in your district with an Individualized Educational Placement (IEP) that states the child will receive art and music instruction with age appropriate peers. 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. What will be your action? Results showed 69.2% of superintendents selected the legal response, which was to require the music teacher to take the child. There were 5.7% of superintendents who

responded ethically and 23.6% of superintendents who chose the unethical/illegal responses of A, B, and E at 22.8%, .2%, and .4%, respectively. There were nine or 1.7% of superintendents who did not respond to the dilemma. Table 28 depicts these data.

Table 28

Dilemma Question 5

Response	Frequency	Percent
A-Unethical/Illegal	118	22.8
B-Unethical/Illegal	1	.2
C-Ethical	29	5.7
D-Legal	358	69.2
E-Unethical/Illegal	2	.4
Missing Cases	9	1.7
Total	517	100.0

Dilemma six asked: A teacher in your district wants to refer a student for assessment to determine if there is a need for physical therapy as a related IEP service. 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 of funds. Your choice would be to? Superintendents in this dilemma responded ethically by having the principal inform the parents and let them decide if they want their child tested with the understanding that there might be a delay in the actual services if he qualifies. Results showed 93.7% of superintendents selected the ethical response, which was the highest for the ethical category on the questionnaire. This was followed by the 1.9% of

superintendents responding legally and the unethical/illegal responses C and D at 1.2% and 1.3% respectively. There were 10 or 1.9% of superintendents who did not respond to this dilemma. Table 29 depicts these data.

Table 29

<i>Dilemma Question 6</i>		
Response	Frequency	Percent
A-Unethical/Illegal	0	0.0
B-Legal	10	1.9
C-Unethical/Illegal	6	1.2
D-Unethical/Illegal	7	1.3
E-Ethical	484	93.7
Missing Cases	10	1.9
Total	517	100.0

Dilemma seven asked: A student enters a school in your district. The principal calls you to say that upon reviewing the confidential information of the student, he notices the child has tendencies toward violent behavior. The principal has a conference with the parents and asks permission to share this information with the faculty who will be responsible for supervising the child. The parents are concerned that their child may be labeled or judged because of sharing the information with the staff. What will your course of action be? Results showed 78.9 % of superintendents responded ethical, 16.8% legal, and 3.4 % chose the unethical/illegal responses of A, D, and E. There were four or

.8% of superintendents who did not respond to this dilemma. The ethical response that superintendents chose was to have the principal share the records with the faculty and ask the teachers to keep the information confidential. Table 30 depicts these data.

Table 30

Dilemma Question 7

Response	Frequency	Percent
A-Unethical/Illegal	10	1.9
B-Legal	87	16.8
C-Ethical	408	78.9
D-Unethical/Illegal	1	.2
E-Unethical/Illegal	7	1.4
Missing Cases	4	.8
Total	517	100.0

Dilemma eight asked: Federal law requires that all children are served a minimum portion of each item on the menu. In your observations, you notice that when students are allowed to refuse an item which they do not like, they eat the rest of their food better than when they are required to take all items. What will your course of action be? Results showed 83.0% of superintendents responded legal, 13.3% ethical, and the unethical/illegal responses were C, D, and E at .8%, .6%, and .2%, respectively. The legal response selected was to require all trays to be served the same. Table 31 depicts these data.

Table 31

Dilemma Question 8

Response	Frequency	Percent
A-Ethical	69	13.3
B-Legal	429	83.0
C-Unethical/Illegal	4	.8
D-Unethical/Illegal	3	.6
E-Unethical/Illegal	1	.2
Missing Cases	11	2.1
Total	517	100.0

Dilemma nine asked: One of the principals working in the district called to say that a student came to her in strictest confidence to share 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. The principal also states that the student asked him not to tell anyone about the situation. What is your course of action? Superintendents in this dilemma responded ethically by instructing the principal to tell the cafeteria to allow the child to eat free and to continue to try to convince the child to let you seek assistance. Results showed 66.9 % of superintendents responded ethical, 21.7% legal, and the unethical/illegal responses were B, C, and E at .2%, .6%, and 10.2%, respectively. Table 32 depicts these data.

Table 32

Dilemma Question 9		
Response	Frequency	Percent
A-Legal	112	21.7
B-Unethical/Illegal	1	.2
C-Unethical/Illegal	3	.6
D-Ethical	346	66.9
E-Unethical/Illegal	53	10.2
Missing Cases	2	.4
Total	517	100.0

For research question two, the mean score was calculated for the decision response categories: ethical, legal, and the other (unethical or illegal) responses. The means of each decision pattern category were then compared to determine which was the greatest. The overall mean score for the ethical decision response category was 4.354, the legal mean score was 3.692, and the other (unethical and illegal) mean score was .953. This would indicate that when superintendents were forced to choose between ethics and law they more often chose the ethical decision pattern choice. Table 33 presents these data.

