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## An Analysis Of Knowledge Of The Bible, Private School Law, And Business And Finance Between Christian School Principals With And Without Graduate Degrees

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AN ANALYSIS OF KNOWLEDGE OF THE BIBLE, PRIVATE SCHOOL LAW, AND  
BUSINESS AND FINANCE BETWEEN CHRISTIAN SCHOOL PRINCIPALS WITH  
AND WITHOUT GRADUATE DEGREES

by

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A dissertation submitted in partial fulfillment of the requirements  
for the degree of Doctor of Education  
in the School of Teaching, Learning and Leadership  
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## ABSTRACT

This study analyzed the performance of a sample of K-12 Assemblies of God Christian school principals on the Christian School Principal Preparation Assessment Questionnaire (CSPPAQ). The CSPPAQ, developed especially for this study, assesses knowledge in three areas: knowledge of the Bible, knowledge of private school law, and knowledge of business and finance. A sample size of 102 was determined using the sample size formula, based on a population of 611 and a bound of 4 ( $\pm 2$ ). Numerous school closures over the course of this study caused the population size to drop to 490. This fact, coupled with a 45% survey return rate called for an adjustment of the bound to 6.4 ( $\pm 3.2$ ) for a sample size of 42.

The scores in each of the three sub-areas as well as the composite score were then analyzed to determine if there was a statistically significant relationship between principals without a graduate degree and those with a graduate degree in Bible/theology, educational leadership and other (any other graduate degree). A single factor ANOVA procedure was used and determined that no statistically significant relationship exists for mean score in knowledge of the Bible ( $F=1.05$ ,  $p>.05$ ). Mean score for knowledge of private school law showed a marginally significant difference ( $F=2.8$ ,  $p=.054$ ). Mean score in knowledge of business and finance also showed no significant relationship ( $F=1.7$ ,  $p>.05$ ) with the same result for the composite score ( $F=2.18$ ,  $p>.05$ ). Mean scores in the areas of private school law and business and finance were low (18.7 and 16.2 respectively). Calculating a percentage score for these areas would compute to 53% ( $18.7/35$ ) and 54% ( $16.2/30$ ) respectively, indicating a low knowledge base for these areas. Percentage composite score was also low at 63% ( $55.2/88$ ).

The data showed that it did not seem to make a difference whether the respondents had attained a graduate degree in any of the tested fields; there was little or no significant difference in their score. This evidence suggests that no current study program adequately prepares an individual with the knowledge base needed to effectively lead a Christian school, especially in the areas of private school law and business and finance. Given that the review of literature showed that Christian schools most often fail due to financial reasons, this finding is particularly significant.

It was suggested that universities look at the principal preparation programs to determine if they can add material which would help to better prepare the Christian school principal. This study indicates a knowledge deficit in the areas of business and finance and private school law, materials added in those areas might prove helpful to this group. Follow-on study was suggested in a larger population of Christian schools, perhaps in the Association of Christian Schools International, to more definitively determine if specially designed graduate programs need to be developed for this population of administrators.

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## CHAPTER 1 INTRODUCTION

### The Christian School Principal

Examinations of data available from [floridaschoolchoice.org](http://floridaschoolchoice.org) (2007) show that there are 1431 private, religious schools in Florida (*Characteristics of Schools, Districts, Teachers, Principals, and School Libraries in The United States*, 2006). Each of these schools has at least one principal or administrator, doing what must be done to ensure the school's survival and efficacy ("Florida School Choice," 2002). Staples (2005) compared the leadership roles of public and private elementary school principals and found them to be similar in more areas than they were different (Staples, 2005). It is true, many of the functions of the private school principal mirror those of public school principals, however, many are radically different, and the graduate programs available to prepare school leaders were designed to meet the needs of public school principals (Hughes, Johnson, & Madjidi, 1998).

Fitzpatrick studied five recently closed Christian schools, interviewing 43 stakeholders, and discovered eight factors explaining why the schools closed. The number one factor was leadership (Fitzpatrick, 2002). Sergiovanni (1987), Portin, Schneider, DeArmond, & Gunlach (2003), Drake & Roe, (1999), and many others all studied the principal's role in school leadership. None of them listed a role of pastor (Jacobs, 1998). None talked about creating a business plan, maintaining a customer base, doing a cost/benefit study, or examining the school's profitability ratio (McLaughlin, 1995). None of them talked about inserting a no-competition clause into the faculty contracts (*Private School Law in America, 19ed.*, 2007), or the pros and cons of accepting

state vouchers and students on scholarship programs, and what is an intelligent ratio of scholarship to non-scholarship students for out-year income forecasting (McLaughlin, 1995).

These critical areas constitute the major differences in leading a private, Christian school. These hybrid schools are an educational institution, a spiritual ministry, and a non-profit business (McLaughlin, 1995). They are primarily ruled by contract, rather than constitutional law (*Private School Law in America, 19ed.*, 2007). The volumes written about public school leadership fill libraries, but the literature barely deals with the Christian school leader. The many aspects of Christian school leadership need to be studied.

#### Statement of the Problem

In order to effectively lead a Christian school, the leader must be prepared for both the areas of leadership that are alike in all schools, as well as the areas that are unique to private, Christian schools. Currently few specialized degree preparation programs exist for Christian school administrators, so most attend programs designed with the public school administrator in mind, or else do not attend a graduate program at all. For administrators currently serving in Christian schools, it is not known if their educational preparation has given them the knowledge base needed to effectively serve their schools. Using the Christian School Principal Preparation Assessment Questionnaire (CSSPAQ) a questionnaire developed especially for this study, this research will explore the knowledge base of a sample of Christian school lead

administrators in the following three areas: Bible knowledge, private school law, and business and financial management.

### Research Questions

The following research questions will guide the design of this study.

1. What is the relationship, if any, between score on the Bible knowledge area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?
2. What is the relationship, if any, between score on the Private School Law area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?
3. What is the relationship, if any, between score on the Business and Finance area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?
4. What is the relationship, if any, between composite score on the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

## Clarification of the Problem Statement

### Definition of Terms

The following definitions were included to clarify terminology used in this study.

Christian School – Christian school refers to nonpublic and non-charter Pre-K to 12 schools which are members of or accredited by the Association of Christian Teachers and Schools (ACTS).

Christian School Principal – Christian school principal refers to the lead administrator of the Christian school being surveyed. A Christian school often includes an upper and lower school or schools. Each of these may have its own principal, responsible for the operation of that portion of the school. When this is the case, only the lead administrator (often known as headmaster) will be surveyed. For the purpose of this study, that person will be known as the Christian school principal.

Bible Knowledge – Bible knowledge refers to the knowledge needed to pass the examination for licensure as a minister in the Assemblies of God organization.

Knowledge of Private School Law – refers to an overview of the major tenets in Private School Law in America, 19ed(Private School Law in America, 19ed., 2007).

Knowledge of Business and Finance – refers to an overview of the major areas found in StreetSmart Financial Basics for Nonprofit Managers(McLaughlin, 1995).

Area Score – A respondent's score on the various knowledge base areas (Bible, business, and law).

Composite score – an omnibus score obtained from adding the scores of the various areas.

## Hypotheses

The following null hypotheses will be used to examine research questions one to four:

- H1.No statistically significant relationship exists between score on the Bible knowledge area of the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).
- H2.No statistically significant relationship exists between score on the Private School Law area of the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).
- H3.No statistically significant relationship exists between score on the Business and Finance area of the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).
- H4.No statistically significant relationship exists between composite score on the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).

## Methodology

The population to be studied is the principals of Christian schools in the Association of Christian Teachers and Schools (ACTS), a nationwide organization of

Christian schools. This population includes 611 K-12 Christian schools of varying sizes, and in numerous states. Sample size was determined using a 95% confidence level and a bound of 4 ( $\pm 2$ ) on the range of 88 (highest score possible of 88 minus lowest score possible of 0). Using the sample size formula for these values, a minimum sample size was computed to be 102.

Data collection will be conducted according to the elements of Dillman's (2007) Tailored Design Method for mailed surveys. The survey instrument will be distributed to the sample of 102 Christian school principals in the ACTS organization(Dillman, 2007).

Once the questionnaires have been returned, individual responses will be entered into the SPSS statistical analysis program, and area and composite scores will be calculated. Mean scores will be computed and reported. For research questions one to four, an ANOVA procedure will be used to determine if a relationship exists between area and composite score and degree attained. ANOVA results will be reported and used to determine if there is a statistically significant relationship between the variables, and therefore if the null hypothesis should be rejected or fail to reject(Lomax, 2007).

#### Significance of the Study

This research will be significant since it is one of the first attempts to look at the adequacy of principal preparation for the Christian school environment. It is hoped that the research will be used to improve the community by bringing attention to the knowledge base of a significant population of individuals serving thousands of students across the nation. This study could stimulate further research in this area, and could even



be used to aid in the design of graduate programs aimed at the Christian school principal, an area of need that is largely undeveloped.

### Conclusion

Assemblies of God Christian school principals go to work every day and attempt to make a difference in the lives of the students in their charge. Some are well-prepared for the work, and face it with confidence every day. Perhaps some, however, lack the knowledge and preparation they need to be as effective as they could be. This study aims to determine that knowledge base so it can be built upon, thereby making future principals better able to impact the lives of the students in their charge.

## CHAPTER 2 REVIEW OF LITERATURE

### The Christian School

According to data from the 2007 private school survey, the United States had 33,740 private elementary and secondary schools, enrolling 5,072,451 students and employing 456,266 full-time equivalent (FTE) teachers. Of these schools, 68 percent had a religious orientation or purpose. 4,086,880 students attended 22,910 private, religious schools every school day. Given the magnitude of this population, it is important to look at what kind of education they are receiving and the people who are leading them (Broughman, Swaim, & Keaton, 2009).

The Christian school movement began to boom in the 1970s during the turbulent years of racial integration. Because many schools opened during this period, there has been an underlying perception of racism; that the schools exist to shield white, privileged students from the rest of the huddled masses. Parsons observed that only about 25 percent of the Christian schools had an all-white student body (Parsons, 1987). Data from the private school survey uphold his observation, showing that all-white schools have all but disappeared. The 2007 survey revealed that white students made up 75 percent of the overall student body of religious schools. Ten percent were black African American, ten percent Hispanic, with the remaining five percent of other races. If racism is not the reason, then why do these schools exist at all?

Parsons (1987) found that many parents select the Christian school simply to escape the problems in the public system. In 1977, Willimon (1993) wrote an article in which he argued that “Christians had no business founding Christian schools” (p.30). He

stated that Christian schools were “separatist, possibly racist, and inimical to Christian evangelism” (p.30). In 1993 he wrote a second article admitting that he was wrong for his previous statements. In this article he stated that “these schools are leading the way for a Christian rediscovery of a mission in education” (p.32) (Willimon, 1993).

Chadwick (1982) wrote that parents enroll their children in Christian schools for many reasons. They like the intimacy of the smaller schools and classes, and they like the stricter discipline and the perception of safety that it brings. None of these reasons, however, speak to the real mission of the Christian school. Its mission is to assist parents in their God-given role to educate their children in the knowledge of God; to graduate “functioning members of society [who are] also functioning members of the body of Christ” (p.21).

Christian schools endeavor to be set apart in many areas. They are typically sponsored by a local church, and usually occupy its buildings. The church pastor is involved in the school leadership; sometimes as school president, sometimes as superintendent, chairman of the school board, or even as principal. Teachers are selected based not only on their competency as professionals, but for the evidence of the work of Christ in their lives (Deuink & Herbster, 1986). Smith (2007) found that many teachers feel a sense of calling to their work, and that they are working not for the money, the leadership, the parents, or even the students, but for God himself. Christian schools view themselves as a ministry, with the function of bringing students into a relationship with the Lord Jesus Christ, and turning them into disciples who are equipped to take their Christian principles into leadership positions in secular society (Chadwick, 1982).

## The Principalship

Sergiovanni (1987) defined six basic task areas and activities for school principals. He named them the school program, pupil personnel, staff personnel, community relations, physical facilities, and management. In each of these areas, the principal must perform planning, decision making, organizing, coordinating, communication, influencing, and evaluation. He further asserted that the effective principal must define the school's philosophy and mission; this is the role of statesperson leadership. He must guide the achievement of school objectives; this is educational leadership. He works through teachers who are committed to these objectives; this is supervisory leadership. He must build and maintain a supportive school climate; this is organizational leadership. Finally, he must work over a long period of time in cooperation with teachers, other administrators and staff. In these roles he is exhibiting administrative and team leadership. The effective educational leader must be a management engineer, human engineer, clinical practitioner, symbolic chief, and cultural high priest to effectively lead his school (Sergiovanni, 2006).

Drake & Roe (1999) defined school leadership as collaborative work toward a vision that is ever expanding, so that excellence can be achieved in organizational and professional goals and objectives. It is creating an environment that is free of threats which impedes growth; so that each person's creative talents and skills can be used to their maximum potential. The effective school leader encourages and builds working relationships that satisfy both the individual and the organization. These relationships unify and strengthen as individual members realize their mutually determined goals and

objectives, with the result of effective group problem solving. Finally, the leader optimizes available human and material resources.

Using this model, leadership may come from any source—students, faculty, staff, parents, board members, or others. The principal’s leadership task becomes to “nurture, develop, and reinforce leadership wherever it is found to further the shared purposes of the school” (Drake & Roe, 1999, p. 132).

Portin, Schneider, DeArmond, & Gunlach (2003) found that all schools need leadership in seven critical areas: instructional, cultural, managerial, human resources, strategic, external development, and micropolitical. These researchers called the principal a “master diagnostician” (p.13), able to see and diagnose his school’s needs, and decide how to meet them with the resources and talent available. They also came to the conclusion that it is folly to expect that “a single individual can master all the skills that go into running a school” (p. 8). They purported that schools are complicated organizations, and directing them cannot be reduced to a set of formulas, much less a single formula like instructional leadership (Portin, Schneider, DeArmond, & Gundlach, 2003).

Dawes and Harris (1988) wrote 288 pages on the business management and service tasks of the school principalship. In 16 chapters and 101 sections, they break down all the myriad functions that the principal, her staff and district and state level personnel must do and support in order to offer free, public education to the children of this nation. Using the metaphor of the principal as the Chief Executive Officer (CEO), they cover many logistical functions that the principal must manage. The principal must

not only lead instruction, he must manage the custodial support, food services, facility maintenance and support, computer technology, human resources, fiscal services, purchasing and warehousing, transportation, health and social services, pupil personnel services, safety and security, and office support. She must constantly be aware of the legal ramifications of her every action, and how she will be perceived by the internal and external community. She must be searching for outside funding sources, while supervising ancillary fund raising within her organization (such as booster clubs, private organizations, athletic organizations, etc.). The principal must be in constant communication with parents, students, faculty, staff, district leadership, and community partners (Dawes & Harris, 1988).

Obviously, the role of the principal is daunting. In their section on time management, Dawes and Harris (1987) said that “the rigors of daily living along with the...professional work week can lead building staff members to a point of stress overload” (p.287). Fortunately, the public school principal has the help of the district superintendent’s office to back her up and provide support. They provide oversight or direct management of transportation, food service, pupil services (e.g. psychological support and social services) safety and security, facility maintenance, technology support and planning. They raise the needed monies for the district, deal with labor relations and collective bargaining, provide legal support, curriculum support, and liaise with the school board (Dawes & Harris, 1988). Glanz (2006) wrote specifically about the role of ethical and spiritual leadership, stating that “the work of the principal is spiritual in nature” (p.6).

### Christian School Principals

Each of the thousands of Christian schools operating every day has at least one principal or administrator, doing what must be done to ensure the school's survival and efficacy (Broughman et al., 2009). Staples (2005) compared the leadership roles of public and private elementary school principals and found them to be similar in more areas than they were different (Staples, 2005). It is true, many of the functions of the private school principal mirror those of public school principals, however, many are radically different (Hughes et al., 1998).

The faith-based school principal must perform nearly all the same functions as his colleague in the public system, often without support from any outside agency. Some functions, such as collective bargaining and legislated testing and accountability are missing, but others are added. Most notable in the arena of faith-based schools is the difference of perceived mission. Alt & Peter (2002) reported that public schools rated basic literacy skills as their most important goal, while private schools rated religious development as most important. The area of religious development is what makes faith-based schools distinctive, and indeed, places the principal in the role as faith leader (Alt & Peter, 2002).

### The Principal as Faith Leader

Wallace (1998) researched the distinctiveness of leadership in the faith-based school and particularly the principal's role as the faith leader. They found that although the great majority of catholic school principals were laymen, the principals reported that

they were responsible to “be a personal faith model to the faculty and students, provide meaningful opportunities for both students and faculty to develop their own faith, and provide leadership in building a faith community to strengthen the Catholic identity of the school” (p. 6). Wallace (1998) relayed Cappel’s belief that principals in the Catholic school are called. They are “spiritual persons who become Catholic school principals, not the other way around” (p.2). They also cite Caltigrone’s assertion that the principal must “represent Christ” (p.2). Also referenced is Hater’s assertion that the principal must work to bring the school into harmony with the mission of Christ (Wallace, 1998). Christ, in The Holman Christian Standard Bible (2004) defined his mission as “preach[ing] the gospel to the whole creation...so that the world might be saved” (pp. 908, 947). One principal quoted in Wallace (1998) stated that “I realize that as the principal I need to be a model of our faith. I have to walk the talk and treat everyone with dignity and respect, [I must] show that I believe that everyone on this earth is made in the image and likeness of God” (p. 6).

Jacobs (1998) explored the principal’s responsibility to “lead a community of educators in providing youth with the formation that will enable them to participate actively in the conversion of the world” (p.20). Even in the onslaught of day-to-day problems, he exhorted principals to keep an awareness of God’s presence so that their relationship with God could be allowed to permeate all they do. He stated that this awareness is a “matter of mindfulness” (p. 20), and that faith leaders must continually strive to keep mindful of Christ so that they can be the faith models that their calling requires (Jacobs, 1998).



### Effective Christian School Principals

As important as that is, an effective Christian school principal must be much more than a faith leader. Fitzpatrick (2002) studied the closure of five Christian schools, and found that failure of leadership was the number one factor in the closure of all five. In a prior, similar study, Harden (1988) stated: “management plays just as important a part in Christian schools as it does in the business world” (p.17). In case after case in Harden’s study, the school administrator was not prepared to perform his role. Some primary factors he found were inability to communicate the vision of the school to the church leadership, and therefore being unable to establish a harmony of mission. The administrator lacked effective business management skills and could not collect overdue accounts causing financial ruin. In the failure of one school, Harden told of an administrator who held a Doctorate in education administration, but “was not prepared for an administrative position in a Christian school” (p.47). There were too many differences between managing a publicly funded public school and a privately funded Christian school. Harden concluded his study by stating that “the majority of Christian schools do fail because of management and its policies” (p.59) (Harden, 1988).

Chadwick (1982) found examples of schools started by pastors and using individualized instruction with pre-packaged curriculum. He found that, in many cases, pastors were of the opinion that by using this curriculum, a viable Christian school could be started after “one week of training, yearly attendance at workshops, telephone consultations, and field representative assistance” (p.161). Chadwick countered this opinion by asserting that Christian school principals needed training and experience in

the areas of Bible knowledge, instructional leadership, and administration of Christian schools (Chadwick, 1982). Braley (1974) stated that the principal should be “competent in finance, understanding school curriculum, be proficient in advertising and public relations, be a wise counselor to teachers, parents, and students, and have enough physical and spiritual fortitude to work a 12 hour day” (p.2). He related the principal’s proficiency directly to school growth, arguing that the school would grow “in direct proportion to the principal’s personal enthusiasm for the students, teachers, curriculum and overall objectives” (p.4). Floyd (1986) studied factors related to the management of Christian schools and recommended that Christian schools should “hire a mature Christian trained in education management” (p.6). Fulbright (1981) analyzed the work of the Christian day school administrator. He found that Christian school administrators’ duties entail two major roles: educational leader, and leader of basic management function. He reported that administrators ranked the management functions in the following priority order:

Supervision

Planning

Coordinating

Accountability

Staffing

Promotion of School (p.126)

Baker (1979) made a number of statements about how an effective leader should behave. He stated that the leader must set the pace. He must set the example by working hard and showing enthusiasm and support for all school programs. He must stand for what is right. He must inspect in order to expect, holding his faculty and staff accountable for policy and procedure. He must be willing to innovate, and he must feel the school's spiritual heartbeat (Baker, 1979).

Deuink & Herbster (1986) were adamant in the assertion that choosing the right school leader has been shown to be "the most important factor leading to the success of failure" (p.34) of a Christian school. They listed the qualifications of a successful Christian school leader. They stated that he must be a spiritual leader with an adequate level of Bible knowledge. He must demonstrate professional competence, and possess adequate academic training: "preferably a master's degree in educational administration, but at least a bachelor's degree in Bible or some academic area, preferably education" (p.35). Suiter (2009) listed the following qualifications for a Christian school administrator:

Spiritual:.

Must have a strong commitment to the Lord.

Must have high ethical and moral standards.

His family must also be committed to and participate in the ministry, not embarrass it.

Professional:

Must be a visionary leader who can communicate and sustain the vision.

Must be able to develop a climate conducive to learning and professional development.

Must be able to effectively manage daily operations and resources (p.1).

It is evident that the effective Christian school principal is a combination of pastor, businessman, and educational leader. He must have a skill set that enables him to set the spiritual climate, oversee the educational program, and effectively run the business. But there is another area the Christian school leader must master, for the law governing private schools is different from public schools in many areas (*Private School Law in America, 19ed.*, 2007).

#### School Law

Other, non-spiritual areas of the faith-based school are inherently different from the public system. The area of applicable law is one prime example. Cross-referencing between public school law as published by Russo (2006) and private school law by Weinman, D'Agostino, McEllistrem, Roth, & Brown (2006), one can find numerous areas that either differ or are unique to one sector or the other. In Russo (2006) the entirety of Chapters one to six are inapplicable to private schools, as they have no mention in Weinman, et al (2006). These chapters deal with the legal framework for public education, church-state relationships, state-level entities, local school boards: powers and procedures, school finance and taxation, and use of school funds and property. Weinman deals with state action only to report that courts have held again and again that private schools do not act under the color of the state, and therefore, individuals cannot hold them liable for most constitutional violations. Fundamental to

private school law is the statement that “because the relationship between a private [school] and its students is contractual in nature, the students are only entitled to the procedural safeguards that the school specifically provides for them” (Weinman, D'Agostino, McEllistrem, Roth, & Brown, 2006, p. 83). This fundamental difference permeates private education, making nearly all the legal issues so prevalent in public school irrelevant in the private arena. Private school faculty have no union representation, therefore, there is no collective bargaining. Most private K-12 schools do not offer tenure, so there is no right to continued employment implicit in their contracts. There is no outside agency of the state controlling policy, such as the public school board. State teacher certification is not required in Florida for private school teachers. Curriculum is selected by each private school individually, not set by public policy. Student rights differ in that private schools can establish policies that violate constitutional rights of search and seizure, free speech, and even due process, as long as the students are notified of the school’s procedures and agree to follow them, and the school does not enforce them capriciously.

#### Private School Operations

On the most basic level, the courts have spoken on the private schools’ right to exist and educate students. In *Meyer v. Nebraska*, 262 U.S. (1923) the U.S. Supreme Court declared that parents’ right to direct their children’s education is a liberty interest. When states tried to force children to attend public schools instead of private, the Court spoke again. The landmark case of *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) established parents’ right to choose a private school; the liberty interest established in

Meyer could be exercised by attending a private school, and that attendance would satisfy compulsory attendance laws(*Private School Law in America, 19ed., 2007*).

States do have wide authority over private schools under their police powers. The extent of the authority is established by the state's constitution. Usually, this authority is executed in two ways: incorporation or chartering, and licensure. Not all states require licensure, and some exempt a school if it becomes regionally accredited. The courts have spoken repeatedly on the extent of a state's rights to police private schools(*Private School Law in America, 19ed., 2007*).

In *Youngblood v. Florida Dep't of Health*, No. 06-11523, 2007 WL 914239 (11<sup>th</sup> Cir. 2007), the Court established that a state's requirement to perform periodic health inspections did not violate the sponsoring church's constitutional rights. In *Ohio Ass'n of Independent Schools v. Goff*, 92 F.3d 419 (6<sup>th</sup> Cir. 1996) the Court found that states could require proficiency testing of private school students. In *New Life Baptist Church Academy v. Town of East Long Meadow*, 885 F.2d 940 (1<sup>st</sup> Cir. 1989) a private, christian school fought a community's requirement that faith-based schools pass an approval process. Although the trial court held for the school, declaring the approval process as excessive entanglement, on appeal the Circuit Court reversed. The Circuit Court held that the state had a right to require students to attend "either a public school or an approved private school," (Center for Education & Employment Law, 2007, p.5) and that exercising this right did not violate the school's first amendent rights(*Private School Law in America, 19ed., 2007*).

Faith-based schools have been directed to comply with numerous other state and local statutes. In *Health Services v. Temple Baptist Church*, 814 P.2d 130 (N.M. Ct. App. 1991) a church operated daycare center was closed when they cited a Bible mandate to use corporal punishment (spanking) in violation of state licensing requirements. A State court ruling denied the facility operation, and the Court of Appeals upheld, stating that the statute was “generally applicable and religion neutral” (Center for Education & Employment Law, 2007, p. 9) and as such did not violate the Free Exercise Clause. This general applicability/religious neutrality test was established by the Supreme Court in *Church of the Lukumi Babula Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993). Schools have been required to comply with building and land use codes, and conversely, communities have been enjoined from using the same codes to unnecessarily limit private school operations. Church based schools have been held to the same safety standards as public schools and required to close or comply, even though their facility was declared as safe for church operations (*Christian Academy of Abilene v. City of Abilene*, 62 S.W.3d 217 (Tex. Ct. App. 2001)). A state’s application of teacher certification requirements on faith-based schools has been upheld, and denied when it was not “religiously neutral” (see *People v. Dejonge*, 501 N.W.2d 127 (Mich. 1993) in Center for Education & Employment Law, 2007, p. 21). Courts have permitted states to require accreditation for faith-based schools (*HEB Ministries v. Texas Higher Educ. Coordinating Board*, 114 S.W.3d 617 (Tex. Ct. App. 2003)), and upheld an athletic association’s rule that member schools must be accredited (*Valley Christian School v. Montana High School Ass’n*, 86 P.3d 554 (Mont. 2004))(*Private School Law in America*, 19ed., 2007).

The Courts have held firm to enforcing non-discriminatory policies on private, even faith-based schools. Title 42 U.S.C. Sect. 1981 prohibits race discrimination in the making and enforcing of contracts. In *Runyon v. McCrary*, 427 U.S. 160, 96 S.Ct. 2586, 49 L.Ed.2d 415 (1976), the U.S. Court held that this section applies to faith-based schools. The only exception made was for schools that discriminate based on religious grounds. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin for any organization receiving federal funding. A Louisiana private school, Bowling Green School, which was opened with only white students at the same time as public schools were forced to integrate, tested the discrimination doctrine and lost. After numerous attempts to be certified to receive public assistance, the court held that the school had not shown honesty of intention to eliminate all remnants of discrimination, and that until they did they would remain ineligible (*Moses v. Washington Parish School Board and Bowling Green School*, 379 F.3d 319 (5<sup>th</sup> Cir. 2004)). The courts have held that private institutions can discriminate where such discrimination is done to correct harm done by historical discriminatory and oppressive practices (affirmative action plans). This philosophy was tested in *Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate*, 470 F.3d 827 (9<sup>th</sup> Cir. 2006). The school argued that the estate that established the school required that native Hawaiian students be considered first for admission, in order that Hawaiians could compete with Eastern and Western students educated on the mainland. If any room remained, non-Hawaiians could be admitted. The Court ruled that this practice constituted a valid affirmative action plan, and that it could continue. The courts have also ruled that discrimination allegations



cannot be upheld if a school can show valid, non-discriminatory reasons for denying admission (Baker v. Union College, Inc., 95 Fed.Appx 844 (8<sup>th</sup> Cir. 2004))(Private School Law in America, 19ed., 2007).

Title IX of the Education Amendments of 1972 (20 U.S.C. Sect. 1681) prohibits discrimination based on sex for any education program or activity receiving federal funds. Same-sex undergraduate institutions have been permitted to discriminate based on sex, but graduate institutions have not, unless they are affiliated with a same-sex undergraduate program(Private School Law in America, 19ed., 2007).

The Age Discrimination Act (42 U.S.C. Sect 6101, et seq.) prohibits discrimination based on age, but only for programs receiving federal funding. In *Stephanidis v. Yale Univ.*, 652 F.Supp 110 (D. Conn. 1986) the Court ruled that although one program in a school received federal aid, if the program being accused of discriminatory practices did not, this act did not apply. Sect. 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sect 794) and the Americans with Disabilities Act (ADA) (42 U.S.C. Sect. 12101, et seq.) gives protection to individuals with disabilities. In *Marshall v. Sisters of Holy Family of Nazareth*, 399 F.Supp.2d 597 (E.D. Pa. 2005) the Court ruled that private, religious institutions weren't liable to lawsuits under the ADA(Private School Law in America, 19ed., 2007).

### Student Rights

Private schools may sue or be sued for breach of contract in a variety of situations. Generally, punitive damages are not available unless there has been conspicuously bad or offensive behavior. Courts have held that a contract takes force

when a student is accepted for admission. The terms of the contract exist in the school's written materials, such as the student handbook, catalog, or tuition agreement. If either the school or student fails to meet the terms of the agreement, a breach of contract may exist. Even when parents have argued that school requirements were unreasonable, if the school had not been capricious in enforcement. In an Alabama case, female students emailed nude pictures of themselves to boys in the school during a sleepover off campus. One of the boys forwarded the photos around the town. When one of the photos appeared as a screen saver in the school's 6<sup>th</sup> grade computer lab, the school headmaster expelled the five students he knew to be involved. The parents' counsel argued that since the offensive behavior occurred off campus and after school hours, that the school had no jurisdiction. However, since the handbook that the parents had signed contained a statement warning students that they could be expelled for off-campus immoral behavior or behavior that put the school in a bad light, the court upheld the expulsion (*see S.B. v. St. James School*, No. 1031517, 2006 WL 3530651 (Ala. 2006) in *Center for Education & Employment Law*, 2007). In an interesting case, a Florida District Court held that a contract between parents and the school was for "personal services" (*Center for Education & Employment Law*, 2007, p. 47), therefore, not enforceable by injunction (*Glass v. Anderson*, 704 So.2d 697 (Fla. Dist. Ct. App. 4<sup>th</sup> Dist. 1997)).

Schools must be careful to follow their own written guidance. Failure to do so can cause claims of fraudulent representation. Failure to provide services that were promised, to include qualifications of teachers or equipment, and failure to follow rules concerning admissions or enrollment can result in successful lawsuits. A Minnesota

court held that failure to provide promised services is actionable and remanded the case back to the trial court for further action (*Alsides v. Brown Institute, Ltd.*, 592 N.W.2d 468 (Minn. Ct. App. 1999) in Center for Education & Employment Law, 2007).

Courts have enforced collection of tuition when parents broke contracts outlined in student handbooks. On the other hand, when schools broke the contract, the courts have called for tuition refunds. In New Jersey, a parent tried to argue the concept of mitigated damages, saying that the school had a duty to seek to enroll another student in order to mitigate his damages. The court disagreed, saying that the school did “not have an inherent duty to mitigate, nor did the contract create such a duty” (*Princeton Montessori Society, Inc. v. Leff*, 591 A.2d 685 (N.J. Super. Ct. App. Div. 1991) in Center for Education & Employment Law, 2007, p. 58). However, in *NJR of Woodbury, Inc. v. Woida*, No. A05-268, 2005 WL 3372625 (Minn. Ct. App. 2005), the court upheld the concept of mitigated damages in collection of tuition. Although parents withdrew a kindergartener prior to the school year and thus broke the contract, the court denied payment since the school had mitigated the damages by enrolling another student. A Connecticut court found that parents had to pay the balance of tuition when they withdrew their student in January even though the parents claimed the school failed to provide promised services such as speech therapy. The court said that the parents failed to substantiate their claims (*Hope Academy v. Friel*, 37 Conn.L.Rptr. 535 (Conn. Super. Ct. 2004)). The same court required a full year’s payment for a withdrawal even though the parents were dissatisfied with their student’s progress (*Hope Academy v. Walz*, No.

CV03008070750S, 2004 WL 94450 (Conn. Super.Ct. 2004) Center for Education & Employment Law, 2007).

Although numerous parents have tried, courts have been reluctant to award damages for educational malpractice. These claims lack standards for quality of care, cause or injury. There is much uncertainty as to cause or even the nature of any damages to the student. Courts are also concerned about embroiling themselves in the daily operations of schools. The landmark case documenting the courts' concerns was *Rich v. Kentucky Country Day, Inc.*, 793 S.W.2d 832 (Ky. Ct. App. 1990). In it the court held that the claim, "the court noted, lack[ed] any readily acceptable standards of care, cause, injury or damages. Also, since there was the possibility of an increase in litigation, the court ruled that Kentucky would not recognize an action for educational malpractice" (Center for Education & Employment Law, 2007, p. 63). Parents have sued over level of achievement (*McGurl v. Friends School, Inc.*, No. 2002-CA-000115-MR, 2003 WL 1343248 (Ky. Ct. App. 2003)), "reckless instruction and improper curriculum" (*Vogel v. Maimonides Academy of Western Connecticut, Inc.*, 754 A.2d 824 (Conn. App. Ct. 2000) in Center for Education & Employment Law, 2007, p.62) and unacceptable discipline or supervision (*Houston v. Mile High Adventist*, 846 F.Supp. 1449 (D. Colo. 1994) in Center for Education & Employment Law, 2007), but the courts have refused to involve themselves in educational malpractice claims.

Disciplinary actions and procedures have consistently been an area of litigation. In the private arena, students enter into a contractual agreement with their school. The students and the school both agree to follow the guidance in the enrollment agreement

and the student handbook. Students can be disciplined for failing to follow the guidance, and schools can be held accountable for their failure to follow it as well. One highly litigated area in both the public and private arenas has been allegations of failure to provide due process. A Maine school provided a landmark decision for private schools. Maine Central Institute was contracted by the school board to enroll public school students since the district did not have a high school. The school suspended a student for 10 days without providing notice or a hearing. The Court ruled that even though the school was receiving district funds, it could not be labeled as acting under the color of the state for purposes of liability under 42 U.S.C. sect 1983, and therefore could not be required to provide the same level of due process that the public schools are required to provide. The Court stated that the parents may be able to seek redress under state contract law under a contractual claim (*Logiodice v. Trustees of Maine Cent. Institute*, 296 F.3d 22 (1<sup>st</sup> Cir. 2002) in Center for Education & Employment Law, 2007). A Louisiana case set the standard for application of published behavioral standards. The court held that a school's discipline decisions can be overruled if "they are arbitrary (in disregard of the evidence) or capricious (unsupported by the weight of the evidence)" (*Lawrence v. St. Augustine High School*, No. 2007 WL 1176792 (La. Ct. App. 2007) in Center for Education & Employment Law, 2007, p. 75).

Courts have upheld private schools' decisions to expel students. A New Jersey case established a two part test "regarding the procedural requirements applicable to private school expulsions. First, schools had to follow their established procedures for dismissal/expulsion and, second, they had to ensure those procedures were

‘fundamentally fair’” (Center for Education & Employment Law, 2007, p. 86). In Pennsylvania, a court held that “courts should not interfere with internal discipline matters unless the process has been found to be biased, prejudicial, or lacking in due process” (Center for Education & Employment Law, 2007 p. 87). A New York court went on to say that as long as a private schools actions are not arbitrary or capricious, “a court may not substitute its own judgement for that of the school” (*Hutcheson v. Grace Lutheran School*, 517 N.Y.S.2d 760 (N.Y. App. Div. 1987) in (Center for Education & Employment Law, 2007, p. 87).

A common practice in private schools is to withhold records when a student is delinquent in payments of tuition, fees, or other charges. In a Louisiana case, a court ruled on this practice. The school in question had an unwritten policy that records would be withheld if a student were to be delinquent in tuition payments. When a student went delinquent, disenrolled, and enrolled in another school which requested records, the losing school refused to release them. The father and the student sought an injunction, which was granted, to force the school to release the records. The school appealed. The appeals court held that “absent an express provision in the contract” (Center for Education & Employment Law, 2007 p. 92), the school was obligated to provide transcripts even though the father’s failure the pay tuition rendered any further action under the contract unenforceable. The court felt that the student, who was a third party to the action, was being grossly disserved since there was no “prior indication” (p.92) that transcripts would be withheld (*McKee v. Southfield School*, 613 So.2d 659 (La. Ct. App.

1993)). This decision further illustrates the need for schools to ensure that they publish all their policies.

Private schools have wide discretion in the area of student searches. In *Commonwealth v. Considine*, 860 N.E.2d 673 (Mass. 2007) the highest court in Massachusetts ruled that private schools do not need “reasonable suspicion” (Center for Education & Employment Law, 2007 p. 93) to conduct a student search. In this case the court stated that it was the school, not the students who had control of the room, so permitting a policeman to search the room was under the school’s discretion.

#### Student Activities and Athletics

In the area of athletics, most rules applicable to public schools hold for private schools as well. Court have consistently ruled that athletic participation is a privilege, and not a constitutionally protected right, so schools may withhold this privilege for reasons outlined in their policy handbooks.

In one case applicable to faith-based schools, a court ruled that the state athletic association must attempt to “reasonably accommodate the religious practices” (Center for Education & Employment Law, 2007, p. 101) of a team operated by a Seventh-Day Adventist school who refused to play from sundown Friday to sundown Saturday, in order to honor the Biblical Sabbath. The court directed the athletic association to attempt to accommodate the team’s religious beliefs when scheduling the tournament. A North Dakota court upheld the right of the National Collegiate Athletic Association (NCAA) to exclude religious courses from their list of required core courses that students must have taken in high school to be eligible for participation in an NCAA school. The court found

that the courses were taught from “a particular religious point of view” (Center for Education & Employment Law, 2007, p. 113) thereby removing them from core status. Private athletic associations that regulate high school athletics have been declared by the U.S. Supreme Court to be “state actors” (Center for Education & Employment Law, 2007 p. 115), but state courts have disagreed on whether they should be required to permit private schools to join. In an Oklahoma case, the 10<sup>th</sup> Circuit Court ruled that the association had treated public and private schools differently by assigning different admissions requirements without a “legitimate state purpose” (*Christian Heritage Academy v. Oklahoma Secondary School Activities Ass’n*, 483 F.3d 1025 (10<sup>th</sup> Cir. 2007) in Center for Education & Employment Law, 2007 p. 116). However, in a similar case, a New York appellate court upheld their athletic organization’s differing procedure for admittance of private schools, stating that it was not used to “mask a discriminatory purpose” (*Archbishop Walsh High School v. Section VI*, 666 N.E.2d 521 (N.Y. 1996) in Center for Education & Employment Law, 2007, p. 117).

Injuries are very common in athletics, and courts have generally applied the common law assertion that athletes can be held to an assumption of risk doctrine when they consent to play the sport. However, when schools have been found to be negligent, courts have found against them and levied damages. For a court to find a negligence action, the school must have had a duty, the duty must have been breached, and the breach must have been proximate cause in the injury. The proximate cause element has two parts, foreseeability, and cause-in-fact. The first part deals with “whether a danger could be anticipated” (Center for Education & Employment Law, 2007, p. 126) and the



second with whether the defendant's actions were causal in the injury. In sports and other risky activities, a student "can impliedly assume the risks that are inherent in that sport, including negligent instruction and supervision. Moreover, signing a release may absolve a school and its employees from liability" (Center for Education & Employment Law, 2007 p.297). A recent case in Washington illustrated this doctrine; a school was absolved from liability in the death of a scuba diving student since he assumed the risk of the sport and had signed a release of liability (*Boyce v. West*, 862 P.2d 592 (Wash. Ct. App. 1993 in Center for Education & Employment Law, 2007).

### Employment Discrimination

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race for all employers having 15 or more employees. It exempts businesses where discrimination based on "religion, sex, or national origin" is a "bona fide occupational qualification reasonably necessary to the operations of that particular business or enterprise;" this prohibition extends to all aspects of employment, to include promotion, assignment, hiring and firing, salary, seniority, and benefits (Center for Education & Employment Law, 2007, p.146). In order to file a discrimination claim, plaintiffs have to be members of a protected class, have been victim of an adverse employment action, and show that the action was due to their membership in that protected class. If they are alleging denial of an action (such as a tenure) they must also show that they are similarly situated to the employee who received the action. Employees have alleged discrimination for many reasons; demotion, loss of job, re-assignment, failure to be recognized for achievement, denial of tenure, and other reasons.

Courts have upheld schools' employment practices when they could show that their decisions had a valid, non-discriminatory reason(*Private School Law in America, 19ed., 2007*).