Table 33

<i>Decision Pattern Response Means</i>			
Variable	N	Mean	SD
Ethical Response	517	4.354	1.262
Legal Response	517	3.692	1.433
Other(unethical or illegal) Response	517	0.953	0.8964

Research Question Three

The third research question asked: What differences exist between identified decision making patterns of superintendents when ethics and law are in conflict? This question was constructed to examine the differences, if any, in the decision patterns formed when ethics and law were in conflict. To answer this question, superintendents were asked to respond to nine scenarios. Each scenario contained an administrative ethical and legal dilemma. Superintendents were forced to choose a response that was either ethical, legal, or other (unethical or illegal). The decision pattern response results were then analyzed using three paired sample t-tests. The first t-test involved comparing the mean scores of the ethical and legal decision pattern responses, the second compared the mean scores of ethical and other(unethical or illegal) decision pattern responses, and the third comparison was made between the mean scores of the legal and the other (unethical or illegal) decision pattern responses.

Table 34 depicts the ethical decision pattern response mean as 4.354 and the legal decision pattern response mean as 3.692 for the sample. The paired sample t-test,

revealed a significant difference in the mean scores of the ethical and legal decision patterns at the .05 level of significance. This would indicate that superintendents selected the ethical decision pattern response significantly more often than the legal pattern response.

Table 34

Paired Samples T-Test For Ethical vs. Legal Decision Patterns

Variable	df	Mean	SD DIFF	MEAN DIFF	T	P
Ethical Response		4.354				
	516		2.536	0.6623	7.056	.000*
Legal Response		3.692				

* $p < .05$

Table 35 shows a comparison of the second paired sample t-test between the ethical and the other (unethical or illegal) decision pattern responses. The mean score for the ethical decision pattern response was 4.354 and the mean score for the other (unethical or illegal) decision pattern response was .953. A significant difference was found between the ethical and the other (unethical or illegal) decision pattern response mean scores at the .05 level of significance. This indicates that superintendents selected the ethical decision pattern response significantly more often than the other (unethical or illegal) pattern response.

Table 35

Paired Samples T-Test For Ethical vs. Other Decision Patterns

Variable	df	M	SD DIFF	MEAN DIFF	T	P
Ethical Response		4.354				
	516		1.656	3.4014	47.882	.000*
Other Response		0.953				

*Significant < .05

The final paired sample t-test compared the mean scores between legal decision pattern responses and other (unethical and illegal) pattern responses. The mean score for the legal decision pattern response was 3.692 and the mean score for the other (unethical or illegal) decision pattern response was .953. A significant difference was found between legal and other (unethical or illegal) decision pattern responses at the .05 level. This indicates that superintendents selected the legal decision pattern response significantly more often than the other (unethical or illegal) decision pattern response. Table 36 depicts this data.

Table 36

Paired Samples T-Test For Legal vs. Other Decision Patterns

Variable	df	M	SD DIFF	MEAN DIFF	T	P
Legal Response		3.692				
	516		2.02911	2.7391	30.258	.000*
Other Response		0.953				

* $p < .05$

Summary

Described and analyzed in this chapter are the data collected from an online survey of 517 superintendents in the states of Texas, New Mexico, and North Dakota during the fall of 2006. A return rate of 60.1 % was achieved. The chapter began with a summary of the demographic data from the superintendents who responded to the survey. In the subsequent parts, the data on three research questions addressing ethical and legal decision making were presented and analyzed.

Several statistical measures were used to analyze the data. These included frequencies, means, percentages, and paired samples t-tests. The data were processed using SPSS Graduate Pack 13.0.

The analysis of data indicated that superintendents make ethical and legal responses and that there were no differences in a superintendent's accuracy of ethical or legal decision making. Superintendents were found significantly more often to choose ethical responses over both legal and other (unethical and illegal) pattern responses. Superintendents chose a legal pattern more often than not when it was compared to the other (unethical and illegal) decision pattern response.

CHAPTER V

SUMMARY, PROFILE SUMMARY, CONCLUSIONS, IMPLICATIONS, RECOMMENDATIONS, AND FINAL THOUGHTS

Summary

Decision making for a superintendent is a complex process. Conflicts or dilemmas may occur when superintendents make decisions on issues such as separation of church and state, special education, sexual orientation of students, racial and ethnic diversity, school safety, appropriate funding for schools, and freedom of speech (Pardini, 2004). Superintendents may choose to make decisions on these issues based upon their personal values, professional code of ethics, local policies or regulations, and state and federal laws.

This study examined such dilemmas as it investigated the decision patterns of superintendents when ethics and law conflicted during decision making. To explore this issue, differences were examined between the ethical and legal decision making of superintendents, and superintendents' decisions were examined to determine any patterns in responses.