Courts have upheld the First Amendment doctrine of excessive entanglement between church and state when asked to resolve issues involving the internal governance of religious institutions. In *Doe v. Lutheran High School of Greater Minneapolis*, 702 N.W.2d 322 (Minn. Ct. App. 2005), the court refused to overturn a school's decision to replace a pastor who had admitted to a homosexual orientation, stating that "Courts can't review the internal decision-making or governance of religious institutions. Courts can only address claims againsts churches that can be resolved by a religion-neutral principle of law" (Center for Education & Employment Law, 2007 p.156)

In deciding claims based on sexual harassment, Courts have relied on a five part test based on *Susko v. Romano's Macaroni Grill*, 142 F.Supp.2d 333 (S.D.N.Y. 20010) in order to establish if the conduct created a hostile work environment. The Susko test specifies five factors: the frequency of the discriminatory conduct, the severity of the conduct, if it was physically threatening or humiliating, or just an offensive utterance, if it reasonably interfered with the individual's work, and what psychological harm, if any, was caused. When a school principal had a long history of harrassing his female employees, the 7<sup>th</sup> Circuit Court upheld the women's claims. The Court held that the school took no action to correct the principal's behavior, despite numerous complaints, therefore they could be held liable *Jonasson v. Lutheran Child and Family Services*, 115 F.3d 436 (7<sup>th</sup> Cir. 1997) in Center for Education & Employment Law, 2007). In two

specialized rulings, Courts have held that retaliation against an employee who filed a sexual harassment is in itself sexual harassment, (see *Ward v. Johns Hopkins Univ.*, 861 F.Supp. 367 (D. Md. 1994) in Center for Education & Employment Law, 2007) and that in order for a student to file a sexual discrimination claim under Title IX, the student must show that the school showed deliberate indifference after receiving notice of the complaint (see *Bartner v. Hiram College*, 9 F.Supp.2d 852 (N.D. Ohio 1998) in Center for Education & Employment Law, 2007).

Under the Equal Pay Act (EPA), employers are required to pay males and females the same wage for work that is “substantially equal,” unless the payment is made under a “seniority system, a merit system, a system which measures earnings by quantity or quality of production, or a different system based on any other factor than sex” (Center for Education & Employment Law, 2007 p.164). Even when a school showed that they had no intent to discriminate, they were held liable under the act, and back wages were awarded (see *Lavin-McEleny v. Marist College* 239 F.3d 476 (2d Cir. 2001)).

Although pregnancy discrimination is prohibited under Title VII of the civil rights act, faith-based schools have been permitted to enforce their rules against premarital sex against employees as long as they enforced them equally against men and women. In *Cline v. Catholic Diocese of Toledo*, 206 F.3d 651 (6<sup>th</sup> Cir. 2000), an unmarried female teacher alleged that a Catholic school violated her civil rights by failing to renew her one year contract when she became pregnant. The Court concluded that the evidence showed that the school’s prohibition on premarital sex had only been enforced against women and allowed the case to proceed to trial. In *Boyd v. Harding Academy of Memphis*,

88F.3d 410 (6<sup>th</sup> Cir. 1996), the circuit court showed its intent by ruling that the school was justified in its firing of a pregnant teacher since it had fired both men and women for extramarital sex(*Private School Law in America, 19ed.*, 2007).

Title VII also prohibits religious discrimination, but courts have allowed it when a school is owned or controlled by a religious institution, or if the curriculum propagates a particular religion. The U.S. Supreme Court upheld this policy, even for jobs that were not religious in nature, in *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints v. Amos*, 483 U.S. 327, 107 S.Ct. 2862, 97 E.Ed.2d (1987). Since the claimant stated arguing that sect. 702 of Title VII violated the Establishment Clause, in its ruling, the Court cited the three part *Lemon* test. The test requires that a law must serve a secular legislative purpose, that it have a primary effect that neither hindered or advanced religion, and that it must not foster “excessive entanglement with religion” (see *Lemon v. Kurtzman*, 403 U.S. 602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971) in *Center for Education & Employment Law*, 2007, pp. 334-5). In *Bishop*, the Court held that sect. 702 passed the *Lemon* test, and that faith-based schools could discriminate in hiring practices even for jobs that were nonreligious in nature.

The Age Discrimination in Employment Act (ADEA) protects individuals over the age of 40 against discrimination based on their age. It applies to institutions with more than 20 employees that affect interstate commerce. In *DeMarco v. Holy Cross High School*, 166 F.3d 1208 (4<sup>th</sup> Cir. 1998), the court ruled that this act could apply to faith-based schools, since investigating its application would not involve excessive entanglement with religion. They ruled that pretext for discrimination could be

ascertained by determining whether a school consistently applied its policies and rules, or by other factual determination; examination of church doctrine did not need to be done(*Private School Law in America, 19ed.*, 2007).

### Employment

When an employee has no contract, the employee is assumed to be working at will, that is, that the employment relationship can be terminated at any time at the will of either party. When an employment contract exists, either party can sue for breach of contract. Numerous issues have resulted in breach of contract claims, but to prevail, a school needs to show that they are following their written rules and guidance in enforcement of their contracts. Where breach of contract claims have required courts to examine church doctrine to determine applicability, courts have consistently refused to entangle themselves in religious matters (see *Sabatino v. Saint Aloysius Parish*, 672 A.2d 217 (1996) and *Gabriel v. Immanuel Evangelical Lutheran Church*, 640 N.E.2d 681 (Ill. App. Ct. 1994) in *Center for Education & Employment Law*, 2007)).

Faith-based school administrators must be familiar with numerous employment laws, such as the Family Medical Leave Act (FMLA) and complicated tax laws when applying policies for pay and benefits. Again, consistency and careful compliance with the law is required to avoid legal challenge. In one case, although the school showed valid cause for termination based on other reasons besides taking leave under the FMLA, the court still ruled against the school since the employee could show that her cause for termination (excessive tardiness) could be justified by an application of a portion of the

Act (see *Wiseman v. Vanderbilt Univ.*, 2005 WL 3055661 (M.D. Tenn. 2005) in Center for Education & Employment Law, 2007).

Under the Federal Unemployment Tax Act (FUTA), churches and organizations operated for religious purposes under the supervision or control of a church or church organization are exempt from coverage. This exemption may not apply to state laws, however, as shown in *Koolau Baptist Church v. Dep't of Labor*, 718 P.2d 267 (Haw. 1986). In this case, the court ruled that the FUTA's exemption did not overrule state unemployment, and that the school could be held to the state's requirements (*Private School Law in America*, 19ed., 2007).

### Labor Relations

Although the National Labor Relations Act (NLRA) applies to private schools, courts have ruled that schools that are religious in nature may not need to collectively bargain with their employees, based upon religious freedom rights under the First Amendment. This exclusion was upheld by the U.S. Supreme Court in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 99S.Ct. 1313, 59 L.Ed.2d 533 (1979) in Center for Education & Employment Law, 2007). This exclusion has not been held to all employees in all cases, however. In three cases in New York and New Jersey, courts have required religious schools to bargain with their lay employees (see *South Jersey Catholic School Teachers Organization v. St. Teresa of the Infant Jesus Church Elementary School*, 696 A.2d 709 (N.J. 1997), *New York State Employee Relations Board v. Christ the King Regional High School*, 682 N.E.2d 960 (N.Y. 1997), and *New York*

*State Employment Relations Board v. Christian Brothers Acaademy*, 668 N.Y.S.2d 407 (N.Y. App. Div. 1998) in Center for Education & Employment Law, 2007).

### State Action

States cannot deny a citizen his/her civil rights in the operation of the organizations. In *Rendell Baker v. Kohn*, 457 U.S. 830, 102 S.Ct. 2764, 73 L.Ed.2d 418 (1982) the U.S. Supreme Court severely limited circumstances under which a private, particularly a religious organization can be said to be operating under the state banner. The 11<sup>th</sup> Circuit Court, in *Nobles v. Alabama Christian Academy*, 917 F.Supp. 786 (M.D. Ala. 1996) expanded the Supreme Court's ruling, establishing a three part test for determining if a private organization's actions constituted state action. They are: the public function test: the private school must serve a public function, the state compulsion test: the state must be compelling its actions, and the nexus/joint action test: the school must be so interdependent upon the state that it forms a nexus and its actions become state actions. The courts have used these rulings to determine if schools committed due process violations, civil rights violations, and numerous others (*Private School Law in America, 19ed.*, 2007).

### School Liability

Negligence is "acts or omissions" that demonstrate a failure to provide "reasonable or ordinary care" (Center for Education & Employment Law, 2007, p.281). It may be inadvertent, careless, or due to lack of foresight in areas of potential harm. There is some overlap between negligence and intentional misconduct cases. Schools have a duty to protect their students from harm when it was foreseeable. If a loss or

injury occurs because they failed in this duty, they are vulnerable to a negligence claim. Based on the doctrine of *respondeat superior* a school is also liable for the actions of its employees (Center for Education & Employment Law, 2007 pp. 281-2). Schools and employees have been found liable for failure to provide reasonable care, and for negligent supervision. As always, it is critically important for schools to follow their own published guidance. For example, a school was successfully sued for failing to provide reasonable care after a drowning because their policy was to provide two lifeguards and only one was present (see *Glass v. The Magnolia School*, So.2d 143 (La. Ct. App. 2002) in Center for Education & Employment Law, 2007). A Louisiana school was found negligent when a child was injured in the last minute of recess. The plaintiffs provided evidence that the last minute was the highest injury time, and that supervision could have prevented the accident. The court found that the school should have known the potential for injury, and that supervision would have prevented it, so the plaintiff prevailed (see *Higginbotham v. Community Christian Academy, Inc.*, No. 2006 CA 0636, 2007 WL 437309 (La. Ct. App. 2007) in Center for Education & Employment Law, 2007). Schools can even be held liable for failing to warn students of possible hazards or potential behavior of students, employees, or visitors (see *Doe v. Howe Military School*, 227 F.3d 981 (7<sup>th</sup> Cir. 2000) and *Peschke v. Carroll College*, 929P.2d 874 (Mont. 1996) in Center for Education & Employment Law, 2007).

Administrators also need to be aware of the doctrine of attractive nuisance: “a property owner with a device or machine unusually alluring to children has a duty to exercise ordinary care to keep it in reasonably safe condition” (Center for Education &



Employment Law, 2007, p. 291). Playgrounds, athletic fields with hazardous equipment and other areas attractive to children must be secured. However, in a recent case in Texas, a court ruled that a school wasn't liable for a drowning on their property since it was a "naturally occurring land feature" (*Woolridge v. East Texas Baptist Univ.*, 154 S.W.3d 257 (Tex. Ct. App. 2005) in Center for Education & Employment Law, 2007).

Under the doctrine of intentional conduct, a school may be held liable for the intentional conduct of its employees, and of third parties near the school; courts have held that schools should have foreseen the potential for misconduct. When a Catholic Diocese concealed knowledge that a teacher had a history of sexual abuse, and current abuse complaints, the state tolled the statute of limitations, and allowed the case to continue (*Roman Catholic Diocese of Covington v. Selter* 966 S.W.2d 286 (Ky. Ct. App. 1998) in Center for Education & Employment Law, 2007).

When a school fails to take reasonable precautions, such as performing background checks, it can be liable for employee actions that would have turned up in the check. In a Minnesota case, a court held that a teacher's sexual misconduct was a "foreseeable risk" (Center for Education & Employment Law, 2007 p. 309) and held the school liable (*L.M. ex rel. S.M. v. Karlson*, 646 N.W. 537 (Minn. Ct. App. 2002).

Faith-based schools may consider themselves immune from action under Title IX, since they receive no federal funds. However, the 11<sup>th</sup> circuit court stated that in two cases under Title VI, courts had held that federal tax-exempt status could be construed as federal assistance, and since Title IX was modeled after Title VI, this precedent could

apply to Title IX as well (see *M.H.D. v. Westminster Schools*, 172 F.3d 797 (11<sup>th</sup> Cir. 1999)).

If a school holds liability insurance, the insurance company is generally required to defend and indemnify the school when they are sued for employee misconduct. However, in a Florida case, the district court ruled that the insurance company was not required to defend a university since the action at question was intentional conduct (see *Barry Univ. v. Fireman's Fund Ins. Co.*, 845 So.2d 276 (Fla. Dist. Ct. App. 2003) in Center for Education & Employment Law, 2007).

Teachers and other school employees are generally identified as mandatory reporters under state child abuse reporting laws. Teachers are often reluctant to report, fearing they will be held liable if the report turns out to be unsubstantiated. Administrators often fear the same, fearing a suit brought against the school. Over, and over, however, courts have held schools and individual teachers harmless (see *Lidetke v. Carington*, 763 N.E.2d 213 (Ohio Ct. App. 2001) and *Iwenofu v. St. Luke School*, 724 N.E.2d 511 (Ohio Ct. App. 1999). In a New York case, parents even sought to combine bad faith accusations with allegations of violation of their civil rights since their daughter was the only African-American student in the classroom, but the court held for the school (see *J.C. v. Mark Country Day School*, No. 03-CV-1414 (DLI)(WDW), 2007 WL 201 163 (E.D.N.Y. 2007) in Center for Education & Employment Law, 2007).

#### Private School Finance

The idea of public funding or assistance to private schools, particularly faith-based schools, has generated much controversy. School choice initiatives have generated

lawsuits citing violation of the Establishment Clause of the First Amendment. The landmark case of *Lemon v. Kurtzman* generated the Lemon test (see p. 23) which courts have used to determine if state action generated excessive entanglement with religion. In recent times, state legislatures have pushed the boundaries of the Establishment Clause by providing vouchers to secular and faith-based private schools, generating litigation. In a landmark case in Florida, the state Supreme Court found the voucher system unconstitutional, but avoided the entire First Amendment argument, citing instead a provision in the state constitution that identifies the public schools as the “sole means . . . to educate Florida’s children (*Bush v. Holmes*, no. 919 So.2d 392 (Fla. 2006)). Faith-based schools’ right to receive Federal Title I funds was upheld in *Agostini v. Felton*, 521 U.S. 203, 117 S.Ct. 1997, 138 L.Ed.2d 391 (1997), however, when parents brought suit in Missouri, complaining that public students received on-site Title I instruction, and their students did not, the Supreme Court ruled that while faith-based school students were entitled to comparable Title I programs, it was up to the state to decide what constituted comparable (see *Wheeler v. Barrera*, 417 U.S. 402, 94 S.Ct. 2274, 41 L.Ed.2d 159 (1974) in Center for Education & Employment Law, 2007). In *Zobrest v. Catalina Foothills School Dist.*, 509 U.S. 1 (1993), the U.S. Supreme Court found that a sign language interpreter may be provided to a disabled student on-site at a faith-based school without violating the Establishment Clause. This case established that the Constitution does not prohibit faith-based schools from receiving all forms of public assistance (Center for Education & Employment Law, 2007).

Courts have used federal tax exempt status as an incentive for private schools to comply with civil rights laws by repealing tax exempt status from schools and scholarship funds which intentionally discriminated (see *Bob Jones v. U.S.*, 461 U.S. 574, 103 S.Ct. 2017, 76L.Ed.2d 157 (1983) and *Virginia Educ. Fund v. Commissioner of Internal Revenue*, 799 F.2d 903 (4<sup>th</sup> Cir. 1986) in Center for Education & Employment Law, 2007). The Court has also found unconstitutional a state's policy of providing textbooks to a school which discriminated in its admissions policies, stating that "a state may not give assistance to acts of racial discrimination" (see *Norwood v. Harrison*, 413 U.S. 455, 93 S.Ct. 2804, 37L.Ed. 2d 723 (1973) in Center for Education & Employment Law, 2007 p. 377).

The U.S. Supreme Court has held that school districts' provision of transportation to faith-based schools does not violate the Establishment Clause, stating that the "First Amendment [does not] cut off religious institutions from all government benefits. Rather, the state was only required to be neutral toward religion" (*Everson v. Board of Educ.*, 330 U.S. 1, 67 S.Ct. 504, 91 L.Ed. 711 (1947) in Center for Education & Employment Law, 2007 p. 379). However, courts have upheld state's rights to decide whether or not transportation will be provided (see *Providence Catholic School v. Bristol School Dist.*, No. 1, 231 605 N.W.2d 238 (Wis. Ct. App. 1999) and *Board of Educ. Of the Town of Stafford v. State Board of Educ.*, 709 A.2d 510 (Conn. 1998) in Center for Education & Employment Law, 2007).

## Students With Disabilities

The Individuals with Disabilities Education Act (IDEA) governs the education of students with disabilities. It provides federal funds to states which provide a free appropriate public education. The IDEA has been amended to address the requirement to refund tuition to parents who have placed their students in private schools. Local Education Agencies (LEA) are required to make provision so that students placed in private schools have access to equitable services, using federal Part B funds which they have determined can be used for that purpose. Courts have ruled that parents of students in private schools with claims under the IDEA must exhaust administrative remedies with the public school district, stating that private schools couldn't be sued under the act unless they received federal funds from the act (see *Bishop v. Oakstone Academy*, No. 06-CV-404, 2007 WL 641857 (S.D. Ohio 2007)). Parents have been allowed to sue for breach of contract based partially on their students' Individualized Education Plan (IEP) (*Bishop v. Oakstone Academy*, 477 F.Supp.2d 876 (S.D. Ohio, 2007) in Center for Education & Employment Law, 2007).

Under the IDEA, when no public placement is adequate to meet a student's needs, the school district becomes responsible for the student's tuition. Parents are required to provide ten days notice. To qualify for reimbursement, private schools must agree to abide by the terms of the individualized education program (IEP) (see *M.C. v. Voluntown Board of Educ.*, 226 F.3d 60 (2d Cir. 2000); parents must not place their students in private schools unilaterally (*Pollowitz v. Weast*, 90 Fed.Appx. 438 (4<sup>th</sup> Cir. 2001); parents must cooperate with the local school district (*Patricia P. v. Board of Educ. Of Oak Park*

*and River Forest High School Dist. No. 200*, F.3d 462 (7<sup>th</sup> Cir. 2000). However, another court refused to allow payment to be denied to parents just because they were labeled uncooperative. The court stated that such an action would violate the spirit of the IDEA, which encouraged parental participation in the process (*Warren G., Grant G. by and through Tom G. v. Cumberland County School Dist.*, 190 F.3d 80 (3d Cir. 1999) in Center for Education & Employment Law, 2007).

Private School Law is one area that is extremely convoluted, with changes occurring daily. Since private school administrators don't have a district office keeping up with changes in the law, it is incumbent upon them to have an adequate understanding of the issues which affect their operations, and to stay informed of what is happening in legal circles which will impact them.

#### Authority of the Principal or Headmaster

Other areas of difference between public and private schools were reported by Ross & Growe (2001). They cited a study by Chubb and Moe in 1985 that produced a compilation of many areas of contrast. Two of these areas were authority of the principal or headmaster and financial management. In the public sector, the principal always operates under the authority of the local school board, especially in the areas of hiring and firing of faculty, and admissions and expulsion of students. "In the private sector, the strongest influence from an outside authority [was] weaker than the influence of the principal" (p.9). Private school principals typically have full control over "staff selection and maintenance" (p.9). The private school headmaster often has full control over decisions whether a student will be admitted or expelled. Even in the daily decision-

making process, private school principals often have total control, with little recourse available to parents when they disagree (Ross & Growe, 2001).

### Financial Management

Financial management is, in many ways, similar in the public and private sectors. The major difference is that private administrators deal with the entire budget for “every aspect of the school’s function” (Ross & Growe, 2001, p. 15). Payroll, employee benefits, and construction costs are just some of the areas absent from the public principal’s budget. Private school principals do not turn in their budget requests to the superintendent, or lobby some outside agency for funding. Private school administrators must raise all of their income through the traditional methods of tuition and fees, augmented by fund raising and endowments. Of course, for a private school to survive, it must continue to attract customers willing to pay, and continually solicit alumni, community members, foundations, and others for the funds it must have to survive. In the private community, the responsibility for the needed funding stops at the principal or headmaster’s desk (Ross & Growe, 2001).

### School Marketing

The faith-based school principal has to be both an educator and a businessman. He is never assured of enrollment from year to year. As a general rule, private school enrollment rises and falls with the economy. Competition from other private schools, and even from public schools that open attractive, magnet schools affect enrollment as well. If a school wants to have a stabilized enrollment, allowing the quality of its programs to remain stable from year to year, a viable marketing plan is a must (Catalanello, 2003).

Developing a marketing plan must follow several steps. A marketing team must be developed that includes all the process stakeholders. The team must determine exactly what aspects of the school can best be marketed to the community. A survey needs to be developed and given to find out what people know and don't know about the school. The team must identify the target audiences, both internal and external; a budget must be developed, and monies solicited if possible. The team must determine what makes the school unique—why a parent would choose this school over all the other choices. Goals must be set, the marketing plan must be written, timelined for implementation, and implemented. The plan must be continually evaluated as it is implemented, and lessons learned used to improve it(Warner, 2000).