Utilitarianism, the theoretical framework for analyzing superintendents' ethical and legal decision making in this study, has two basic principles: consequentialism and utility. Consequentialism states that consequences of actions guide responses of

individuals and utility refers to producing the greatest good. Referred to as ends-based thinking, this framework requires individuals to conduct a cost benefit analysis to determine who will benefit or be hurt by decisions made. Kidder (1995) stated that this process assesses consequences and the one that produces the best result is the one chosen. Using this framework allows one to consider a wide range of consequences and to make decisions regarding which set of likely outcomes is the most desirable (Strike, 2007). The principle of utility refers to producing the greatest amount of positive consequences or maximizing good in situations that require judgments. The utility principle states that an action is right if it increases happiness or pleasure and decreases human suffering (Hinman, 2003).

Two classic types of utilitarianism are act and rule utilitarianism. Act utilitarianism examines the consequences of each act and determines “an act right if and only if it results in as much good as any available alternative” (Pojman, 2002, p.111). Rule utilitarianism claims that rules are developed to guide actions in accordance to their probability of producing the greatest good. Individuals “act in accordance with those rules that produce the greatest overall amount of utility for society as a whole” (Hinman, 2003, p.152). This form of utilitarianism justifies the use and establishment of rules, regulations, and laws by proposing that individuals should follow them in an effort to produce the best results for the most people instead of focusing on the inconsistency of individual actions of people.

The main attraction of utilitarianism (act and rule) among decision makers is that this philosophy of ethical thought wants the world to be a better place. Individuals using this frame predict consequences with as much accuracy as possible while not allowing

the negative consequences that may impact them personally to affect their decision making (Hinman, 2003). One of the strongest arguments in favor of utilitarianism is that it gives decision makers a frame to “logically decide which rule should prevail when one basic principle comes into conflict with another” (Beckner, p66).

The significance of this study is that it attempted to fill a gap in the literature on the possible effects of the dimensions of ethics and law in decision making and the decision making patterns formed by superintendents. It is hoped that the use of demographic information will help school boards and community members make better decisions as they decide whether to employ, extend or terminate a superintendent’s contract. It is also hoped that the results of this study will assist current superintendents improve the quality of their decision making by helping them better understand the relationship between their ethical and legal decision making.

School district operations are imbedded with dilemmas confronting superintendents as they try to strike a balance in their decision making between the duty of the job and their personal and professional values (Millerborg, 1990). Federal legislation, such as the NCLB and FERPA, has increased the amount of legal pressure on all administrators in public schools (Pardini, 2004). Consequently, system leaders face dilemmas during the decision making process as they try to comply with the law and still protect the privacy and rights of the students (Millerborg, 1990).

Most of the research on the dilemmas created for superintendents has focused on the ethical decision making of the superintendency (Dexheimer, 1969; Fenstermaker, 1996). The foundation for these studies was the Code of Ethics of the American Association of School Administrators. Researchers in these studies found that

superintendents rely heavily on ethics in their decision making on the job. One of the very few research studies conducted on the dilemmas created when ethics and law conflict was completed more than 16 years ago. This research indicated that superintendents make ethical choices 63% of the time when ethics and law conflict (Millerborg, 1990).

This literature review focused on ethics in general and the ethical decision making of superintendents in particular. Specifically reviewed was literature related to influences of ethics on the superintendent, the ethical performance of superintendents, superintendent ethical decision making, codes of ethics, ethics of care, justice and critique, ethical training of administrators, and ethical versus legal decision making. The theme woven through this review was that superintendents make decisions that require them to consider and choose between ethical and legal dimensions.

The data for this project were collected through an online questionnaire titled Superintendents' Ethical and Legal Decision Making. The instrument was borrowed with permission from Millerborg's (1990) study on "Ethics and Law: What Drives Educational Administration Decisions." In her study, she recommended using her instrument for further study of ethical and legal decision of superintendents in geographic regions to determine if her findings were "true" (Millerborg, p. 56).

The online questionnaire was sent to all superintendents in K-12 school districts in New Mexico, North Dakota, and Texas having an accurate e-mail address. Texas was chosen because it has many large districts, North Dakota has primarily smaller rural districts, and New Mexico has a mix of both small and larger districts.

Superintendents' names were obtained from state directories of education published annually from each state and from state superintendent associations. A total of 860 superintendents were surveyed during the fall of 2006. Of these, 517 responded for a rate of 60.1%. The questionnaire was administered electronically for ease and efficiency of data collection and to obtain as high a response rate as possible. An additional e-mail was sent to all subjects two weeks after the initial mailing requesting non-respondents to complete the survey.

The instrument was piloted during the summer of 2006 to determine if the scenarios used 16 years ago were relevant today and due to minor changes made to three questions to address issues faced by superintendents rather than principals. Nine retired superintendents were selected to respond to the survey by e-mail or hard copy. Those chosen were to provide suggestions for improvements, perceptions of questions and responses, and indicate any grammatical or language usage errors. All nine superintendents returned the survey and stated that questions and responses were relevant and there were no grammatical or language usage problems. As a result, no changes were necessary.