One of the keys to successful marketing is image control. Image control is often distasteful to leaders, but unfortunately, if a school's leadership is not constantly concerned about how it is perceived in the community, the image may become one of "just a school," or worse, one that parents don't want their children to attend (Warner, 2000, p.14). Maintaining high quality of school programs is some of the best marketing; the best marketing a business can receive is a reputation of excellence in the community. With an exceptional reputation, the selling is done by the quality of the product, established over years of excellence(Warner, 2000).

Another key is community involvement. Faith-based school leaders must be seen outside the school, involved in community activities and programs. Membership in civic organizations such as the Rotary club, Kiwanis club, and the Chamber of Commerce helps form relationships with community business leaders. These positive relationships



will pay huge dividends when a school has needs. The leadership will find willing partners when they have a first name, positive relationship with community bankers, lawyers, accountants, political leaders, and other business leaders(Warner, 2000).

### Establishment of Community

Powell (1996) talked about the private school's ability to set its community through limiting of admission to like minded families and students, policies on achievement and discipline that dismiss unwanted students or do not allow them to re-enroll, and the autonomy that the private school possesses. This "relative autonomy exemplifies much of what educators call school-based decision making" (p. 61). Autonomy does not come without a price, however, because all private schools "live in perpetual jeopardy. They are always at risk. Things can go wrong, failure has its consequences, and there are no bailouts" (p.61). Private schools are 100% accountable to their customers for their very survival. If test scores falter, parents don't like policies, student body composition, or the athletic program, they can vote with their feet and leave. Even factors outside the private school's control, such as a sagging economy can threaten its survival. As Powell (1996) stated, this struggle to sustain autonomy is both "nerve wracking and desirable" (p.61). The accountability forces them to constantly seek improvement, examine their programs and maintain their sense of community that keeps them unique (Powell, 1996).

### Principal Preparation

With all of the inherent differences between public and private administration, it follows that a look at principal preparation is warranted. Ross & Growe (2001) report

that “university level graduate programs certainly play a much smaller role in the preparation of the private school administrator than of the public school administrator” (p.17). The Schools and Staffing Survey, 2003/04 (Characteristics of Schools, Districts, Teachers, Principals, and School Libraries in The United States, 2006) reported that over 98% of public school administrators had achieved a master’s degree or higher. This figure was only 66% in the private arena. Catholic schools showed the highest rate of graduate school educated administrators at almost 92%, and other religious schools the lowest at 51%.

#### Public Versus Faith-based School Requirements for Principal Preparation

In Florida, the public school administrator is required to have a graduate degree under Administrative Rule 6A-4.0083 (Educator Certification, 2006). No such private school rule exists. The closest one can come to a rule is in accreditation criteria. Catholic school accreditation requires the principal to be state certified, thus the reason for the high percentage of graduate-level education. Only one other faith-based organization, Christian schools of Florida, has this stringent a requirement (Christian Schools of Florida Accreditation Standards, 2006). The association of Christian schools international (ACSI) requires a bachelor’s degree (Accreditation Criteria, 2007), as does the association of Christian teachers and schools (Accreditation Program, 2006) and the Florida association of Christian colleges and schools (Florida Association of Christian Colleges and Schools Homepage, 2004).

Ross & Growe, (2001) asserted that university graduate programs have little relevance in the preparation of private school principals. In their survey of private school

administrators, they found that few felt that they had “received adequate formal, pre-service preparation for their jobs” (p.17). Ross & Growe (2001) further stated that even graduate degreed administrators were not trained to face the everyday challenges they met in the private sector.

Florida’s requirements for public principal certification are grueling. Candidates must have a valid professional certificate in educational administration, leadership, or administration and supervision. The educational administration degree covers eight required areas: public school curriculum and instruction, organizational management and development, human resource management and development, leadership skills, communication skills, technology, educational law, and educational finance. Principal candidates must have proven successful performance of principal duties, they must be approved by a district superintendent, and they must pass the Florida educational leadership examination.

Since they have to complete such a stringent preparation program, one would think that it would make a difference in a public school principal’s efficacy in changing her school. However, Haller, Brent, McNamara, & Rufus (1994) reported “no evidence that principals’ graduate training in educational administration improved the effectiveness of public elementary or secondary schools” (p.3). They further went on to say that their “research casts further doubt on the presumption that graduate training for school administrators has improved U.S. schools” (p.22). With the doubt cast on the efficacy of standard graduate programs designed for the public school principal, it is evident that they are inadequate to prepare a private school principal, especially a faith-

based school principal. Changes need to be made to adequately prepare principals for the private, faith-based sector.

#### University Programs For The Private Sector

Hughes, Johnson, & Madjidi (1998), recommended that universities offer training opportunities including in-service training and user-friendly graduate programs which would prepare administrators for the challenges they will face. They recommended that such programs have a strong practical component so they would appeal to the young administrators going to the private sector. Wilmore (1999) described a program at the University of Texas, Arlington that combined internship in all types of schools (to include private and faith-based) with a graduate program in school administration. The program tied theory to direct application. Candidates were full-time, paid interns enrolled in full-time graduate studies leading to Texas principalship certification. They purported that universities could work with all types of schools to maximize student success (Wilmore, 1999).

Sullivan (2006) looked at the difference and commonality in leadership preparation for the faith-based school. He found that leadership in faith schools required priorities and capacities that were both different and in addition to those found in public schools. He described a master of arts program that he had directed to address these needs. The program mixed traditional leadership and management topics with theological studies and spiritual leadership training. The program emphasized discipleship, requiring students to relate their traditional studies to worship and spiritual growth. Prayer was a regular feature of the classroom experience. The program aimed to

marry ecclesiastical knowledge and practice with a wider understanding of education. Sullivan also recognized the controversy that faith schools and the described graduate program would generate in the secular world. However, he purported that since the faith-based schools are not going away, something must be done to better prepare their administrators (Sullivan, 2006).

### Summary

Fitzpatrick studied five recently closed Christian schools, interviewing 43 stakeholders, and discovered eight factors explaining why the schools closed. The number one factor was leadership (Fitzpatrick, 2002). Sergiovanni (1987), Portin, Schneider, DeArmond, & Gunlach (2003), Drake & Roe, (1999), and many others all studied the principal's role in school leadership. None of them listed a role of pastor (Jacobs, 1998). None talked about creating a business plan, maintaining a customer base, doing a cost/benefit study, or examining the school's profitability ratio (McLaughlin, 1995). None of them talked about inserting a no-competition clause into the faculty contracts (*Private School Law in America, 19ed.*, 2007), or the pros and cons of accepting state vouchers and students on scholarship programs, and what is an intelligent ratio of scholarship to non-scholarship students for out-year income forecasting (McLaughlin, 1995).

These critical areas constitute the major differences in leading a private, Christian school. These hybrid schools are an educational institution, a spiritual ministry, and a non-profit business (McLaughlin, 1995). They are primarily ruled by contract, rather than constitutional law (*Private School Law in America, 19ed.*, 2007). The volumes

written about public school leadership fill libraries, but the literature barely deals with the Christian school leader. The many aspects of Christian school leadership need to be studied.

## CHAPTER 3 METHODOLOGY

The methodology and procedures which were used for this study are described and discussed in the following sections of this chapter. The first section begins with the statement of the problem and purpose of the research and is followed by the setting and a description of the population and sampling strategies used for data collection. Next comes the list of the research questions to be addressed, and the hypotheses used to guide the research. Next is an explanation of the method and materials used to construct the Principal Preparation Questionnaire, the instrument used in data collection, and an explanation of the Tailored Design Method (Dillman, 2009) as it was used to collect the data. The final section of this chapter details the statistical procedures to be carried out in the Data Analysis, chapter four, explained with specifics to each research question.

### Statement of the Problem

In order to effectively lead a Christian school, the leader must be prepared for both the areas of leadership that are alike in all schools, as well as the areas that are unique to private, Christian schools. Currently few specialized degree preparation programs exist for Christian school administrators, so most attend programs designed with the public school administrator in mind, or else do not attend a graduate program at all. For administrators currently serving in Christian schools, it is not known if their educational preparation has given them the knowledge base needed to effectively serve their schools. Using a questionnaire developed especially for this study, this research will explore the knowledge base of a sample of Christian school lead administrators in

the following three areas: Bible knowledge and Biblical leadership, private school law, and business and financial management.

### Clarification of the Problem Statement

#### Definition of Terms

The following definitions were included to clarify terminology used in this study.

Christian School – Christian school refers to nonpublic and non-charter Pre-K to 12 schools which are members of or accredited by the Association of Christian Teachers and Schools (ACTS).

Christian School Principal – Christian school principal refers to the lead administrator of the Christian school being surveyed. A Christian school often includes an upper and lower school or schools. Each of these may have its own principal, responsible for the operation of that portion of the school. When this is the case, only the lead administrator (often known as headmaster) will be surveyed. For the purpose of this study, that person will be known as the Christian school principal.

Bible Knowledge – Bible knowledge refers to the knowledge needed to pass the examination for licensure as a minister in the Assemblies of God organization.

Knowledge of Private School Law – refers to an overview of the major tenets in Private School Law in America, 19ed(Private School Law in America, 19ed., 2007).

Knowledge of Business and Finance – refers to an overview of the major areas found in StreetSmart Financial Basics for Nonprofit Managers(McLaughlin, 1995).

Area Score – A respondent's score on the various knowledge base areas (Bible, business, and law).



Composite score – an omnibus score obtained from adding the scores of the various areas.

### Purpose of the Research

As discussed in the review of literature in Chapter two of this study, numerous researchers have described the qualities that should be present in the Christian school administrator. Two areas which were prominent in the literature were knowledge of the Bible, and the ability to effectively administer a Christian school. The areas of administration that show major differences between the public and private sectors are in private school law and business and finance. The review also revealed that very few graduate programs exist to prepare potential Christian school administrators for their future roles.

Using the CSPPAQ, a questionnaire specifically designed for this research, the study will reveal if acting administrators have the needed knowledge base in the three study areas. The analysis of the relationship between those with and without graduate degrees and type of graduate degree will reveal if a graduate program had any significant impact on their knowledge base, and which type of graduate program had the greatest impact, if any. The results of this study can be used by colleges of education in public and private universities to determine if adding a module to their Educational Leadership graduate programs could potentially attract students preparing for a career as an administrator in a Christian school and impact the quality of their preparation, and therefore the quality of their leadership.

## Research Setting

### Population to be Studied

The population to be studied is the lead administrators of Christian schools in the Assemblies of God. The Assemblies of God is a nationwide organization Pentecostal Christian churches. Over the years, many Assemblies of God churches have started and maintained Christian schools, and have a representative distribution over the entire United States. A database of these schools was obtained from Mr. Ike Stokes, Assistant Director of the Association of Christian Teachers and Schools. Although numerous pre-K schools exist in the database, only K-12 schools were used in this study. At the present time, the population includes 611 K-12 Christian schools of varying sizes, and in nearly all fifty states (Stokes, 2009).

### Sample Size

As previously stated, the size of the population of K-12 schools in the Assemblies of God is 611. Sample size was determined using a 95% confidence level and a bound of 4 ( $\pm 2$ ) on the range of 88 (highest score possible of 88 minus lowest score possible of 0). Using the sample size formula for these values, a minimum sample size was computed to be 102 (Dillman, Smyth, & Christian, 2009).

## Research Questions

The following research questions will guide the design of this study.

1. What is the relationship, if any, between score on the Bible knowledge area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate

degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

2. What is the relationship, if any, between score on the Private School Law area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

3. What is the relationship, if any, between score on the Business and Finance area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

4. What is the relationship, if any, between composite score on the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

### Hypotheses

The following null hypotheses will be used to examine research questions one to four:

H1. No statistically significant relationship exists between score on the Bible knowledge area of the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).

H2. No statistically significant relationship exists between score on the Private School Law area of the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).

H3. No statistically significant relationship exists between score on the Business and Finance area of the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).

H4. No statistically significant relationship exists between composite score on the CSPPAQ (dependent variable) and Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable).

#### Methodology Used in Construction of the Questionnaire

The CSSPAQ was constructed especially for use in this survey (see Appendix A). Rationale that went into the design of the questionnaire was as follows.

Since the questionnaire is to be given to acting Christian school administrators, they should have adequate knowledge of the three areas to be studied. Since this questionnaire will be distributed to schools in the Assemblies of God, the organization's statement of faith, called the Sixteen Fundamental Truths of the Assemblies of God, as presented in Horton & Menzies (1993) were used to construct the Bible knowledge portion of the survey. Also referenced was the Ministerial licensure exam of the

Assemblies of God (2007). Bible knowledge questions were developed from these sources.

The portion of the questionnaire dealing with knowledge of private school law was created by extracting major areas of knowledge from the two texts *Private School Law in America, 19<sup>th</sup> Ed.* (*Private School Law in America, 19<sup>ed.</sup>, 2007*) and *Reuter's The Law of Public Education, 6<sup>th</sup> Ed.* (Russo, 2006). An expansive list of legal knowledge was compiled from these two texts and used to construct the questions in the assessment. The list is included at Appendix B.

The portion of the questionnaire dealing with knowledge of business and finance was compiled from *Streetsmart: Financial Basics for Nonprofit Managers* (McLaughlin, 2002). A comprehensive review of the book was completed, and the questions in this section were created from the review.

#### Validation of the Questionnaire

The questionnaire was given a qualitative validation using an expert panel. The panel consisted of five judges selected based upon their qualifications, experiences, and clinical expertise (Grant & Davis, 1997). Since the population to be studied is Assemblies of God Schools, all judges were selected for their background in the Assemblies of God. The judges' qualifications and demographic information are presented in Table 1. The judges were asked to judge the items based upon relevance, ability to adequately assess the knowledge needed to lead a Christian school, reliability, ease of navigation, and their judgment on whether principals in the field would complete the questionnaire (American Educational Research Association, 1999).

Table 1: Judges' Qualifications and Demographic Data

Judge	Education Level Attained	Years of Experience	Positions Held	Gender
Judge 1	Ed.D.	41	Ed. Professor Assemblies of God University Ed. Chair Teacher Site Administrator Resource Specialist	Male
Judge 2	Ed.D.	25	Teacher Professor Assemblies of God University College Dean	Male
Judge 3	M.Ed.	19	Teacher Christian School Principal	Female
Judge 4	Ed.D.	20	Teacher Christian School Principal Christian School Dean	Female
Judge 5	M.Ed.	18	Christian School Principal	Male

The judges' findings are presented in Table 2. The expert validation questionnaire used is presented in Appendix C.

Table 2: Validation Data

Judge #	Content is Valid	Assessment is adequate	Questions not misleading or confusing	Easy to navigate	Respondents will complete
1	Agree	Strongly Agree	Strongly Agree	Strongly Agree	Agree
2	Agree	Agree	Strongly Agree	Agree	Agree
3	Strongly Agree	Strongly Agree	Strongly Agree	Strongly Agree	Strongly Agree
4	Agree	Strongly Agree	Strongly Agree	Strongly Agree	Disagree
5	Strongly Agree	Strongly Agree	Strongly Agree	Strongly Agree	Strongly Agree

In addition to their objective validation, the judges made the following comments.

Judge1: “The Bible knowledge questions give insight into a prospective leader’s biblical base for being a spiritual leader of a school. The knowledge of private school law questions reflect critical areas of the law a prospective leader will interact with on a regular basis.” Judge 4 candidly observed that “honestly I would sit down and begin the survey, but the length of it would prevent me from finishing it.” Judge 5 stated “I believe the questionnaire will produce valuable data, useful in developing training appropriate for developing more effective Christian educational leaders.” Judges 2 and 3 made no comments.

#### Data Collection

Data collection will be conducted according to the elements of Dillman’s (2009) Tailored Design Method for mailed surveys. A pre-survey notification will be mailed to

all the 102 potential respondents notifying them of their choice to participate in the research and asking for their help to conduct it. The introductory letter will be followed a few days later by the survey instrument, cover letter, stamped return envelope, and token of appreciation. If the survey instrument is not returned within two weeks, a post card reminder will be sent. If it still not returned a week later, a second contact letter will be mailed reminding the respondent of the need for his or her participation. Once the questionnaires have been returned, individual responses compiled and data manipulated using the procedures in the following section.

#### Statistical Methods and Procedures

For research questions one to four, the dependent variables of area scores (Bible knowledge, knowledge of private school law, and knowledge of business and finance) and composite score (sum of the three areas) will be analyzed using an ANOVA procedure to determine if a relationship exists between score and Christian school principals without graduate degrees, and those with graduate degrees in theology, education, business and finance, or other. If a relationship exists, the null hypothesis will be rejected. If it does not exist, then a fail to reject finding will be appropriate (Lomax, 2007).

#### Conclusion

This research will be significant since it is one of the first attempts to look at the adequacy of principal preparation for the Christian school environment. It is hoped that the research will be used to improve the community by bringing attention to the knowledge base of a significant population of individuals serving thousands of students



across the nation. This study could stimulate further research in this area, and could even be used to aid in the design of graduate programs aimed at the Christian school principal, an area of need that is largely undeveloped.

## CHAPTER 4: FINDINGS

### Overview

Quantitative data were collected from the distribution and collection of the CSPPAQ (see Appendix 1). This questionnaire, developed especially for this study, assessed Christian school principals on their knowledge of the Bible, private school law and business and finance—three critical areas for success as a Christian school principal. This study was planned using a population numbering 611 schools. As discussed in chapter 3, inputting a bound of  $\pm 2$  into the sample size formula yielded a needed sample size of 102 schools. 102 assessments were prepared and mailed to the respective principals using Dillman’s tailored design method for survey research (Dillman, 2007). Of the 102 surveys mailed, 47 were eventually returned.

Of the 47 responses, only 45 made entries in the demographic section, and only 41 completed it. As the sample was randomly drawn using the SPSS random generator, it should be representative of the population it was drawn from. The sample was fairly uniformly split by gender: 56% male and 44% female (see Table 3). The majority respondents were over 50 years old (64%). Ethnicity was overwhelmingly white (93%), with only 7% non-white (see table 3). For highest degree attained, 7% had no college degree at all, 39% a bachelor’s degree, 49% a master’s degree and 5% a doctorate (see Table 4). The sample was fairly split in years of experience; they were mostly experienced in private education with mixed experience being the second highest field (Table 5). For data analysis, the sample was sorted by major field of study, and will be viewed through that sort for the rest of this study (see table 4).

Table 3: Descriptive Statistics of Personal Characteristics

Statistic	<i>n</i>	%
Gender ( <i>N</i> = 45)		
Male	25	55.6
Female	20	44.4
Age ( <i>N</i> = 42)		
20-30	1	2.4
31-40	8	19.0
41-50	6	14.3
51-60	21	50.0
> 60	6	14.3
Ethnicity ( <i>N</i> = 41)		
African-American	2	4.9
Puerto Rican	1	2.4
White	38	92.7

Table 4: Descriptive Statistics of Educational Characteristics

Statistic	<i>n</i>	%
Highest Degree Attained ( <i>N</i> = 43)		
Non-Degreed	3	7.0
Bachelor's	17	39.0
Master's	21	49.0
Doctorate	2	5.0
Graduate Field of Study ( <i>N</i> = 43)		
Educational Leadership	11	26.0
Business, Administration, Finance	2	5.0
Ministry, Bible, Theology	7	16.0
Other	3	7.0
No Graduate Degree	20	46.0

Table 5: Descriptive Statistics of Experiential Characteristics

Statistic	<i>n</i>	%
Years of Administrative Experience ( <i>N</i> = 43)		
0-5	11	25.6
6-10	7	16.3
11-20	11	25.6
> 20	14	32.6
Field of Experience ( <i>N</i> = 43)		
Private Education	27	62.8
Ministry	1	2.3
Other	1	2.3
Mixed	14	32.6

The following research questions guided the study:

1. What is the relationship, if any, between score on the Bible knowledge area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

2. What is the relationship, if any, between score on the Private School Law area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?
3. What is the relationship, if any, between score on the Business and Finance area of the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?
4. What is the relationship, if any, between composite score on the CSPPAQ (dependent variable) for Christian school administrators without a graduate degree and those with graduate degrees in theology, education, business and finance or other (independent variable)?

#### Factors Impacting the Study

During the course of the study some factors were discovered that impacted the sample size. The first was school closures. During the course of data collection, numerous questionnaires were returned as undeliverable by the post office. The office supplying the database was contacted and a new population database requested. The new database, dated 2009, contained only 490 K-12 schools; over 120 had closed, and many of them were in the research sample. Over 20 of the schools in the sample were among those that had closed.

The second factor impacting the study was questionnaire return rate. All of the follow-up communication called for by Dillman (postcard reminder, second mail-out and

follow up letter) was followed. This process only yielded return of 22 questionnaires. Committee and IRB approval was attained to contact the remaining principals by telephone to encourage participation. The principals were contacted numerous times by telephone and email. These contacts yielded return of an additional 25 questionnaires for a total of 47. As continued contact of the respondents could make the respondents feel forced, therefore violating the volunteer nature of participation and possibly inducing bias of its own, it was decided to begin analysis with the returned sample. Of the 47 returned questionnaires, five contained incomplete data (either no demographic data, or blank sections or both) making them unusable in the analysis. The effective sample size became 42.

Using the updated population size of 490, the required sample size for a margin of error of  $\pm 2$  was computed at 98. Accumulation of a sample of 42 translates to a margin of error of  $\pm 3.2$ . This margin of error refers to the estimation of the true mean; a slightly increased margin of error will not yield a significantly less powerful study especially since the application of the mean score to the population is not included in the research questions. Looking at the sample size in the context of the analytical methods to be used (a one-way ANOVA), the sample size is above 30, making it large enough to run the test, as long as the assumptions for normality and homogeneity of variance hold true.

A third factor affecting the study was number of samples in the categories of areas of study. This study was planned to compare scores between principals with no graduate degree or graduate degrees in theology, business/finance, education and other. Due to the receipt of only two respondents in the category of business/finance and three in other, it

was decided to collapse those two categories together into other, yielding five responses. This collapse left four valid categories, instead of the five categories listed in the research questions.

Analysis was limited to the new four categories. However, since the thrust of the study was to determine if the principals' knowledge base was impacted by their education, this switch from five to four comparison categories will not negate the usefulness of the study.

### Data Analysis

Data were collected and loaded into the SPSS statistical analysis program, version 19. One way Analysis of Variance (ANOVA) procedures were run on each scored area to determine if a relationship existed between their scores in the areas of Bible knowledge, private school law, business and finance, and the composite. As discussed above, respondents were grouped into categories by no graduate degree, graduate degree in ministry/theology, education, and other. The research questions will be looked at individually, but it can be noted here that no ANOVA procedure yielded statistically significant results.

### Research Question 1

This analysis was addressed with a one-way ANOVA. With this method, we could determine differences in the mean scores on the Bible Knowledge area of the CSPPAQ between Christian school administrators with graduate degrees in the different fields of interest, as well as those without graduate degrees.



To ensure valuable comparisons and group sizes of at least five, the Business, Administration, and Finance group was combined with the Other group. The remaining groups consisted of Educational Leadership; Ministry, Bible, and Theology; and Non-Graduate Degree.

#### Checking Assumptions

##### Normality

The assumption of normality was examined by checking the skewness and kurtosis of the distribution of the residuals as well as a Kolmogorov-Smirnoff (K/S) test. The value for skewness was -0.57 and kurtosis was -0.53. The shape of the residuals suggests normality. The K/S value,  $D=0.18$   $p<.001$ . Although this test implies a possibility of non-normality, results from the skewness and kurtosis statistics, coupled with the reasonable looking plots can allow an acceptance of the distribution as approximately normally distributed.

##### Equality of Variances

The assumption of equality of variances was examined using a Levene's. Levene's  $F(3, 38) = 0.92$ ,  $p=.44$ . The non-significant result suggests that the assumption of homogeneous variances is not violated.

#### ANOVA Results

There was no significant difference,  $F(3,38) = 1.04$ ,  $p = .38$  in the Knowledge of the Bible score between Christian school administrators with different degree types (see Table 6). The partial- $\eta^2$  value of .08 indicates that 8% of the variability in the

Knowledge of the Bible score could be accounted for by educational background. Despite statistical insignificance, this result suggests a moderate degree of practical significance.

Although the differences were not significant, it is of some interest to note that those with graduate degrees in theology ( $M = 20.67$ ,  $SD = 1.03$ ) had the highest mean performance on this assessment, while those in the other graduate degree category had the lowest mean performance ( $M = 19.40$ ,  $SD = 2.19$ ). Means and standard deviations are located in Table 7. All of the mean scores were rather close to the maximum score of 23.

Table 6: One-Way ANOVA Results for Knowledge of Bible Score by Degree Level and Area (N=42)

Source	<i>df</i>	<i>F</i>	$\eta^2$	<i>p</i>
Degree Type	3	1.04	.08	.38
<i>S</i> within-group error	38	(2.99)		

Note. Values enclosed in parentheses represent mean square errors. *S* = subjects.

\* $p < .05$ . \*\* $p < .01$ .

Table 7: Descriptive Statistics for Knowledge of Bible Score by Degree Level and Area (N = 42)

Education Level	<i>n</i>	<i>M</i>	<i>SD</i>
Non-Graduate Degree	20	20.55	1.79
Education Graduate Degree	11	19.73	1.68
Theology Graduate Degree	6	20.67	1.03
Other Graduate Degree	5	19.40	2.19

## Research Question 2

This analysis was addressed with a one-way ANOVA. With this method, we could determine differences in the mean scores on the Knowledge of Private School Law area of the CSPPAQ between Christian school administrators with graduate degrees in the different fields of interest, as well as those without graduate degrees.

To ensure valuable comparisons and group sizes of at least five, the Business, Administration, and Finance group was combined with the Other group. The remaining groups consisted of Educational Leadership; Ministry, Bible, and Theology; and Non-Graduate Degree.

### Checking Assumptions

#### Normality

The assumption of normality was examined by checking the skewness and kurtosis of the distribution of the residuals as well as a K/S test. The value for skewness was -0.40 and kurtosis was -0.65. The shape of the residuals suggests normality. The K/S value,  $D=0.12$   $p = .13$ . The non-significant result of the K/S value also suggests normality.

#### Equality of Variances

The assumption of equality of variances was examined using a Levene's test. Levene's  $F(3, 38) = 0.66$ ,  $p=.58$ . The non-significant result suggests that the assumption of homogeneous variances is not violated.

## ANOVA Results

There was a marginally significant difference,  $F(3, 37) = 2.78, p = .05$ , in the Private School Law Knowledge score between Christian school administrators with different degree types (see Table 8). The actual  $p$  value was .054, close to the cutpoint of .05, and as such is noted as marginally significant. The partial- $\eta^2$  value of .18 indicates that 18% of the variability in the Private School Law Knowledge score could be accounted for by educational background. This result suggests a large degree of practical significance.

Although the differences were only marginally significant, it is of some interest to note that those with graduate degrees in education ( $M = 20.50, SD = 3.50$ ) had the highest mean performance on this construct, while those in the non-graduate degree category had the lowest mean performance ( $M = 17.30, SD = 3.29$ ). Theology graduates were closer to education ( $M = 20.33, SD = 3.20$ ), while those graduating from other graduate programs ( $M = 19.00, SD = 2.35$ ) posted a mean score in between the others. Means and standard deviations are located in Table 9. None of the mean scores were particularly close to the maximum section score of 35.

Table 8: One-Way ANOVA Results for Knowledge of Private School Law Score by Degree Level and Area (N = 41)

Source	<i>df</i>	<i>F</i>	$\eta^2$	<i>p</i>
Degree Type	3	2.78	.18	.05
<i>S</i> within-group error	37	(10.54)		

Note. Values enclosed in parentheses represent mean square errors. *S* = subjects.

\**p* < .05. \*\**p* < .01.

Table 9: Descriptive Statistics for Knowledge of Private School Law Score by Degree Level and Area (N = 41)

Education Level	<i>n</i>	<i>M</i>	<i>SD</i>
Non-Graduate Degree	20	17.30	3.29
Education Graduate Degree	10	20.50	3.50
Theology Graduate Degree	6	20.33	3.20
Other Graduate Degree	5	19.00	2.35

### Research Question 3

This analysis was addressed with a one-way ANOVA. With this method, we could determine differences in the mean scores on the Knowledge of Private School Law area of the CSPPAQ between Christian school administrators with graduate degrees in the different fields of interest, as well as those without graduate degrees.

To ensure valuable comparisons and group sizes of at least five, the Business, Administration, and Finance group was combined with the Other group. The remaining

groups consisted of Educational Leadership; Ministry, Bible, and Theology; and Non-Graduate Degree.

#### Checking Assumptions

##### Normality

The assumption of normality was examined by checking the skewness and kurtosis of the distribution of the residuals as well as a K/S test. The value for skewness was 0.25 and kurtosis was -0.82. The shape of the residuals suggests normality. The K/S value,  $D=0.11$   $p = .20$ . The non-significant result of the K/S value also suggests normality.

##### Equality of Variances

The assumption of equality of variances was examined using a Levene's test. Levene's  $F(3, 37) = 3.12$ ,  $p = .04$ . Although this result is significant and implies heterogeneity among variances, ANOVA is somewhat robust to violations of this assumption. Additionally, the result is not far beyond the cutpoint of significance. We will still proceed with the analysis and use slight caution.

#### ANOVA Results

There was no significant difference,  $F(3, 37) = 1.70$ ,  $p = .18$ , in the Business and Finance Knowledge score between Christian school administrators with different degree types. (see Table 10). The partial- $\eta^2$  value of .12 indicates that 12% of the variability in the Business and Finance Knowledge score could be accounted for by educational background. This result suggests a moderate degree of practical significance.

Although the differences were not significant, it is of some interest to note that those with graduate degrees in education ( $M = 18.20, SD = 2.49$ ) had the highest mean performance on this construct, while those in the Other graduate degree category had the lowest mean performance ( $M = 15.40, SD = 2.88$ ). Respondents from the non-graduate degree category had slightly higher performance ( $M = 15.50, SD = 3.14$ ), followed by those with graduate degrees in theology ( $M = 15.67, SD = 4.93$ ). Means and standard deviations are located in Table 11. None of the mean scores were not particularly close to the maximum section score of 30.

Table 10: One-Way ANOVA Results for Knowledge of Business and Finance Score by Degree Level and Area (N = 41)

Source	<i>df</i>	<i>F</i>	$\eta^2$	<i>p</i>
Degree Type	3	1.70	.12	.18
<i>S</i> within-group error	37	(10.73)		

*Note.* Values enclosed in parentheses represent mean square errors. *S* = subjects.

\* $p < .05$ . \*\* $p < .01$ .

Table 11: Descriptive Statistics for Knowledge of Business and Finance by Degree Level and Area (N=41)

Education Level	<i>n</i>	<i>M</i>	<i>SD</i>
Non-Graduate Degree	20	15.50	3.14
Education Graduate Degree	10	18.20	2.49
Theology Graduate Degree	6	15.67	4.93
Other Graduate Degree	5	15.40	2.88

#### Research Question 4

This analysis was addressed with a one-way ANOVA. With this method, we could determine differences in the mean scores on the Knowledge of Private School Law area of the CSPPAQ between Christian school administrators with graduate degrees in the different fields of interest, as well as those without graduate degrees.

To ensure valuable comparisons and group sizes of at least five, the Business, Administration, and Finance group was combined with the Other group. The remaining groups consisted of Educational Leadership; Ministry, Bible, and Theology; and Non-Graduate Degree.

#### Checking Assumptions

##### Normality

The assumption of normality was examined by checking the skewness and kurtosis of the distribution of the residuals as well as a K/S test. The value for skewness was 0.23 and kurtosis was -0.67. The shape of the residuals suggests normality. The K/S



value,  $D = 0.08$   $p = .20$ . The non-significant result of the K/S value also suggests normality.

#### Equality of Variances

The assumption of equality of variances was examined using a Levene's test. Levene's  $F(3, 37) = 0.52$ ,  $p = .20$ . The non-significant result suggests that the variances are homogeneous. The assumption is not violated.

#### ANOVA Results

There was no significant difference,  $F(3, 37) = 2.18$ ,  $p = .11$ , in the composite score between Christian school administrators with different degree types (see Table 12). The partial- $\eta^2$  value of .15 indicates that 15% of the variability in the composite score could be accounted for by educational background. This result suggests a large degree of practical significance.

Although the differences were not significant, it is of some interest to note that those with graduate degrees in education ( $M = 58.70$ ,  $SD = 4.90$ ) had the highest mean performance on this construct, while those in the non-graduate degree category had the lowest mean performance ( $M = 53.35$ ,  $SD = 5.81$ ). Respondents from the Other graduate degree category had slightly higher performance ( $M = 53.80$ ,  $SD = 5.07$ ), followed by those with graduate degrees in theology ( $M = 56.67$ ,  $SD = 7.06$ ). Means and standard deviations are located in Table 13. None of the mean scores were particularly close to the maximum possible score of 88.

Table 12: One-Way ANOVA Results for Composite Knowledge Score by Degree Level and Area (N = 41)

Source	<i>df</i>	<i>F</i>	$\eta^2$	<i>p</i>
Degree Type	3	2.18	.15	.11
<i>S</i> within-group error	37	(32.67)		

*Note.* Values enclosed in parentheses represent mean square errors. *S* = subjects.

\**p* < .05. \*\**p* < .01.

Table 13: Descriptive Statistics for Composite Knowledge Score by Degree Level and Area (N = 41)

Education Level	<i>n</i>	<i>M</i>	<i>SD</i>
Non-Graduate Degree	20	53.35	5.81
Education Graduate Degree	10	58.70	4.90
Theology Graduate Degree	6	56.67	7.06
Other Graduate Degree	5	53.80	5.07

## Summary

### Research Question 1

Analysis of the data clearly shows that there is no statistically significant relationship between score on the Bible knowledge portion of the CSPPAQ and Christian school principals without or with graduate degrees, in any category. Scores were tightly grouped around the mean with little variance between them. Data clearly point to a

finding of fail to reject for null hypothesis one. Although relationship is not significant, the percentage score of 87% indicates a high level of knowledge in this area. Knowledge of the Bible was the highest scoring area for all respondents.

#### Research Question 2

Analysis of the data for the knowledge of private school law section of the CSPPAQ showed a marginally significant result on the ANOVA. It is interesting that those with graduate degrees in Education and Theology had the highest scores, with no graduate degree the lowest, and other in-between. This finding suggests that graduate study improves knowledge of the law. For this section, we can reject null hypothesis 2, although such a marginal result cries out for further study. It is also worthy to note that the mean percentage score of 53% (18.7/35) indicates a low knowledge base in this area. Knowledge of private school law had the lowest percentage score of the four areas.

#### Research Question 3

Analysis of the data clearly showed that there was no statistically significant relationship between score on the business and finance portion of the CSPPAQ and Christian school principals without or with graduate degrees, in any category. Although the partial eta-squared value of .12 showed a moderate degree of practical significance, data clearly point to a finding of fail to reject for null hypothesis three. The percentage score of 54% (16.2/30) indicated a low knowledge base in this area as well. Knowledge of business and finance was second to last in percentage score.

#### Research Question 4

Analysis of the data clearly showed that there was no statistically significant relationship between score on the business and finance portion of the CSPPAQ and Christian school principals without or with graduate degrees, in any category. Although the eta-squared value of .15 indicated a large degree of practical significance, data clearly point to a finding of fail to reject for null hypothesis four. The percentage score of 63% (55.2/88) for the composite score shows that respondents did not do well on the CSPPAQ. Had it not been for the high scores in Bible knowledge, composite scores would have been very low.

## CHAPTER FIVE: DISCUSSION

### Summary

This study began as so many do, with lofty vision and high expectations. The researcher expected that the community of peers would welcome the questionnaire and be anxious to assist with the vision of raising the preparation level of Christian school principals across the country. A consistent reluctance to complete the questionnaire reflected the same apathy that many researchers discover in doing survey research. Along with the research findings, some additional limitations were also discovered.

### Limitations of the Study

#### Data Collection

This was a difficult study to perform. Data collection was very difficult and took over a year with multiple contacts both in writing and by telephone. For some respondents the questionnaire was mailed as many as four times, greatly increasing the cost. Multiple telephone contacts were made with numerous respondents, and still fewer than 50% returned the survey. Some respondents complained of being extremely busy and unable to take the time to complete the questionnaire; some promised to do it but never did, perhaps beginning it and never completing it. Some respondents simply would not get on the phone or return phone calls—with some there seemed to be a sense of hostility for repeatedly asking them to participate. Some just stated that they were not interested in participating. One would think perhaps, with a survey coming from a fellow minister in their field participation rate would have been higher, but unfortunately it was not.

## Problems with the CSPPAQ

Some respondents seemed reluctant to fill out and return the CSPPAQ, citing lack of time to complete the long questionnaire or embarrassment that their knowledge base was so low in some areas. One respondent even commented that she wanted to go out of town to mail it so it would have a different postmark. Even among those that did return it there were comments on its length and difficulty. One respondent argued about the content of the law section, saying that much of it was irrelevant to her job. Many expressed fear that they would be exposed for lack of knowledge of the subject areas; it was necessary to assuage their fears and remind them of the importance of the study to get many of them to respond. One respondent related that she wanted to mail it back from a different county to ensure anonymity. Another took a pen and blacked out the identifying number on the CSPPAQ that was used to keep track of who returned them. It was obvious that there was a lot of embarrassment about the prospective respondents' lack of knowledge. During the panel of experts validation, Judge 4 candidly commented: "honestly I would sit down and begin the survey, but the length of it would prevent me from finishing it." She turned out to be right in many cases. If this instrument is to be used for future studies, it should be revised and shortened to increase participation and rate of return.

## School Closures

20 questionnaires were returned to sender, no such addressee. Following further inquiry it was discovered that the schools were closed. Contact with the Assemblies of God headquarters for an updated database revealed that 121 of the 611 schools in the

database had closed. The closure of so many schools in the short period of time of this study constituted an attrition rate of 19%, a limitation that was not anticipated.

### Research Question 1

Scores on the Bible knowledge section of the CSPPAQ were relatively high, with most respondents scoring over 20 of 23 possible. Applying the bound of  $\pm 3.2$  to the mean score of 20.2, we can say with 95% certainty that Assemblies of God principals would score between 17 and 23 in Bible knowledge, or 74-100%. This outcome was both understandable and expected. Many of the principals are Assemblies of God ministers, and as such would have already been tested on this material. All of the principals would have been probed on their knowledge of the Bible and spiritual depth during the hiring process, and if their knowledge was shallow, they would not have been hired. Since the questions in the section were taken from the minister's examination, this finding indicates that Christians who have studied the Bible and have the depth of knowledge necessary to be a minister are the type of leaders drawn to this field. The finding of no relationship between their score and field of study indicated that their education was not what gave them the background in Bible knowledge. The close variation in the scores (only a 5% difference between the lowest and highest mean) also indicated that all respondents had a good depth of knowledge, uncoupled to their major since it applied to all respondents, not only the 15% who had an advanced degree in Theology. This study indicated what one might expect; leaders who have a good knowledge of the Bible, whether they have formally studied it or not, are the ones who become Christian school principals.

### Research Question 2

Scores for the private school law section were the lowest, for all areas of education. Applying the bound of  $\pm 3.2$  to the mean score of 18.7, we can say with 95% certainty that Assemblies of God principals would score between 15.5 and 21.9 on the CSPPAQ, a percentage score of 44-53%—well below what one would regard as proficient. Is knowledge of the law unnecessary? One might think so based on these scores, but the truth is that this knowledge is critical. Drawing from experience and giving consideration to the amount of litigation one can incur in the Christian school, a working knowledge of which areas of practice are the most vulnerable to litigation and how to prevent such is paramount. Keeping an eye on current litigation and assessing individual school practices with a critical eye will likely reduce the amount. Litigation prevention cannot occur without foundational knowledge of the areas of contract law, liability, employee and student rights, federal and state education regulations, and how laws are made, interpreted and enforced. The low results in this area point to a knowledge deficit that needs to be addressed both by universities that design education programs and the principals themselves.

### Research Question 3

Business and finance scores were within one percentile of being the lowest on the CSSPAQ with a mean score of 16.2 out of a possible 30. Applying the bound of  $\pm 3.2$ , we can say with 95% certainty that Assemblies of God Christian school principals would score between 13 and 19.4 (43-64%) on the business and finance section of the CSPPAQ—well below what would be considered proficient. These scores reflected an



abysmal knowledge level in private school leadership's most critical area. This finding gives substance to what Harden (1988) and Fitzpatrick (2002) both found; Christian schools most often fail due to leadership failure, and the most common area of failure is financial. This study showed that Christian school principals do not have proficient knowledge of the financial principles needed to be a nonprofit manager. Principals did not know how to determine their highest areas of cost, manage their cash flow or maximize income and profit (McLaughlin, 2002). No business can survive if its leadership lacks this knowledge. One of the ancillary findings of this study was that 20% of the schools in the survey closed during the course of the study. Since research supports that financial failure is the greatest factor to influence school closures (Harden, 1988) it is likely that financial crises influenced these closures. This study suggested that universities must add modules to their graduate programs that train Christian/private school principals in business and financial management, and that principals who lack this knowledge must immediately seek a way to gain business knowledge. Failure of principals to acquire this knowledge places the survival of their schools at risk.