The instrument included 15 scenarios with several responses for the superintendent to select the most appropriate choice. In addition, superintendents were asked to provide demographic data to enable the researcher to better understand the population of superintendents being analyzed. Section I contained the demographic data: gender, highest degree obtained, years of experience as a superintendent in all districts, years of experience as a superintendent in the current district, length of current superintendent contract, superintendent turnover in the last five years, enrollment size of

school district, salary and the state in which he or she is employed as a superintendent. This information helped the researcher to understand the population of superintendents participating in the study.

Section II consisted of three questions or scenarios that required ethical consideration. Each question had one correct ethical response as judged by the AASA Code of Ethics. The remaining responses ranged from less ethical to unethical. The results of section II were used to determine if superintendents could make correct ethical choices and to provide the necessary data to determine if any differences existed between ethical and legal decision making.

Section III consisted of three questions or scenarios with responses that involved legal concerns. Each question had one correct legal response followed by other illegal choices. The results of section III were used to determine if superintendents could make correct legal decisions and to determine if any differences existed between ethical and legal decision making.

Section IV consisted of nine dilemmas created when the dimensions of ethics and law conflicted. Superintendents were asked to choose one response that was ethical, legal, unethical or illegal. The results of this section determined the decision response pattern formed when the dimensions of ethics and law conflicted.

Data for the project was processed using SPSS Graduate Pack and analyzed by using both descriptive and inferential statistics. The descriptive statistics consisted of the measures of central tendency as well as the standard deviations. The inferential statistics consisted of paired sample t-tests ($\alpha = .05$).

The first analysis used mean scores obtained from sections II and III. Each respondent received one point for a correct response with a maximum of three points possible in each section. A response mean score of 1.5 or greater on each section indicated that the superintendents could make a correct ethical or legal decision. The results of the paired sample t-test indicated no significant difference in superintendents' ethical and legal decision making.

Section III of the survey consisted of nine ethical and legal dilemmas. These dilemmas were used to determine if any patterns emerged when conflict existed between ethics and law. Each time a respondent chose a response a point was given to that decision category. Mean scores were calculated for each decision response category. The categories included ethical, legal, or other (unethical or illegal) decision responses. The decision response category with the greatest mean score was selected as the preferred superintendent's decision response pattern. The results of this revealed that when dilemmas existed for superintendents and they were given a choice between ethical, legal and other (unethical/illegal) responses they chose ethical responses more often.

Section III of the survey was also used to determine if any differences existed between the patterns that emerged when conflict existed between ethics and law. A paired sample t-test was used to compare ethical to legal decision pattern responses, ethical to other (unethical or illegal) decision pattern responses, and legal to other (unethical or illegal) decision pattern responses. The results revealed that the ethical decision pattern response was chosen significantly more than either legal or other decision response pattern. Results further revealed that superintendents did make both an ethical and legal decisions significantly more often than illegal or unethical decisions.

Gender and educational degree of the superintendents was studied. Male superintendents outnumbered the female superintendents by more than five times, a ratio that was consistent across each state. The majority of the superintendents held a masters degree, while less than a third held a doctorate. Texas had the greatest percentage of doctorates and North Dakota had the greatest percentage of Specialist degrees and Master's degrees.

School district enrollment size found more than half the superintendents surveyed were employed in school districts with 0-999 students and fewer than ten percent indicated a student population of greater than 10,000 +. North Dakota had the greatest percentage of the smallest school districts and Texas with the highest percentage of districts with 10,000 + students. New Mexico enrollment size results fell in between the results of Texas and North Dakota.

Superintendent experience and tenure revealed that the highest percentage of responses for both experience and tenure as a superintendent was 0-5 years. Superintendent responses then decreased in frequency and percent as the number of years of experience and tenure increased, with the smallest percentage found in the category of 21 + years' experience.

Contract length found more than half of the superintendents reporting that they had a three year contract, while fewer than 10% reported a contract length of more than three years. Texas had the highest percentage of superintendents holding a three year and more than three years contract. North Dakota had the highest percentage of one year contracts, while New Mexico had the highest percentage of superintendents on a two year contract.

Superintendents responded that 37.7% of the districts had one turnover in five years, 34.2% had no turnover in the last five years and 8.8% reported a turnover three or more times in five years. North Dakota had the lowest turnover, followed by Texas, and New Mexico.

Superintendent compensation and enrollment size showed that superintendents from Texas, which had the greatest number of large school districts, received the highest compensation at \$110,000+, followed by New Mexico and North Dakota. North Dakota, which had the highest percentage of small school districts, had largest percentage of respondents in the lowest compensation category of \$50,000-\$69,999.

Examining ethics preparation during graduate studies, over two-thirds responded that time was given to discussing ethical issues as related to administrative decision making, while one-third of the respondents reported no formal ethics training during their graduate studies. Texas had the greatest percentage receiving ethics training while New Mexico had the greatest percentage receiving no ethics training.