#### Research Question 4

The mean composite score for the CSPPAQ was 55.2. Applying the bound of  $\pm 3.2$ , we can say with 95% certainty that Assemblies of God Christian school principals would score between 52 and 58.4 (59-66%) on the CSPPAQ. Respondents had a mean composite score of 63% with no relationship to field of study; this score reflects a poor result for a group of professionals being given an assessment of knowledge which should be basic to their field. Sergiovanni (2006) stated that the principal is the leader who

enables all members of the organization to succeed. The principal must have the knowledge of the mission, in this case, education and ministry, thorough knowledge of the school's financial needs, and enough familiarity with the law to ensure the school will not incur a lawsuit from his or her actions. These results do not reflect that such a level of knowledge exists. To the contrary, they point to a definite knowledge deficit, regardless of educational background; their graduate degrees have not prepared them with the level of knowledge needed for success in this field.

### Conclusion

During the yearlong course of this study, 121 Christian schools in a database of 611 closed—20%. 121 schools released their students to find ministry and education elsewhere. It is unknown why these schools closed, but it is not difficult to speculate. The closures were in the midst of one of the worst economic downturns in recent times. If Harden (1988) and Fitzpatrick (2002) were correct, the closures could possibly have been avoided if leaders had been properly trained. While it is notable and comforting that the Christian school leaders take their ministry role seriously and are prepared to fulfill such, they cannot do so in isolation. If they do not have the depth of knowledge needed to conduct the financial business of their school, and they do not have the legal knowledge required to write a proper contract or conduct business in a manner to prevent litigation, it is likely their schools will fail (Harden, 1988). This study clearly points to a training deficit in two areas of critical knowledge—private school law and business and finance. This study calls for change—change in how principals are prepared for this role.

### Accreditation Standards

A review of the available accreditation standards found that no protestant Christian school accrediting agency requires school administrators to obtain a graduate degree. All require a bachelor's degree. Perhaps the reasoning behind this is that secular programs don't adequately prepare them for their jobs anyway, so why bother? As this study only found that one area, private school law, showed a marginally significant difference between principals with graduate degrees and those without, the findings cannot refute the argument that obtaining a secular graduate degree would make a difference. However, if accreditation standards were revised to require a graduate degree in educational leadership, it would at least professionalize the field, and principals would have a reason to request, even demand that universities meet their unique needs.

### Revision of University Programs

It is time for universities to take note and revise their Educational Leadership programs to include two modules that include private school law and nonprofit business and finance. This revision would allow universities to reach out to a non-tapped customer base thus increasing enrollments and their impact with the community. Secondly, it would allow universities to have an impact on the professionalism and leaders within the private school sector as the private school industry increases nationwide. It is also time for this group of professionals to take note and improve themselves in the areas of private school law and business and finance.

### Areas for Future Research

This study needs to be repeated within the larger population of Christian schools, perhaps in the largest organizations in the field, the Catholic schools and the Association of Christian Schools International. If these studies were undertaken and yielded the same result, researchers would have great leverage to go to Christian and secular universities and call for reform of Educational Leadership programs to include the needed areas of private school law and business and finance. This study should be adapted to assess whether similar problems occur in the private education sector in general as well as the charter school industry in as much as financial support and school closures are an increasing concern.

APPENDIX A  
CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**Please answer the following questions by marking an X in the box to the *left* of the best answer:**

**Bible Knowledge**

**1. Which of the following scriptures contains the basic plan of salvation?**

- Romans 10: 9, 10
- II Corinthians 5: 17
- John 1:1
- Matthew 28: 19

**2. Which of the following scriptures makes the claim that Jesus is God?**

- John 1:1
- John 1:7
- I John 4: 7, 8
- Rev. 3: 20

**3. Romans 3:23 makes it clear that man is condemned by:**

- Adam and Eve's original sin
- The sinfulness of all mankind
- Having heard, and therefore being responsible for having heard the Gospel of Christ
- His own sin

**4. Which of the following is a scripturally correct interpretation of the concept of the Trinity?**

- There are three deities, the Father, the Son, and The Holy Spirit, all known as Yahweh
- Christ fully embodies all the personages of God, and is Himself complete
- There is one God, consisting of three interrelated persons, the Father, the Son, and the Holy Spirit
- None of the above is correct

**5. What is the outward evidence of salvation?**

- Faithful church attendance
- Faithful tithing and giving of alms
- A life given to service
- A life of true righteousness and holiness

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**6. Which of the following are ordinances of the church (practices ordained or established by Jesus Himself)?**

- Water baptism
- Faithful church attendance
- Tithing
- All of the above

**7. According to Acts 1:8, the purpose of the Holy Spirit is to:**

- Give the gift of tongues
- Empower the believer for Christian service
- Empower the believer for prophetic gifts
- Provide redemption

**8. According to Romans 6:23**

- The wages of sin is death, but the free gift of God is eternal life
- We are required to offer our bodies as a living sacrifice
- Salvation was purchased by the blood of Christ
- There is no condemnation in Christ Jesus

**9. The doctrine of the rapture can be summarized as:**

- Christians, living and dead, will be caught up to meet the Lord in the air (1 Thess. 4: 16-17)
- Christ desires to live in every Christian's heart (Rev. 3:20)
- Whoever believes in Jesus will be saved (John 3: 16)
- God is love (1 John 4: 7, 8)

**10. The description of the final judgment of sinful man is found in:**

- Rev. 3: 20
- Romans 8: 1
- Rev. 20: 12
- I Cor. 13: 1

**11. Sin entered the world because:**

- The serpent lied to Eve
- Both Adam and Eve ate from the tree of knowledge of good and evil
- Adam and Eve fled from the face of God when he came to walk with them in the Garden
- Cain murdered Abel

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**12. Sanctification can be defined as:**

- day by day becoming more and more like Christ (Romans 12: 1,2)
- a second work of grace, making over the believer in the image of Christ (II Cor. 5:17)
- being redeemed from a sinful state (John 3:16)
- asking Christ into your heart (Rev. 3: 20)

**13. During the millennial reign of Christ, Christians will:**

- be before the throne worshipping God
- live and reign with Christ for 1000 years
- be awaiting resurrection
- be in limbo

**14. Christ took the stripes on His back to provide for our (Isaiah 53: 4, 5):**

- healing
- salvation
- sanctification
- justification

**15. Which of the following are characteristics of God?**

- God is omnipotent
- God is omniscient
- God is omnipresent
- all of the above

**16. The Bible consists of two major sections. They are:**

- the first and second covenant
- the old and new testaments
- the law and the prophets
- the Pentateuch and the gospels

**17. The Bible consists of how many separate books?**

- 66
- 33
- 44
- 2

**18. Why is the canon of scripture accepted by the church today?**

- it was in use by the Jewish church at the time of Christ and validated by Jesus Himself
- it was approved by the council of Trent in A.D. 463
- ancient texts were found in pots by the Dead Sea
- all of the above



**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**19. Ephesians 2: 8,9 makes it clear that salvation:**

- is given by grace
- is earned by good works
- can be understood through preaching
- is only validated by baptism

**20. Which of the following is NOT a fruit of the spirit (as defined in Galatians 5: 22)?**

- evangelism
- love
- peace
- temperance

**21. Jesus said in Mark 10:44 that “he who would be the greatest among you, let him . . . .”**

- commit himself fully to me.”
- deny himself and follow me.”
- be the servant of all.”
- give all to the poor and come, follow me.”

**22. Before eating the last supper with his disciples, Jesus did what servant’s act?**

- washed the disciples’ feet
- greeted them with a kiss
- took their cloaks
- served them all wine

**23. In Mark 10:43, Jesus said that the Gentile’s rulers dominate them. He admonished us...**

- to be more gentle in leadership
- to listen and be open
- to admonish our servants so they will be obedient
- to be the least among them

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**Knowledge of Private School Law**

**24. Common law can be defined as:**

- Courts' judgments that set legal precedent
- Judgments handed down over the course of time until they become understandings
- Laws for the common people
- A specific law passed by a legislative body

**25. *In Loco Parentis*, the doctrine that says the school is acting for the parent is an example of:**

- A statute common to most states
- A common law doctrine
- A doctrine established by *Plessy v. Ferguson*
- None of the above

**26. A statute is defined as:**

- A specific laws passed by a legislative body
- Courts' judgments that set legal precedent
- Judgments handed down over the course of time until they become understandings
- The legal doctrine that negligence cases are based upon

**27. Courts' judgments that set legal precedents are defined as:**

- Statutes
- Common law
- Case law
- None of the above

**28. The four part test for negligence includes all of the following *except*:**

- Duty of care
- Acting outside of *in loco parentis*
- Proximate cause
- Physical or mental injury

**29. The *establishment* clause in Amendment I to the U.S. Constitution has to do with:**

- Establishment of the court system
- Establishment of the houses of Congress
- Establishment of a state religion
- Establishment of the national militia

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**30. The *free exercise* clause of Amendment I states that Congress shall not “prohibit free exercise . . . “**

- of religion
- of speech
- of peaceful assembly
- of the right to bear arms

**31. Amendments V and XIV of the U.S. Constitution established the doctrine of *due process*, which is defined as:**

- Armed forces shall not enter a home without due process of law
- No person shall be deprived of life, liberty or property without due process of law
- Permission for peaceful assembly shall not be denied without due process of law
- No person’s property shall be searched without due process of law

**32. In *Meyer v. Nebraska*, the Supreme Court established that parents have a liberty interest in the education of their children. In *Pierce v. Society of Sisters*, the Court expanded this interest by stating that:**

- Attendance at a public or private school could satisfy a state’s compulsory attendance law
- No public school could require parents to submit their home school curriculum for review
- Private schools could not be subject to state controls
- Parents do not need to register children in order to home school them

**33. In *Lemon v. Kurtzman*, the Supreme Court established a three part test to determine if a statute engenders excessive entanglement with religion. This test includes all of the following except:**

- The statute must not name a specific religion, denomination, or church body
- The statute must have a secular legislative purpose
- The statute’s principal effect must neither advance nor inhibit religion
- The statute must not foster an excessive entanglement with religion

**34. 42 U.S. Code sect. 1981 prohibits race discrimination in the making and enforcing of contracts. In *Runyon v. McCrary*, the Supreme Court applied this doctrine to private schools. However, the Court also stated that its holding did not apply to religious schools if:**

- they practiced discrimination equally against all races
- they had an established, written doctrine of racial discrimination
- they practiced racial exclusion on religious grounds
- None of the above

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**35. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on:**

- race
- gender
- sexual orientation
- all of the above

**36. Race or national origin discrimination includes all aspects of employment except:**

- Promotion
- Salary
- Benefits packages
- There are no exceptions

**37. In discrimination lawsuits brought under Title VII, a “protected class” is defined as:**

- One of the classes of persons protected by the statute
- Any person suing for protection
- Classes of persons established by precedent
- All of the above

**38. Title IX, which prohibits discrimination based on sex:**

- Does not apply to admissions policies for private, K-12 institutions
- Does not apply to a religious organization if application would not be consistent with its religious tenets
- Requires schools to offer equivalent athletic opportunities to males and females
- all of the above

**39. The Age Discrimination in Employment act:**

- Applies to all institutions with 20 or more employees
- Only applies to personnel 40 or older
- States that an organization may have a seniority based promotion system
- all of the above

**40. The Americans with Disabilities Act**

- Applies equally to all schools, public and private
- Applies to private schools that receive federal funding
- Does not apply to religious schools as this would engender excessive entanglement
- Requires schools to hire disabled teachers unless the teacher can be proven to be unqualified

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**41. The Family Educational Rights and Privacy Act (FERPA)**

- Cuts off state funds if its tenets are not followed
- Gives parents and students over 21 the right to inspect school records
- Allows schools to release directory information without parental consent
- none of the above

**42. The constitutional doctrine of due process applies to private schools as follows:**

- In all ways the same as a public school
- As set out in the enrollment agreement and school handbook
- Never applies unless acting as a state representative
- Applies in all cases where a property interest is being denied

**43. In *Gorman v. St. Raphael Academy*, a state Supreme Court held that a Court should not inject itself into the rights of private schools to make rules. This is an example of which doctrine in action?**

- Excessive entanglement
- Due process
- Establishment of religion
- Free exercise of religion

**44. When dealing with major charges that could result in long term suspension or expulsion, courts have ruled that private schools must still provide fundamental fairness within the bounds of established policy. In practice, this has meant what?**

- Written notice of charges against the student
- An informal hearing where the student is allowed to hear evidence and present his/her case
- Arbitration if requested
- all of the above

**45. Private schools and organizations are required to follow the same rules as public schools if they are acting under the color of the state. In *Cummings v. Office of Catholic Education*, a circuit court established a three part test to determine if a private school was acting as a state agent. The test includes all of the following except:**

- Public function – if the school performs a function reserved exclusively to the state
- Close nexus test – if the state doesn't have coercive power over it
- Symbiotic relationship test – if the state is so intertwined with the school's operations that its actions could be understood to be the state's
- Intertwined leadership test – if state agents are a part of the school's governing body

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**46. In dismissing students, courts have held that private schools cannot be found in breach of contract as long as:**

- they held a private hearing
- they protected the information about the infraction
- they provided written notification of the infraction and gave the student opportunity to be represented by counsel at the hearing
- they did not act arbitrarily or capriciously in enforcing their rules

**47. In *Susan M. v. New York Law School*, the NY Court of Appeals held that a court may review a private school's grading policy that is arbitrary, capricious, irrational, made in bad faith, or contrary to federal or state law. This is an example of what?**

- a ruling that must be universally applied in all states for all private schools
- case law setting precedent for other courts to review and possibly apply
- case law coming into usage as common law
- a statute being interpreted

**48. In *Commonwealth v. Considine*, a Massachusetts superior court upheld drug charges proffered on students when police searched their room during a ski trip without a warrant. Why?**

- the Christian school gave the police permission for the search
- since the school had control of the room they could give the police permission
- the school was not a state actor
- all of the above

**49. Regarding athletic participation, courts have ruled that:**

- participation is a property right guaranteed by the constitution
- schools cannot remove a student from a team without due process of law
- there is no constitutional right to participation
- schools can dismiss underclassmen from teams, but not seniors since dismissal could affect scholarship opportunities

**50. Courts have upheld religious schools' dismissal of employees for violation of a religious tenet as long as:**

- the tenet is found in both the Old and New Testament of the Bible
- the school enforces the rule uniformly for all employees, both male and female
- it is a violation of a major tenet, as published by their convention or denomination
- it is a Cardinal, not a venial sin

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**51. Which of the below have courts found to be true regarding teacher contracts?**

- if a teacher annotates a contract and the school does not alter it, the annotation becomes an enforceable part of the contract.
- schools can never stipulate damages for breaking a contract, even if the amount does not exceed the actual damage the school would sustain by loss of the teacher
- benefits may differ for employees of the same class or type
- as long as an employee is salaried, there is no minimum wage requirement

**52. Which of the following is true concerning collective bargaining requirements for private and religious schools?**

- some states have required religious schools to bargain with non-religious employees
- state law generally sets the rules for collective bargaining
- managerial employees are exempt from bargaining
- all of the above

**53. Which of the following is *false* concerning employment issues?**

- religious schools are required to comply with the minimum wage act
- overtime pay can be waived for all employees of a religious school
- at-will workers can generally be dismissed at any time without cause
- employees at a religious school can be dismissed for violating a religious tenet

**54. Under Florida law, which of the following documents must be in the school record for all students?**

- immunization and health record
- copy of the student's passport if they have one
- affidavit of cooperation with school authorities
- a complete record of standardized test scores

**55. Every private school is required to do which of the following?**

- file an affidavit of good moral character for all employees
- become accredited within five years of registration
- complete an annual survey
- all of the above

**56. For schools participating in any of the state scholarship programs (VPK, CTC, or McKay), they must comply with which of the following?**

- file an annual scholarship compliance form
- administer the FCAT annually
- comply with an annual financial audit
- allow any scholarship student to enroll, without exception

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**57. To demonstrate financial solvency, a school can:**

- have been in continuous operation for at least five years
- allow the state to audit their financial records
- submit a document of financial solvency from an independent auditor
- all of the above

**58. Which of the below is *false* concerning requirements for private schools participating in state scholarship programs?**

- they must have a compliant radon inspection unless they are in an exempt county
- they must prohibit discrimination for race, color or national origin
- they must meet minimum compulsory attendance requirements of 180 actual school days
- they must possess a current and acceptable semi-annual health inspection report



**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**Knowledge of Business and Finance**

**59. The IRS grants churches and schools tax exempt status under sect. 501(c)(3) of the tax code. The most important thing this means is:**

- Employees have less obligation for income taxes
- Donors' contributions are tax deductible
- The organization is exempt from all corporate taxes
- All of the above

**60. The most likely way for a non-profit organization to lose its tax exempt status is:**

- if they consistently post a profit
- if they offer items for retail sale
- if it appears the organization is enriching itself and not serving the public trust
- if they fail to pay social security and medicare taxes on employees
- all of the above

**61. The most important thing for a nonprofit organization to possess in order to survive and thrive is:**

- healthy financial status
- a shared value system and dedication to mission
- a good credit history
- a reputation for excellence

**62. On a balance sheet, all of the following can be counted as current assets *except*:**

- land, buildings, and equipment
- cash
- accounts receivable
- pledges receivable

**63. On a balance sheet, all of the following can be counted as current liabilities *except*:**

- accounts payable and accrued expenses
- securities
- support and revenue designated for future periods
- mortgages and other notes payable

**64. The IRS requires nearly every nonprofit organization to file what every year?**

- Form 1040 and Schedule C
- Form 8263
- Form 990
- there is no requirement for a tax exempt organization to file with the IRS

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**65. When reading the opinion letter of a financial audit, things that should alarm a manager are:**

- if the auditor declines to express an opinion
- if the auditor does not include a balance statement
- if the auditor refused to write an opinion letter
- If it is more than two pages long

**66. Working capital is defined as:**

- current assets minus current liabilities
- the number of days an organization can survive if all inflow of cash is shut off
- short term assets matched against short term liabilities
- none of the above

**67. Calculating days' cash allows managers to see:**

- how close to the bone an organization's cash flow is running
- how many payrolls an organization can make in hard times
- how large a bonus can be offered to employees
- all of the above

**68. When looking at an organization's debt to fund balance, a large ratio means:**

- the organization is very close to paying off its debt
- the organization has a lot of long term debt
- the organization is very close to financial ruin
- the organization is financially healthy

**69. Total margin can be defined as:**

- an indicator of how much cash is on hand
- income over liabilities
- the ratio of available revenue to total annual revenue
- all of the above

**70. In looking at organizational costs (cost accounting) one must identify direct and indirect costs. An example of a direct cost might be:**

- the director's salary
- supplies used by personnel delivering the service
- the custodian's salary
- membership dues for the organization's professional affiliation

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**71. In cost accounting, all direct and indirect costs are tallied in order to find cost per unit of service. In a school a unit of service would be defined as cost per:**

- student
- faculty member
- administrator
- day of school

**72. To perform a breakeven analysis in a school, one must know:**

- fixed costs
- variable costs
- number of students served
- all of the above

**73. In making decisions about whether a program should survive, which of the following should be the most important aspect taken into account?**

- whether or not it makes costs
- whether or not it supports the mission
- how many students it serves
- if the faculty and students enjoy it

**74. When choosing an auditor, what characteristic should drive your choice?**

- Price – they're all CPAs, get the cheapest one
- Geography – the one closest to your organization
- Industry knowledge – the one who knows your organization
- Name and reputation – hire only the best

**75. One of the greatest enemies of cash in an organization is accounts receivable. To reduce time in accounts receivable, a manager needs to:**

- Require up-front cash payment as much as possible
- Require the business manager to reduce accounts receivable
- Measure and report time in accounts receivable
- all of the above

**76. Stretching accounts payable (delaying payment of bills as long as possible) is:**

- A ready source of cash to an organization
- Illegal
- A poor business practice
- A great way to get in trouble with the IRS

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**77. How much cash on hand does an organization need?**

- A good rule of thumb is enough for one month of operations
- Enough to cover work in progress (the time period from work beginning until billing is done) through average time in accounts receivable
- At least enough for two payroll periods
- All of the above are good – pick one

**78. One of the most popular ways to avoid payment of payroll taxes and benefits is to treat workers as contractors rather than employees. Which of the following is NOT one of the things the IRS looks at to determine if a worker is an employee or contractor?**

- if the worker is paid by cash or check rather than direct deposit
- If the worker must work set hours
- If the worker is full-time at the employer's location
- If the worker has an ongoing relationship with the organization

**79. Projection of income is one of the most challenging aspects of budgeting. Which of the following is NOT a method for projecting income?**

- Using historical figures to project future figures
- Multiplying income per unit by projected units
- Applying known deductions to income
- Taking last year's budget and adding or reducing it by a percentage based on a projection of the economy from the U.S. Federal Reserve

**80. In creating or modifying your monthly balance sheet, what is the rule of thumb for how many sections and lines it should contain?**

- Approximately 25 lines per million dollars of income
- Two sections: direct and indirect operations costs
- Whatever it takes to effectively manage your organization
- none of the above

**81. Private schools fall under what reimbursement category?**

- Fee for service
- Cost-based reimbursement
- Class rates
- Project based

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**82. Schools often offer discounts for various customers. How do they make up the difference?**

- By setting the normal tuition above costs to subsidize the loss
- Fund-raising
- Looking for outside sponsorship
- all of the above

**83. In setting pricing, what is the most essential ingredient in determining what potential customers are willing to pay?**

- Perceived value
- Competitors' prices
- Median income in your area
- Work habits of your demographic

**84. Non-profit organizations typically plan to make and use profits for what reasons?**

- None – profit making in a non-profit organization is illegal by definition
- Innovation and growth
- Providing new vehicles for executives
- all of the above

**85. Which of the following is *not* a desired method to increase profit?**

- Increase fundraising for a desired goal
- Cut personnel positions or benefits
- Cut administrative costs
- Raise the price of services

**86. One of the elements of internal control is control cues—the informal cues that management, through its actions give their employees about their desire for financial controls. Which of the following would *not* be an example of a control cue?**

- leaving the safe open all day long
- Leaving cash lying around in the open
- Using company postage for personal use
- Maintaining company vehicles properly

**87. One of the principles for controlling embezzlement is segregation of duties. Which of the following is an example of this method of control?**

- The same person that writes the checks signs them
- The person who writes the checks is not the one who mails them
- The person who authorizes expenditures is not the one who creates payroll
- A single person creates and executes payroll

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

**88. Five basic financial reports are accepted as standard for financial oversight.**

**Which of the following is *not* one of the five?**

- Balance sheet
- Aged accounts receivable
- Pledges receivable
- Cash flow projection

**CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE**

*In order to better analyze your responses  
Please provide the following demographic information:*

**89. Gender:**

- Male
- Female

**90. Education level:**

- Non-degreed
- Bachelor's
- Master's
- Specialist
- Doctorate

**91. If you indicated that you had a graduate degree (Master's or above), what was your major?**

- Educational Leadership
- Business/Business Administration/Finance
- Ministry/Bible/Theology
- Other \_\_\_\_\_ (Please write degree title here)

**92. Years of experience as an administrator in (Please fill in the blank):**

- Public Educational Leadership \_\_\_\_\_
  - Private Educational Leadership \_\_\_\_\_
  - Business Administration \_\_\_\_\_
  - Bible/Theology/Ministry \_\_\_\_\_
  - Other (Please write in type and years)
- 

**93. Age \_\_\_\_\_**

**94. Ethnicity**

- American Indian or Alaskan Native
- Asian, Asian-American, or Pacific Islander
- Black/African American
- Mexican/Mexican American
- Puerto Rican
- Latin/South/Central American, Other Hispanic or Latino

CHRISTIAN SCHOOL PRINCIPAL PREPARATION ASSESSMENT  
QUESTIONNAIRE

*Thank you for completing this assessment. Your responses will help to improve the preparedness of critical professionals—The Christian School Principals! Please return the questionnaire in the attached stamped, self-addressed envelope. If you have lost or misplaced the envelope, you may return it to:*

*Dennis Robinson*

*1336 Winterville St.*

*Deltona, FL 32725*

*Rev. Dennis Robinson, M.S. Ed.*



APPENDIX B  
CSPPAQ PREPARATION MATERIALS

## Legal Competencies

### I. Section 1 – General knowledge

1. The difference between and applicability of Common law, statutes, and case law
  - a. Common law – judgments handed down over the course of time until they become common understandings. Common law was the basis for our constitution, based on centuries of English judgments and practices. Precedent establishes common law : (previous judgments made on an issue) so that judges don't have to make new decisions in every case. Once an issue has been decided over and over, the judgment passes into common law, and it gets judged the same every time, until some other case changes it. A great example is the “separate but equal” doctrine established by *Plessy v. Ferguson* in the late 1800s, then overruled by the series of *Brown v. Board of Education* cases in the 1950s which became the basis for the civil rights movement, and school integration. In *loco parentis* (in place of the parent) is another example. Schools are understood to operate in place of the parent, although you usually don't find a statute that says so. Long precedent has established this doctrine.
  - b. Statutes – specific laws passed by legislative bodies. Once they are passed, they immediately begin to be interpreted by courts and precedents set.
  - c. Case law – judgments made in lawsuits on specific issues. The courts' judgments set precedent, which are then followed by subsequent courts, and eventually become part of the common law.
2. Torts and liability
  - a. Torts – non-criminal (civil) acts which inflict harm upon another result in a tort—a lawsuit brought to correct an alleged injustice. For schools, they usually involve negligence or civil rights issues.
  - b. Negligence is a specific kind of tort, very common in the school setting (very common in any business—the famous McDonalds' hot coffee suit is a great example). For a defendant to be found negligent, the courts have established a four part test:
    - i. There was a duty of care – something the defendant was supposed to be doing
    - ii. The defendant abrogated that duty—didn't do it.
    - iii. There was an injury – physical or mental

- iv. There was proximate cause—the injury was caused by the defendant’s failure to act
- v. Generally speaking, the courts have been reluctant to hold schools liable for negligence unless they were aware, or should have been aware of a hazard. Once they are made aware, if a subsequent injury occurs, watch out.

## II. Section 2 - Federal and State constitutional law, statutes, and case law

1. Amendment I to the U.S. Constitution (U.S.C.)states as follows:
  - a. Congress shall make no law respecting and establishment of religion
    - i. This clause is commonly known as the *establishment clause*
  - b. . . . or prohibiting free exercise thereof;
    - i. This clause is commonly known as the *free exercise clause*
2. Amendment V of the U. S. C. states that “no person . . . shall be deprived of life, liberty, or property, without due process of law.” Amendment XIV applies the same principle to the states. These two clauses are called the *due process clauses*.
3. Amendment XIV of the U.S.C. states that no state “shall deny to any person the equal protection of the laws.” This clause is commonly known as the *equal protection clause*.
4. Amendment X to the U.S.C. states that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The clause is interpreted to mean that powers not specifically granted nor prohibited by the constitution of the U.S. become *implied powers*. Therefore authority to educate is granted to the states as an implied power.
5. Compulsory education laws are state laws, varying in detail from state to state.
6. In *Meyer v. Nebraska (1923)* the Supreme Ct. held that parents have a liberty interest in directing the education of their children.
7. In *Pierce v. Society of Sisters (1925)*, the U. S. Supreme Ct. expanded that liberty interest by holding that attendance at a private or parochial school would satisfy a state’s compulsory attendance laws.
8. In *Ohio Ass’n of Independent Schools v. Goff (1996)*, the 6<sup>th</sup> Circuit Court held that proficiency testing of private school students was allowable.
9. In *Health Services v. Temple Baptist Church, (1991)* the N.M. Ct. of App. held that a state can shut down a private, religious facility when it refuses to comply with licensing requirements. This case established that “**a law of general applicability that incidentally burdens a particular religious practice does not violate the free exercise clause.**”
  - a. this principle has been applied to revocation of teacher certification, denial of accreditation and membership in state athletic associations. The principle

applies as long as the state actions does not prohibit a specific religious practice.

10. Excessive entanglement with religion – the Lemon test. Based on *Lemon v. Kurtzman*, U.S. Supreme Ct. (1971). This is a three part test: 1. The statute must have a secular legislative purpose. 2. Its principal effect must be one that neither advances nor inhibits religion. 3. The statute must not foster “an excessive government entanglement with religion.”
11. 42 U.S.C. § 1981 is a federal civil rights statute prohibiting race discrimination in the making and enforcing of contracts. The Supreme Ct. ruled that 42 U.S.C. § 1981 applies to private schools in *Runyon v. McCrary* .
  - a. However, the Court also observed that its holding did not extend to religious schools that practiced racial exclusion on religious grounds.
  - b. The 9<sup>th</sup> Circuit Court held that a Hawaiian private school could extend a preference to native Hawaiians in its admission policy without violating federal law
    - i. The court affirmed the legitimacy of the admissions policy, holding that it constituted a valid affirmative action plan.
12. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin for all programs receiving federal financial assistance.
  - a. Whether or not an institution discriminated in the past, it may institute a program of affirmative action to ensure its benefits are widely available.
13. Title VII – Employment discrimination – prohibits employment discrimination based on race, color, religion, sex, or national origin.
  - a. applies to any institution having 15 or more employees
  - b. Enforced through the Equal Employment Opportunity Commission (EEOC).
  - c. Title VII lawsuits are divided into two categories
    - i. Disparate treatment – an individual claims he was not hired based on his/her race, color, sex, religion, or national origin
      1. Plaintiff must show (a) he/she belongs to a protected class (male, female, black, Jew, Catholic, etc.) (b) he/she was qualified for the position (c) rejected despite qualifications (d) the position remained open after such rejection (not abolished)
      2. Defendant must then give a valid, non-discriminatory reason for not hiring the plaintiff (e.g. incompetent, unqualified).
      3. The plaintiff must show that any reason given in 2. is a pretext for unlawful discrimination.
      4. The bona fide operational qualification (BFOQ) exception allows employers (especially religiously-affiliated private schools) to use sex, religion or national origin as a hiring criterion if it can show that it is a “bona fide operational

qualification necessary to the normal operation of that particular business or enterprise.”

- a. must be a matter of necessity, not employer convenience.
- ii. Disparate impact
  1. A facially hiring neutral policy (such as a high school diploma or I.Q. testing as a condition for employment) has an adverse or disparate impact on minorities.
    - a. if such policy has a disparate impact, it must be related to job performance
- d. *No exemptions exist for race-based discrimination*
  - i. The prohibition against race and national origin discrimination extends to all terms or conditions of employment, including hiring and firing decisions, promotions, salary, seniority, benefits, and work assignments. Reverse discrimination claims are also recognized under Title VII.
- e. *Five part test for hostile work environment based on race:* the employee (1) belongs to a protected group (2) was subjected to unwelcome harassment (3) make complaint based on race (4) shows the harassment affected a term, condition or privilege of employment and (5) shows the employer knew or should have known of the harassment and failed to take prompt remedial action. *Tran v. New Orleans Baptist Theological Seminary*
- f. *Ministerial exception:* bars claims under Title VII that church decisions in hiring and firing clergy are discriminatory.
  - i. A New Jersey court found that “a religious school teacher’s duties are not automatically ministerial” and the court could rule in her employment dispute. *Gallo v. Salesian Society, Inc.*
  - ii. A Minnesota court upheld a school’s dismissal of a pastor who was chair of the theology department at a private Lutheran high school because he admitted he was gay. The court held that resolving this claim would constitute excessive entanglement between church and state. The Court of Appeals of Minnesota stated that “Courts can’t review the internal decision-making . . . of religious institutions.” *Doe v. Lutheran High School of Greater Minneapolis.*

#### 14. Equal Pay Act

- a. Employees in “substantially equal” positions must receive equal pay regardless of sex. Pay may differ based on (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; (iv) a differential based on any factor other than sex. You can’t cut anybody’s pay to come into compliance.

15. Title IX – prohibits sex discrimination in any public or private school program or activity receiving financial assistance.
- a. Does not apply to “an educational institution which is controlled by a religious organization if [its] application... would not be consistent with the religious tenets of such organization.” (Subpart B §106.12 (a))
    - i. To receive an exemption, the school “shall do so by submitting, in writing, a statement by the highest ranking official of the institution, identifying the provisions . . . which conflict with a specific tenet of the religious organization.” (Subpart B §106.12 (b))
  - b. Does not apply to admissions policies for private, K-12 institutions (§106.15.c.)
  - c. Prohibits denial of admission on the ground of blindness or severely impaired vision, but does not require any special services to be given to such person.
  - d. Requires that all publications used in the “recruitment of students or employees” contain a statement of nondiscrimination based on sex.
  - e. Facilities and housing may be provided for single sex occupants, but they must be comparable in quantity and quality.
  - f. Course offerings (including physical education) may not be separated based on sex except:
    - i. In sports where the purpose or major activity of which involves bodily contact (given examples are boxing, wrestling, rugby, ice hockey, football, basketball and other sports where the purpose or major activity involves bodily contact).
    - ii. Where the use of a single standard or measurement would have an adverse effect on members of one sex. In such case, an appropriate standard should be used.
    - iii. Course or portions or classes which deal with human sexuality may be conducted in separate sessions for boys and girls.
    - iv. Choruses may be predominately one sex if based on vocal range or quality.
  - g. *A student cannot be excluded from the school or any activity on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests it.*
    - i. *May require the student to get medical clearance as long as it is done for all physical or mental conditions requiring a physician’s care.*
    - ii. *Pregnancy must be treated as any other temporary disability.*
  - h. *Athletics*
    - i. *Must provide equal opportunities for both sexes which effectively accommodate the interests and abilities of members of both sexes.*

- ii. *Must provide separate teams (male and female) unless the sport is a contact sport. If a separate team is not provided, members of the excluded must be permitted to try out for that sport.*
  - i. *Cannot discriminate based on sex in hiring unless sex is a bona-fide occupational qualification for that position (e.g. in the men's or women's locker room).*
  - j. *Cannot make pre-employment inquiries as to marital status, including whether the person is Miss or Mrs.*
    - i. *May make a pre-employment inquiry as to sex, as long as you make it for both sexes and the information is not used to discriminate.*
16. *Sexual harassment/hostile work environment (Susko v. Romano's Macaroni Grill, 142 F.Supp.2d 333 (S.D.N.Y. 2001))*
- a. The court found that the following five factors can be used to determine if a hostile work environment exists:
    - i. the frequency of discriminatory conduct
    - ii. its severity
    - iii. whether the conduct was physically threatening or humiliating, or a mere offensive utterance
    - iv. whether the conduct unreasonably interfered with employee's work
    - v. what psychological harm, if any, resulted
17. Americans with Disabilities Act (ADA)
- a. Applies to any school that receives federal assistance. Sect. 104.39 Private Education Programs says that a private elementary or secondary school may not exclude handicapped persons if the person can "with minor adjustments, be provided an appropriate education."
  - b. The school may not charge the handicapped person more unless such charge is justified by a substantial increase in cost to the school.
18. Age Discrimination in Employment Act
- a. Applies to institutions of 20 or more employees
  - b. Applies to persons 40 and older
  - c. Cannot discriminate in hiring, firing, compensation, terms, conditions, or privileges of employment because of individual's age
    - i. exception: where age is a bona fide occupational qualification
  - d. May have a seniority based promotion system
  - e. may have a voluntary early retirement system
19. FERPA (Family Educational Rights and Privacy Act)
- a. Cuts off federal funds if tenets are not followed
  - b. Parents and students over 18 have right to inspection, dispute and request amendment to all school records
    - i. Does not include teacher's records that the teacher keeps

- c. Schools may not release records without parent permission except to:
  - i. Educational agencies with a legitimate educational interest, including the school's teachers
  - ii. Other schools where the student is seeking enrollment
  - iii. Attorney General for law enforcement purposes
  - iv. State and local officials/authorities permitted by statute
  - v. Juvenile justice system
  - vi. organizations conducting studies for educational agencies as long as they will safeguard the info and destroy it when finished
  - vii. accrediting agencies
  - viii. In connection with and emergency, health and safety personnel
  - ix. Under subpoena
  - x. Directory information as long as parent/eligible student has not denied permission
    - 1. Directory information is defined as information that would not be harmful or an invasion of privacy if released
      - a. e.g. name, address, phone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletes, attendance dates, degrees awarded and received, most recent previously attended educational agency or institution attended
- d. Schools must inform parents of their rights under FERPA
  - i. Form of notification is up to the school
  - ii. Inspection/review and procedure for same
  - iii. Seek amendment and process for seeking amendment
  - iv. Right to consent/denial of consent except for those areas specifically permitted in the act without consent
  - v. Right to file a complaint with the department for failure of school to comply
  - vi. If records are released without consent, who constitutes a school official and what constitutes a legitimate educational interest
  - vii. Must effectively notify all parents
    - 1. Disabled, non-English speaking as well
- e. The U.S. Supreme Ct., in *Gonzaga Univ. v. Doe*, ruled that FERPA *did not confer individual rights upon a student*, overruling a jury's \$1M award for damages (*Gonzaga v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed.2d 309 (2002)).

### III. Private school differences/case law supporting



1. **Due Process rights** – the private school’s relationship with the student is not one driven by constitutional law, but by contract law. Since private schools are not acting as a state representative, generally, a student is only provided the provisions and protections set out in the enrollment agreement and student handbook. Lawsuits generally challenge a school’s failure to follow its own rules, or that their rules did not provide fundamental fairness by notifying the student of the charges against him and providing a hearing.
  - a. In a dispute over hair length, (*Gorman v. St. Raphael Academy*, 853 A.2d 28 (R.I. 2004)), the state supreme court held that “absent a violation of law or public policy, it is not within the province of a court to inject itself into the rule-making authority of a private school.”
  - b. When a student alleged that a private school’s suspension violated his federal civil rights, the 1<sup>st</sup> Circuit Ct. found that the school was not a state actor, which is a prerequisite to liability under Sect. 1983. It ruled that a school could be considered a state actor if it “**performs a public function, or if its role is sufficiently intertwined with that of a public entity.**” (*Logiodice v. Trustees of Maine Cent. Institute*, 296 F.3d 22 (1<sup>st</sup> Cir. 2002))
2. **Hearings:** When dealing with major charges that could result in long term suspension or expulsion, a private school must still provide fundamental fairness, within the bounds of established policy.
  - a. A private school is not required to give written notice of charges if oral notice is given (*Watson v. Beckel*, 242 F.3d 1237 (10<sup>th</sup> Cir. 2001)). In *Ray v. Wilmington College*, 667 N.E.2d 39 (Ohio Ct. App. 1995), the Court ruled that a school must be permitted to meet their educational and doctrinal responsibilities without interference from the courts, absent a clear abuse of discretion. In *Boehm v. Univ. of Pennsylvania School of Veterinary Medicine*, 573 A.2d 575 (Pa. Super. Ct. 1990), the court reiterated the idea that private school “students are only entitled to the procedural safeguards that the school specifically provides for them.” They also established the doctrine of “fundamental fairness”, stating that the school must provide students with “notice of charges and a hearing.”
3. **State Action:** The 1<sup>st</sup> Cir. Ct. established a three part test to establish if a private organization/school was acting as an agent of the state.
  1. **The public function test:** if the organization performs a function reserved exclusively to the state.
  2. **The close nexus test:** the state doesn’t have coercive power over it.
  3. **The symbiotic relationship test:** the state is so intertwined with the operation of the organization that its actions could be understood to be the state’s. (*Cummings v. Office of Catholic Education.*, no. Civ-A. 05-104, 2005 WL 1124103 (E.D. Pa. 2005)).
    - a. In *Brentwood Academy v. Tennessee Secondary School Athletic Ass’n*, 531 U.S. 288, 121 S.Ct. 924, 148 L.Ed.2d 807 (2001), the U.S. Supreme Court held that the TSSAA was acting under the color of the state since it was made up mostly of

public schools and public school officials. It passed the “symbiotic relationship test” in that its actions were so intertwined with the state’s that the Association took on a public character and should be judged by constitutional standards.

**4. Dismissals:** A school cannot be found in breach of contract by dismissing a student as long as the school did not act arbitrarily or capriciously in enforcing its rules.

**a. Academic Reasons**

- i. In *Ishibashi v. Gonzaga Univ. School of Law*, 101 Wash. App. 1078 (Wash. Ct. App. 2000), the court upheld a school’s right to change its academic rules. The student alleged he had received inadequate notice of the rule change, even though the school had given him a memo and the new student handbook. Although the school had entered into the contract with the student under the old rules, the court refused to apply contract law rigidly to the school-student relationship.
- ii. However, in *Susan M v. New York Law School*, the NY Court of appeals held that a court may review a grading policy that is arbitrary, capricious, irrational, made in bad faith, or contrary to federal or state law (556 N.E.2d 1104 (N.Y. 1990)).