Cross tabulating superintendents' compensation with degree, superintendents' compensation increased with the level of degree. The highest percentage of doctoral degrees was reported at the highest compensation level \$110,000+ and the highest percentage of masters degrees was reported at the lowest compensation level of \$50,000-\$69,999. Adding superintendent gender and degree, revealed that the highest percentage of male superintendents was found in the master's degree category at \$70,000-\$89,999 and the highest percentage of female superintendents was found in the doctoral degree at the \$110,000+ compensation category.

Cross tabulating compensation, contract length, and gender revealed at the one year contract level that there were a higher percentage of male and female superintendents at the lowest compensation level and decreased as compensation increased. The longest contract length category was reserved for superintendents with the highest compensation and decreased in percentage as compensation continued to drop.

Profile Summary

The following is a profile summary derived from the superintendent demographic data obtained:

1. Superintendents who worked in districts with large enrollments (10,000+) held a doctorate, were in the highest compensation category and were employed on the longest contracts. Thus, superintendents who held a higher degree and were responsible for more students received a longer contract from school boards.

2. Superintendents employed in small districts (0-999) were paid in the lowest compensation category and had the shortest contracts, but they had the greatest amount of experience and tenure. Thus, superintendent experience and tenure are inversely proportional to the size of the school district, compensation of the superintendent, and contract length.

3. A higher percentage of female superintendents than male superintendents held the doctorate and received the highest level of hiring compensation. Thus, female superintendents earn the doctorate at a higher rate than male superintendents and school boards hiring females with the doctorate reward them with higher compensation than males.

4. Most of the superintendents who participated in this study had 0-5 years experience and tenure and, as their experience and tenure increased, the number of superintendents decreased. Thus, over the last five years, many new superintendents have entered the job market and, as a result, fewer jobs will be available for new superintendents.

5. Superintendents were asked if they had received ethics preparation in their graduate course studies. Over two-thirds (68.9%) of the respondents indicated that time was given to discussing ethical issues related to administrative decision making. Many stated that ethics preparation was woven into their courses.

Conclusions

The following conclusions have been derived from the data obtained:

1. The results of research question one indicated no significant difference in superintendents' ethical and legal decision making. More specifically, when asked to select the ethical response from the possibilities, superintendents were able to do so. The same was true for legal decision making. Whether confronted with an ethical dilemmas or legal dilemmas, respondents were equally accurate

2. Research question two indicated that the decision response pattern that emerged when conflict existed between ethics and law was an ethical one. This finding is consistent with Millerborg (1990) who found the ethical decision pattern response chosen more often than legal or other responses. An ethical decision response pattern emerged when superintendents were asked to choose between ethical and legal situations. It is concluded that superintendents tend to respond ethically rather than legally. This

conclusion is contrary to the legalistic nature of decision making in schools by its leaders. Schools are very structured bureaucratic organizations that contain rules, routines, and a hierarchy of authority. Decisions made by members of the school organization are centralized with a heavy emphasis on rules, regulations and laws (Hoy & Sweetland, 2001). Decisions made flow from the top down through a chain of command.

3. The results of research question three indicated a significant difference in superintendents' decision pattern responses. The ethical decision pattern response was chosen significantly more often than legal decision response or other (illegal or unethical) decision response pattern. It is concluded that superintendents choose ethical solutions to dilemmas significantly more often than legal, illegal, or unethical responses when conflicts occur between the dimensions of ethics and law. These results support the research of Peach and Riddick (1986) and Millerborg (1990) who concluded that ethics strongly influences the actions of individuals. These results also support Foster (1986) who concluded that ethical principles influence administrative decision making, not the technical aspects of an administrator's job (Foster, 1986).

Implications Relative to Theoretical Framework

Utilitarianism suggests that individuals will use an ends-based thinking approach to decision making by considering the consequences of decisions before taking action. After considering the choices offered to dilemmas, superintendents chose actions that produced the most positive consequences or good for all.

The highest decision response pattern for superintendents was the ethical decision one. Superintendents who made this type of selection, according to ethical philosophers,

used a type of utilitarianism called act-utilitarianism to make decisions. These superintendents made individual decisions on a case-by-case basis, avoiding the constraints that rules and laws place on decision makers. Each situation was judged on its own merits, allowing for exceptions to be made by superintendents during the decision making process.

An example of superintendents using this frame in decision making can be seen on the third ethics question. The question asked: Your district is a rural one, with a homogeneous population. The teaching staff also reflects this homogeneity. 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 of an ethnic minority not generally found in your area. The board made it clear in the past that all hiring is entirely your decision and they'll ratify any recommendation you make to them. What is your recommendation? Results showed 94.2% of superintendents selected C, the most appropriate ethical response. This response was to exercise your usual prerogative of a nearly final decision in hiring the teacher. From the act utilitarian framework, these superintendents examined this situation and judged it on its own merits. By looking beyond the fact that the candidate was of an ethnic minority and by realizing that he held promising credentials, he was the best qualified person for the job who, in the end, would produce the most good for the students and staff of the district.

The second highest decision response pattern was the legal decision. Superintendents who made this type of selection, according to ethical philosophers, used another type of utilitarianism, rule-utilitarianism, to make decisions. Superintendents in these situations used rules and laws to guide their actions in an attempt to promote good.

They followed rules and laws to produce the best results instead of focusing on the inconsistency of individual acts. Superintendents believed that it is the rule or law that produces the most happiness and it is this that should be followed at all times.

An example of superintendents using this theoretical framework in decision making can be seen on the first legal question which asked: A student from another district enrolls in your district. The parents give the principal the student's special education confidential file. What should he do with the file? Results showed 89.2% of superintendents chose B, the correct legal response. This response was to have school personnel who have an educational interest in the child review and sign the folder, and then place it in a locked area. From the rule utilitarian framework, these superintendents used the law to guide their actions in an attempt to promote good or bring the best results for the student. The law provides the opportunity for those individuals who have an educational interest in the child to review the record. Superintendents wanted those teachers with the closest contact with the student to review the file to better meet the individual needs of the special education student.

The utilitarian ethical theory also provided a valid framework for superintendent decision making on the final portion of the questionnaire. Question one on this section asked: A teacher in your district is planning to retire in three years. You know she has not kept current with subject content and she is no longer an effective teacher. However, she is very loyal to the school and to you. What will your action be? Results showed 72.3% of superintendents selected the most appropriate ethical response. This response was to give assistance to the teacher and allow her to end her career with dignity. These superintendents used act utilitarianism in their decision making process in an attempt to

produce the most good. They judged this situation on its own merits by allowing for an exception to be made because of her loyalty and service to the students and the district. The 23.2% of superintendents who responded legally, which was to proceed to prove the teacher incompetent without consideration for her years of service, used rule utilitarianism to make their final decision. These superintendents believed that by lawfully removing her from the classroom more students in the future would benefit and produce the best results.

Recommendations

Research

It is recommended that superintendents' ethical and legal decision making in the northeast region of the United States be studied. The current research studied states in the midwest and southwest that included one with several large school districts, one with small districts, and one with a combination of these two. A new study could compare these results with a region in the country containing states with strong employee unions and several very large school districts. Superintendents usually view unions as making the job more difficult.

Graduate students in superintendent preparation programs could be used to refine the instrument through a pre-test on ethical and legal dilemmas given at the beginning of the program and a post-test at the end of the program. In this study superintendents were surveyed after being on the job as a superintendent. A new study could examine the development process of superintendents as they learn how to make better decisions when faced with dilemmas that involve ethics and law.

A study using qualitative methodology could be conducted to gain a richer, deeper understanding of superintendent decision making where dilemmas arise in the conflict of ethics and law. The current study did not focus on how or why superintendents made the decisions on dilemmas involving ethics and law. A qualitative study could help researchers better understand the concerns and issues superintendents face when they wrestle with these types of dilemmas.

Practice

Superintendent associations, school board associations, and state professional development centers should provide many opportunities for current superintendents to hone their problem solving skills with ethical and legal issues. In this study, one-third of superintendents indicated that they did not experience any ethics training during their graduate course work. Organizations such as these listed can provide needed support and training to overcome the lack of training for these superintendents.

Superintendent preparation programs should consider, in addition to its course integration of ethics instruction, stand alone classes on ethical and legal problem solving. In this study, while superintendents chose ethical and legal responses, they still chose unethical and illegal responses. The result of combining these instructional approaches might reduce the number of unethical and illegal choices of superintendents.

Final Thoughts

This study used scenarios to examine what influences superintendents in their decision making. The scenarios did not have extreme ethical or legal consequences for

superintendents. If one or the other were overlooked, it would not necessarily result in severe consequences for the superintendent, students, staff, or community. This could have influenced the judgment and decision pattern responses that emerged for the superintendent.

It was believed, heading into this study, that the laws enacted over the last 15 years and the bureaucratic nature of the way schools are organized and operated would result in a legalistic response pattern for superintendents today. In fact, from the results of this study, the researcher concluded that superintendents still rely heavily on ethics in the decision making process. However, Millerborg (1990) found superintendents relying on ethics 63% of time in the decision making process and, in this study, they relied on ethics only 48% of the time.

Ethics continues to play a major role in the decision making process of superintendents. Superintendents continue to make decisions based not only on laws, but also on their personal values and professional codes of ethics. It appears, based on the results of this study, that ethics in addition to law should be heavily emphasized in superintendent preparation programs. This reinforcement and training should help superintendents hone their ethical and legal decision making skills.

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APPENDIXES

APPENDIX A

SUPERINTENDENTS' ETHICAL AND LEGAL DECISION

MAKING: PATTERNS FORMED AND FORCES

THAT INFLUENCE

Section I: Demographic Information- Please circle the appropriate answer for each question.