**b. Non-Academic Reasons**

- i. Courts have upheld dismissals for discipline purposes as long as the school did not act arbitrarily or capriciously.
  1. When a school’s pastor betrayed confidentiality by telling administration that a student was gay, and the student was subsequently expelled, the courts refused to reinstate him (*Woodward v. Jupiter Christian School, Inc.* 913 So.2d 1188 (Fla. Dist. Ct. App. 2005)).
  2. The Pennsylvania Superior Ct. refused to review a discipline decision made by a Catholic school, stating that under the “deference rule” it couldn’t review “internal decisions about discipline” without violating the school’s first amendment rights (*Connor v. Archdiocese of Philadelphia*, 933 A.2d 92 (Pa. Super. Ct. 2007))
  3. A federal district court even upheld an expulsion of a student for making unethical comments during a private, online conversation (*S.L. v. Friends Cent. School* , 265 F.3d 1056 (3d Cir.2001)).

**5. Student Searches** – private schools aren’t state actors, so students can’t generally prevail in a dispute about fourth amendment rights to unlawful search and seizure.

- a. Private school personnel gave the police permission to search a room during an off campus ski trip. When drugs were found, the students were charged. The courts upheld the search as legal since the school, not the students, had control of

the room and therefore could give consent to the search (*Commonwealth v. Considine*, 860 N.E.2d 673 (Mass. 2007)).

**6. Drug Testing** – the Supreme Court held that students involved in extracurricular activities (including athletics) have a lower expectation of privacy, that a school’s legitimate concerns in preventing, deterring and detecting drug use justified a suspicionless drug testing policy (*Vernonia School Dist. 47J v. Acton*, 515 U.S. 646, 115 S.Ct. 2386, 132 L.Ed.2d 564 (1995)). The same finding has been held applicable to private schools.

**7. Athletic participation**

- a. Right to participate: in *Pelletier v. Maine Principals’ Ass’n*, the court ruled that there is no constitutional right to participation in athletics.
- b. School eligibility: One state court ruled that a school’s rights were violated by the fact that the athletic association required a vote for membership for private schools and not for public schools (*Hertage Academy v. Oklahoma Secondary Schools Activities Ass’n*, 483 F.3d 1025 (10<sup>th</sup> Cir. 2007)). In a similar case, a New York court found for the association, allowing the different procedures (*Archbishop Walsh High School v. Section VI*, 666 N.E.2d 521 (N.Y. 1996)).

**8. Employment**

- a. **Breach of Contract:** claims arise from the teacher’s written contract and oral statements that may have modified it, faculty handbooks, and 1<sup>st</sup> amendment issues relating to religious criteria that schools use in employment decisions.
  - i. If a school terminates a teacher for sexual activity outside of marriage,(as a violation of a religious tenet) it needs to be prepared to show evidence that it has enforced this rule against male and female employees, and does not tie it solely to pregnancy (*Boyd v. Harding Academy of Memphis, Inc.*, 88F.3d 410 (6<sup>th</sup> Cir. 1996)).
  - ii. Principals need to understand their state statutes regarding stipulated damages (penalties assessed to employees for breaking a contract). States differ in whether they can be allowed and how much they can be. In general, they cannot exceed the amount of actual damage the school would incur by loss of the teacher (e.g., loss above and beyond the wages that teacher would have earned should they have remained).
  - iii. If a teacher annotates a contract, and the school does not alter it, that language becomes part of the contract (*Shively v Santa Fe Preparatory School, Inc.* 21 Fed. Appx. 875 (10<sup>th</sup> Cir. 2001)). The school’s contract stated that the school could refuse to rehire without cause. The teacher added a clause at the end of the contract stating that she felt she should “deserve and expect just cause for nonrenewal . . .” The school did not alter her revision, so it became part of the contract. When they did not renew her, she sued and prevailed.

- b. **Implied Contracts:** oral promises made to teachers have been upheld by courts as contracts
  - i. A teacher was promised an assistant. After repeated, broken promises of assistance, she left the school grounds one day. She was terminated and sued. The school was found in breach of contract, and she was awarded back wages (*Saltzman v. Trailblazers Academy, Inc.*, No. CV020187929, 2002 WL 131255758 (Conn. Super. Ct. 2002)). A coach was orally promised a contract extension, and there was a newspaper article documenting the extension. When the coach was released, he sued and prevailed. (*Dickens v. Quincy College*, 615 N.E. 2d 381 (Ill app. Ct. 1993)).
- c. **Investigations, Hearings, and Procedural Disputes**
  - i. Courts are often reluctant to investigate religious schools due to excessive entanglement issues. However, on civil rights cases and EEOC cases, they have often subpoenaed records.
  - ii. Procedural disputes – students and teachers are not entitled to due process rights at private/religious schools unless the school is acting as an agent of the state.
- d. **Wrongful termination:** generally, at-will (non-contract) employees may be discharged at any time without cause unless the employer has entered an agreement limiting that right.
- e. **Defamation:** consists of oral (slander) or written (libel) communication that hurts a person’s reputation. The material must have been released to a third party who knows whom it is about. It must be bad enough that the injured’s reputation had suffered in the opinion of the third party. Truth, consent, and opinion are absolute defenses to a defamation claim. If the court doesn’t have to look at church documents to prove a defamation suit, religious organizations can be sued and lose.
- f. **Wage claims:** The Fair Labor Standards Act (FLSA) contains the rules for wages and overtime. Private/religious schools are not exempt, and must pay minimum wage, and a minimum of time and a half for overtime—unless the employee is in a category that is not eligible for overtime (e.g. salaried school administrators).
- g. **Benefits:** Benefits offered must be equal for classes of employees. If one employee in a class (full-time faculty, for example) is offered health benefits, all employees in that class must be offered the same. Different classes can earn different benefits, but they cannot be capriciously assigned.
- h. **Unemployment Compensation:** Churches and organizations operated primarily for religious purposes, which are operated, supervised, or controlled by a convention, church or association of churches, are exempt from participation.

- i. Various courts have heard these cases and found for and against schools. If a school was a direct ministry of a church, they held it exempt. Schools with religious names and statements of faith not affiliated directly with a church have prevailed and lost in different states, depending on the state law, and findings of the courts.
- i. **Labor relations:** The National Labor Relations Act (NLRA) covers unionization and collective bargaining requirements for the private sector, including private schools. The courts have ruled that “pervasively religious” schools may not have to bargain with employees, based on 1st amendment religious considerations. Bargaining requirements usually hinge on state law. Some states have required private, even religious schools to bargain with the non-religious employees (lay faculty members). Managerial employees are exempt from collective bargaining. The determining factor for management is authority—exercising managerial discretion.

## 9. State law

- a. Every private school is required to register with the state and complete an annual survey available at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org)
- b. Private schools that participate in any of the scholarship or funding programs (Voluntary Pre-K, Step up for Students or CTC scholarship, McKay scholarship) are required to complete and file the annual scholarship program compliance form which requires compliance with the following areas:
  - i. School must demonstrate financial solvency by 1) being in operation for three years, or 2) submit a document of financial solvency from an independent auditor
  - ii. Each owner, operator and chief administrative officer, and all employees with direct student contact must successfully complete a FDLE and national criminal background check, or be dismissed
    - 1. Convictions which render an employee ineligible can be found in sect. 1012.315, Florida Statutes
  - iii. Schools must adopt policies establishing standards of ethical conduct for instructional personnel and administrators that include:
    - 1. a requirement to complete training on the standards
    - 2. a duty to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student
    - 3. an explanation of the liability protections provided under sections 39.203 and 768.095, Florida statutes
  - iv. Before employing instructional personnel or administrators, employment history checks must be conducted and documented, employees must be screened using Florida’s educator screening tools and document the results

- v. Must not enter into a confidentiality agreement with instructional personnel or administrators that would not permit gaining employers to obtain information about misconduct.
- vi. Teachers must have one of the following:
  - 1. three years teaching experience
  - 2. special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught
  - 3. Baccalaureate degree or higher
- vii. School must have an unemployment compensation account or an approved waiver on file
- viii. Schools with 4 or more employees must have a workers' compensation policy
- ix. Schools must prohibit discrimination IAW 42 U.S.C sect. 2000d (race, color or national origin)
- x. Schools must maintain accountability with parents by providing an annual, written report of student progress
- xi. Schools must administer or make provisions for administration of an annual, national norm-referenced test identified by FL DOE and provide a copy of the score report to the parents
- xii. Scholarship checks must be endorsed by the parent
- xiii. Schools must have a physical location where students attend classes and teachers who make regular direct contact with students at the physical location.
- xiv. Must meet minimum compulsory attendance requirements of 170 actual school days, and 540 instructional hours for Kindergarten, 720 hours for 1-3 and 900 hours for 4-12
- xv. Schools must complete and maintain Student Health Examination Documentation (DOH Form 3040) before admittance to Kindergarten or initial entry
- xvi. Schools must complete and maintain FL Certificate of Immunization (DOH Form DOH 680)
- xvii. For Kindergarten and 7<sup>th</sup> graders, school must complete an Immunization Annual Report of Compliance (DOH Form 684)
- xviii. For 6<sup>th</sup> grade students, the school must provide scoliosis screening
- xix. Schools must post a notice that informs all employees of their duty to report actual or suspect child abuse, abandonment, or neglect, of their immunity from liability if they report, and their requirement to cooperate with child protective services investigations. The notice must also include who to report to and penalties for failure to report.

- xx. Schools must maintain permanent student records IAW sect. 1002.42(3)(a)2.a., FL statutes, to include: students' full name, date, place of birth, race, and sex, address, name of parents, name and location of last school attended, number of days present and absent, date enrolled and withdrawn, courses taken and record of achievement, and date of graduation or program achievement.
- xxi. School must maintain student records containing temporary information to include: health information, standardized test scores, honors and activities, personal attributes, work experience, teacher and counselor comments and special reports
- xxii. Schools must maintain a register of student enrollment and daily attendance, open for inspection for the school district in which the school is located
- xxiii. School must possess a current and acceptable semi-annual health inspection report (DOH Form 4030)
- xxiv. If the facility possesses a well that serves more than 24 people, it must meet compliance regulations for a public water system (PWS) ID
- xxv. If the school prepare or serves food to students, it must possess a current a current and satisfactory quarterly Food Service Inspection Report (DOH Form DH 4023)
- xxvi. If the school is in a non-exempt county, it must possess a current and acceptable Mandatory Measurements Nonresidential Radon Measurement Report (DOH Form DH 1777)
- xxvii. School facility must possess a current, violation free or satisfactory Fire code inspection and compliance report
- xxviii. If students are transported to and from the school facility by a school-owned or vehicle or vehicles, school must possess a current policy for Auto Liability

APENDIX C  
EXPERT VALIDATION QUESTIONNAIRE



## *Expert Validation Questionnaire*

**For all the statements below, please circle the answer that best reflects your opinion regarding the Christian School Principal Knowledge Assessment Questionnaire that you reviewed.**

<u>KEY</u>
SA = STRONGLY AGREE
A = AGREE
NA = NEITHER AGREE NOR DISAGREE
D = DISAGREE
SD = STRONGLY DISAGREE

- |                                                                                                               |                          |
|---------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. The questions assess valid knowledge that is needed to competently lead a Christian school.                | SD    D    NA    A    SA |
| 2. The questions adequately assess a sampling of the knowledge needed to competently lead a Christian school. | SD    D    NA    A    SA |
| 3. The questions are not misleading or confusing.                                                             | SD    D    NA    A    SA |
| 4. The questionnaire was easy to navigate through.                                                            | SD    D    NA    A    SA |
| 5. If I were sent this questionnaire, I would complete and return it.                                         | SD    D    NA    A    SA |

Comments:

**Thank you for your important opinions. Now please supply me with some demographic information. Please be assured that your opinions will be kept confidential.**

Name: \_\_\_\_\_

Highest Degree Completed: \_\_\_\_\_

Education positions held: \_\_\_\_\_

\_\_\_\_\_  
Years of Experience: \_\_\_\_\_

APPENDIX D  
UCF INSTITUTIONAL REVIEW BOARD APPROVAL

UCF Institutional Review Board Approval



University of Central Florida Institutional Review Board  
Office of Research & Commercialization  
12201 Research Parkway, Suite 501  
Orlando, Florida 32826-3246  
Telephone: 407-823-2901 or 407-882-2276  
[www.research.ucf.edu/compliance/irb.html](http://www.research.ucf.edu/compliance/irb.html)

APPROVAL OF EXEMPT HUMAN RESEARCH

**From: UCF Institutional Review Board #1**

**FWA00000351, IRB00001138**

**To: Dennis E. Robinson**

**Date: April 26, 2010**

Dear Researcher:

On 4/26/2010, the IRB approved the following modification – contacting participants to ensure receipt of study information to human participant research that is exempt from regulation:

Type of Review: Exempt Determination

Project Title: AN ANALYSIS OF KNOWLEDGE OF THE BIBLE, PRIVATE SCHOOL LAW, AND BUSINESS AND FINANCE BETWEEN CHRISTIAN SCHOOL PRINCIPALS WITH AND WITHOUT GRADUATE DEGREES

Investigator: Dennis E Robinson

IRB Number: SBE-09-06630

Funding Agency:

Grant Title:

Research ID: n/a

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB.

When you have completed your research, please submit a Study Closure request in iRIS so that IRB records will be accurate.

In the conduct of this research, you are responsible to follow the requirements of the Investigator Manual.

On behalf of Joseph Bielitzki, DVM, UCF IRB Chair, this letter is signed by:  
Signature applied by Joanne Muratori on 04/26/2010 11:17:55 AM EDT

A handwritten signature in black ink that reads "Joanne Muratori". The signature is written in a cursive style with a large initial "J" and "M".

IRB Coordinator

APPENDIX E  
SURVEY MAILOUT MATERIALS

Survey Mailout Materials

Survey Pre-Notice Letter



University of  
**Central  
Florida**

Department of Educational Research,  
Technology and Leadership

June 14, 2011

Respondent address block

Dear Respondent,

I am writing to ask for your help with an important study. As you are aware, a Christian school principal's job is very different from that of a public school principal, yet there are few graduate programs that exist to prepare us. We are conducting a survey with the goal of determining what areas a graduate program would need to address to be most effective. In the next few days, you will receive a request to participate in this project by answering questions about your perceptions of your preparedness, and an assessment of your knowledge base in three areas critical to Christian school principals: Bible knowledge, private school law, and business management.

We would like to do everything we can to make it easy and enjoyable for you to participate in the study. I am writing in advance because many people like to know ahead of time that they will be asked to fill out an assessment. This research can only be successful with the generous help of people like you.

To say thanks, you will receive a small token of appreciation with the request to participate. I hope you will take 30 minutes of your time to help us. Most of all, I hope you enjoy the assessment, and the opportunity to help improve the preparedness of the professionals who will join our ministry in the future.

Sincerely,

Dennis Robinson

Cover Letter



University of  
**Central  
Florida**

Department of Educational Research,  
Technology and Leadership

June 14, 2011

Respondent address

Dear Respondent,

I am writing you to ask for your help in understanding the preparedness of Assemblies of God Christian School principals. The best way we have of learning about these issues is by asking working administrators like you to share their perceptions of their preparedness in areas unique to our profession, and then test their actual knowledge base. We are using the results of this study to help design a graduate program especially for the Christian school principal. Your address is one of only a small number that have been randomly selected to help in this study.

We want to be sure we hear from many different principals, so please fill out the enclosed assessment and return it in the stamped envelope provided.

The questions should only take about 30 minutes to complete. Your responses are voluntary and ***will be kept confidential***, *your name will never be revealed; any references to your data will be made only by respondent number*. Your name is not on our mailing list and your answers will never be associated with your mailing address. If you have any questions about this survey of Christian school administrators, please contact me at 386-789-4515, ext 150, or email me at [dennis.robinson@tcadeltona.com](mailto:dennis.robinson@tcadeltona.com). This study has been reviewed and approved by the University of Central Florida Internal Review Board, and if you have any questions about your rights as a participant in this study you may contact them by telephone at 407-823-2000.

By taking a few minutes to share your perceptions and take the assessment you will be helping us out a great deal, and a small token of appreciation is enclosed as a way of saying thank you. I hope you enjoy completing the assessment, and look forward to receiving your response.

Many thanks,

Rev. Dennis Robinson



Postcard Reminder



**Dennis Robinson  
1336 Winterville St.  
Deltona FL 32725**

Respondent Name and Address

June 14, 2011

Greetings!

Last week an assessment was mailed to you because you were randomly selected to participate in a study about the preparedness of Christian school principals.

If you have already completed and returned the assessment, please accept our sincere thanks. If not, please complete it right away. We are especially grateful for your help with this important study.

If you did not receive an assessment, or if it was misplaced, please call us at 1-386-789-4515 ext. 150 and we will get another one in the mail for you today.

Sincerely,

Rev. Dennis Robinson

Follow-up Letter



University of  
**Central  
Florida**

Department of Educational Research,  
Technology and Leadership

June 14, 2011

Respondent Address Block

Dear Respondent,

In early June, we sent you a letter asking you to complete an assessment about Assemblies of God Christian school principal preparedness. To the best of our knowledge, it has not been returned.

We are writing again because of the importance that your assessment has for helping to get accurate results. It is only by hearing from nearly everyone in the sample that we can be sure that the results truly represent Assemblies of God Christian school principals. Therefore, we hope you will fill out the assessment soon.

As mentioned before, the questions should only take about 30 minutes to complete. Your responses are voluntary and *will be kept confidential*. Your name is not on our mailing list and your answers will never be associated with your mailing address. If you have any questions about this survey of Christian school administrators, please contact me at 386-789-4515, ext 150, or email me at [dennis.robinson@tcdeltona.com](mailto:dennis.robinson@tcdeltona.com). This study has been reviewed and approved by the University of Central Florida Internal Review Board, and if you have any questions about your rights as a participant in this study you may contact them by telephone at 407-823-2000. We hope you enjoy completing the assessment.

Many thanks,

Rev. Dennis Robinson, M.S.Ed.

Final Notice Letter



Department of Educational Research,  
Technology and Leadership

June 14, 2011

«AddressBlock»

Dear «GreetingLine»

In February, we sent you a letter asking you to complete an assessment about Assemblies of God Christian school principal preparedness. We followed that up with a second assessment two weeks ago. To the best of our knowledge, it has still not been returned.

We are writing this final time because of the extreme importance your assessment has to help to get accurate results. It is only by hearing from nearly everyone in the sample that we can be sure that the results truly represent Assemblies of God Christian school principals. Therefore, we hope you will fill out the assessment right away.

As mentioned before, the questions should only take about 30 minutes to complete. Your responses are voluntary and *will be kept confidential*. Your name is not on our mailing list and your answers will never be associated with your mailing address. If you have any questions about this survey of Christian school administrators, please contact me at 386-789-4515, ext 150, or email me at [dennis.robinson@tcadeltona.com](mailto:dennis.robinson@tcadeltona.com). This study has been reviewed and approved by the University of Central Florida Internal Review Board, and if you have any questions about your rights as a participant in this study you may contact them by telephone at 407-823-2000.

We hope you enjoy completing the assessment.

Many thanks,

Rev. Dennis Robinson, M.S.Ed.

Phone Follow-up Letter



University of  
**Central  
Florida**

Department of Educational Research,  
Technology and Leadership

June 14, 2011

«AddressBlock»

Dear «GreetingLine»

I greatly appreciate you talking with my wife last week and agreeing to complete the Christian School Principal Preparation Assessment Questionnaire (CSPPAQ). The survey represents the culmination of six years of work and is being used to gather critical information which will be used to build graduate programs especially suited to the needs of the Christian school principal. Thank you for agreeing to complete it—your response is critical as I cannot complete my research without it. I look forward to receiving your response.

As mentioned before, the questions should only take about 30 minutes to complete. Don't be upset if you find you don't know all the answers, just do your best and continue. Your responses are voluntary and *will be kept confidential*. Your name is not on our mailing list and your answers will never be associated with your mailing address. If you have any questions about this survey of Christian school administrators, please contact me at 386-789-4515, ext 150, or email me at [dennis.robinson@tcadeltona.com](mailto:dennis.robinson@tcadeltona.com). This study has been reviewed and approved by the University of Central Florida Internal Review Board, and if you have any questions about your rights as a participant in this study you may contact them by telephone at 407-823-2000.

We hope you enjoy completing the assessment.

Many thanks,

Rev. Dennis Robinson, M.S.Ed.

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