1. What is your gender? a) male b) female
2. What is the highest degree that you have obtained? a) Doctorate b) Education Specialist c) Masters d) Other
3. What are your total years experience as a superintendent?
a) 0-5 b) 6-10 c) 11-20 d) 21-30+
4. How many years have you been superintendent of your current district?
a) 0-5 b) 6-10 c) 11-20 d) 21-30+
5. What is the length of your contract as superintendent? a) 1 year b) 2 years c) 3 years d) more than 3 years
6. What is the frequency of superintendent turnover for your district over the past 5 years? A) 1 b) 2 c) 3 + d) none
7. What is the enrollment size of your school district? A) 0-999 b) 1000-2999
c) 3000 – 9999 d) 10,000 +
8. What is your current compensation? a) 50,000- 69,999 b) 70,000 – 89,999
c) 90,000 – 99,999 d) 100,000 – 109,999 e) 110,000+
9. In which state are you currently employed as a superintendent? a) Texas
b) New Mexico c) North Dakota
10. In your graduate course work in school administration, was time given to discussing ways of looking at the ethical aspects of making decisions, or the obligations of an administrator to his/her clients?
A. No
B. Yes
Please explain: _____

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

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 at the high school. 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 veiled threats that his grades could be lowered. The matter is complicated by the father's advisory 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 that censure will be applied in some form.
 - B. Placate the parents by transferring the student into another classroom with a teacher whose techniques are well known to you.
 - C. Call the principal 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 principal but that no direct action will be taken until both sides of the controversy have been aired.

2. The school board has maintained a policy of refusing any federal funds for school programs. You have been approached by the state department of education and urged to conduct a federally financed program in your district, because your district seems 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. What do you do?
 - A. Stand on the board's policy, however regretfully, and decline the offer.
 - B. Approach the board members, asking that they reconsider its previous stand for various reasons.
 - C. 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. Ask for board support in the program and a reversing of their policy statements, and also indicate that such a reversal is a deciding factor regarding whether or not you'll remain as superintendent.

3. Your district is rural one, with a homogeneous population. The teaching staff also reflects this homogeneity 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 of an ethnic minority not generally found in your area. The board made it clear in the past that all hiring is entirely your decision and they'll ratify any recommendation you make to them. What is your recommendation?
 - a. Turn to the 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. Give the board a list of candidates with all credentials, and asked them to make their 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. Do not hire the candidate but make every effort to help the candidate get a job in another district.

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

1. A student from another district enrolls in your district where you are the superintendent. The parents give the principal the student's special education confidential file. What should he 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.
2. 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 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 do you take?
 - a. Look the other way until someone complains
 - b. Remind all district staff members of the statute.
 - c. In cooperative planning, find some way to go around the law.

- d. Notify all district staff members of the statute in writing and follow-up to see that they have complied.
 - e. Allow district staff members to continue their practices and talk to some legislators about your concern.
3. 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 IV: Please answer each scenario by circling the letter of the answer that best represents the decision you would make in each situation.

1. A teacher in your district is planning to retire in three years. You know she has not kept current with subject content and she is no longer 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.
2. 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 immediate need for the inhaler. 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.

3. During a building walk through you pass by the copy machine and 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 continue your building walk through.
 - b. Discuss the concern with the staff member 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 staff member to copy the materials, a few at a time.
 - e. Discuss the incident at the next principal's meeting and inform them of your expectations.

4. A mandate comes from the state requiring that all districts comply with the state adopted curriculum guides and tests. You feel complete compliance with the regulation would demoralize the faculty in your district, stagnate the curriculum, and stifle creativity. Your course of action would be:
 - a. Require compliance by all the teaching staff in the district.
 - 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 principals to have teachers write their own curriculum guides.
 - e. Ignore the new regulation.

5. The Individuals with Disabilities Education Act states children with disabilities should be placed in the least restrictive environment. A child enters a school in your district with an Individualized Educational Placement (IEP) that states the child will receive art and music instruction with age appropriate peers. 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 remain in the special education class during that period.
 - c. Allow the child to go to two art classes since art classes are small the art teacher agrees.
 - d. Require the music teacher to take the child.
 - e. Tell the music teacher if she will take the child, she can have one less duty per week.

6. A teacher in your district wants to refer a student for assessment to determine if there is a need for physical therapy as a related IEP service. 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. Have the principal hold the referral in his 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 principal to tell 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. Have the principal 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.

7. A student enters a school in your district. The principal calls you to say that upon reviewing the confidential information of the students, he notices the child has tendencies toward violent behavior. The principal has a conference with the parents and asks permission to share this information with the faculty who will be responsible for supervising the child. The parents are concerned that their child may be labeled or judged because of sharing the information with the staff. Your action would be to:
 - a. Have the principal show the records to the student's teachers and suggest that the teacher tell the others.
 - b. Have the principal keep the information confidential.
 - c. Have the principal share the records with the faculty and ask the teachers to keep the information confidential.
 - d. Ask the principal to remove the information from the records.
 - e. Tell the principal to refuse to admit the student unless the parents comply.

8. 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.

9. One of the principals working in the district called and said that a student came to them in strictest confidence to share that his father is out of work. There is not food at home, and he has no money for lunch. His parents refuse to sign a free/reduced lunch form. The principal also stated that the student ask him not to tell anyone about the situation. Your action would be to:
- a. Have the principal call an agency and have an official talk to the parents.
 - b. Tell the principal to dismiss the concern.
 - c. Ask the principal to sign the parent's name on the form.
 - d. Instruct the principal to tell the cafeteria to allow the child to eat free and to continue to try and convince the child to let you seek assistance.
 - e. Have the principal tell the student that your hands are tied and you can do nothing unless he agrees to let you share the information.

APPENDIX B

PERMISSION TO USE OR CHANGE

QUESTIONNAIRE

>>> "Mark Stanton" <mstanton@miami.k12.ok.us> 4/17/2006 8:57:39 AM >>>

Good morning Dr. Millerborg

My name is Mark Stanton and I am a Doctoral student at OSU. I am writing you to ask permission to use your instrument to survey superintendents in the states of Oklahoma, Kansas and Missouri. I am looking at influences on ethical and legal decisions and decision patterns. I want to also identify the decision pattern.

Thanks
Mark Stanton

** High Priority **
Mark

I am pleased you are interested in my dissertation. You are welcome to Use the instrument. I will look for the key. I will have to study my results to determine how it was scored. I think you are right. If you do not hear from me in the near future, do not hesitate to email me.

>>> "Mark Stanton" <mstanton@miami.k12.ok.us> 5/15/2006 11:41:13 AM
>>>

Hi

My proposal meeting went pretty well.. Would you give me permission to make some changes to the survey?

Thanks mark stanton

** High Priority **

I am glad the meeting went well. You may change the survey as needed.
Good luck. Keep me posted. I would love to read the final version.

APPENDIX C

IRB APPROVAL FORM

Oklahoma State University Institutional Review Board

Date: Tuesday, May 30, 2006
IRB Application No ED06144
Proposal Title: Superintendents' Ethical and Legal Decision Making, The Patterns Formed and the Forces that Influence these Decisions

Reviewed and Processed as: Exempt

Status Recommended by Reviewer(s): Approved Protocol Expires: 5/29/2007

Principal Investigator(s)

Mark Stanton
2213 Oak Lane
Miami, OK 74354

Ken Stern
311 Willard
Stillwater, OK 74078

The IRB application referenced above has been approved. It is the judgment of the reviewers that the rights and welfare of individuals who may be asked to participate in this study will be respected, and that the research will be conducted in a manner consistent with the IRB requirements as outlined in section 45 CFR 46.

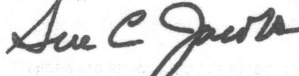
The final versions of any printed recruitment, consent and assent documents bearing the IRB approval stamp are attached to this letter. These are the versions that must be used during the study.

As Principal Investigator, it is your responsibility to do the following:

1. Conduct this study exactly as it has been approved. Any modifications to the research protocol must be submitted with the appropriate signatures for IRB approval.
2. Submit a request for continuation if the study extends beyond the approval period of one calendar year. This continuation must receive IRB review and approval before the research can continue.
3. Report any adverse events to the IRB Chair promptly. Adverse events are those which are unanticipated and impact the subjects during the course of this research; and
4. Notify the IRB office in writing when your research project is complete.

Please note that approved protocols are subject to monitoring by the IRB and that the IRB office has the authority to inspect research records associated with this protocol at any time. If you have questions about the IRB procedures or need any assistance from the Board, please contact Beth McTernan in 415 Whitehurst (phone: 405-744-5700, beth.mcternan@okstate.edu).

Sincerely,



Sue C. Jacobs, Chair
Institutional Review Board

VITA

Mark Allen Stanton

Candidate for the Degree of

Doctor of Education

Thesis SUPERINTENDENTS' ETHICAL AND LEGAL DECISION MAKING

Major Field: Educational Administration

Biographical:

Personal Data: Born in Broken Arrow, Oklahoma, August 2, 1966. Served in United States Marine Corps 1984-1988.

Education: Graduated from Miami High School, Miami, Oklahoma, in May 1984; received Bachelor of Science degree in Chemistry and Biology Education from Missouri Southern State University in December 1993; received Master of Science in Education degree in Educational Administration from Missouri State University in May 2000; received Specialist in Education degree in School Administration from Pittsburg State University in May 2002; completed requirements for the Doctor of Education degree in Educational Administration from Oklahoma State University in July 2007..

Professional Experience: Teacher, Webb City High School, Webb City Public Schools, Webb City, Missouri, 1994-2000; Principal, Sarcoxie Public Schools, Sarcoxie, Missouri, 2000-2001; Principal/Administrative Assistant to the Superintendent, Will Rogers Middle School, Miami Public Schools, Miami, Oklahoma, 2001 to present.

