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# Barbara Garii's Book review of Student teaching and the law in the Journal of Tutoring and Mentoring: Partnership in Learning

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Student teaching and the law, by Perry A. Zirkel and Zorka Karanhxa, New York, Association of Teacher Educators, Rowman and Littlefield Education, 2009, xii + 109 pp., US\$55.00, ISBN 978-1-60709-510-1

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## BOOK REVIEW

**Student teaching and the law**, by Perry A. Zirkel and Zorka Karanxha, New York, Association of Teacher Educators, Rowman and Littlefield Education, 2009, xii + 109 pp., US\$55.00, ISBN 978-1-60709-510-1

Perhaps the most important book I have read this year was not written for me. However, as a mentor and adviser to students preparing to be teachers I will be introducing this book to its intended audience, pre-service teachers, and student teachers, and I will be talking with them about the value and necessity of this short, directed text.

Zirkel and Karanxha (2009) offered a brief and pointed look at a very narrow topic: federal understandings and state laws as they specifically address issues about and responses to student teacher practices. The authors recognized that student teachers are on the cusp of change: student teachers are both university students, who pay tuition while participating (to a greater or lesser extent) in the life of their colleges, and novice professionals, responsible for the academic and social growth and development for the K-12 pupils in their classrooms. The specific roles and responsibilities of student teachers as neophyte professionals are inconsistent across the nation and within each state (All Education Schools, 2002–2011; Certification Map 2009–2010) and it is challenging to find a comprehensive listing of student teaching requirements on a state-by-state basis. All too often teacher preparation programs themselves offer limited definitions of what it means to be a student teacher, definitions that do not go beyond the obvious—lesson planning, classroom management, collaboration with colleagues, diversity and social justice—and the superficial—how to dress, the importance of punctuality (Education Academic Services, 2010; Graceland University, 2010–2011; Reynolds and Grimme, 2005). Professionalism is acknowledged as part of student teaching but with limited, if any, explanation of what it means to be a professional.

Zirkel and Karanxha's book is important, because it addresses neither the obvious nor the superficial. Instead, in three chapters, Zirkel and Karanxha considered how student teachers understand their roles and responsibilities toward their teacher preparation programs, toward the schools in which they have been placed, and toward themselves as members of a professional body. Additionally, the authors discussed the courts' responses to legal questions regarding student teacher issues including conduct, behavior, content knowledge, and pedagogical expertise. Zirkel and Karanxha (2009) began by acknowledging the "hybrid nature of the role of student teachers" (p 1)

and reminded the readers—student teachers, faculty mentors and advisers, student teaching supervisors—that the law, as it affects the work, practice, and professional expectations of student teachers, continues to evolve as the roles of student teachers themselves expand in some areas and narrow in others. The authors continued by analyzing and synthesizing case law and state statutes from 1902 through 2008 and they end with a series of case studies, legal definitions, and resources to help education professionals navigate the tangled web of legal concerns that impact student teaching experiences.

This is not to say that pre-teachers and student teachers are not introduced to aspects of the law as it relates to educational practice. However, the bulk of discussion in teacher preparation program coursework refers to legal issues concerned with the relationships between and among teachers, schools, and students, either broadly (see Imber and Van Geel, 2009) or through specific lenses (see *Brown v. Board of Education*—Ball, 2006; special education—Daughtery, 2001; or school segregation/re-segregation—Eaton, 2007). This leaves the pre-teachers and student teachers with the erroneous assumption that student teachers are not directly impacted by legal oversight.

And that is specifically why this book is important. The preparation of teachers is undergoing major change as state legislators and federal mandates suggest that new teachers must spend more time in intensive residency and/or clinical experiences (New York State Education Department, 2010; U.S. Department of Education, 2010). As mentors and guides, it is imperative to assist student teachers to effectively and successfully navigate the new requirements of these clinical experiences. While these new expectations articulate a desire for new teachers to better integrate educational theory into their work in the K-12 classroom, thereby entering the profession more fully up to speed, evidence has suggested that such intensive clinical experiences focus student teachers' attention on just in time preparation at the expense of the deeper and broader understandings of teacher practice and professional development (Heilig and Jez, 2010; Hopkins, 2009). Student teachers often question their role in K-12 classrooms and bring to the courts issues that suggest that they, the student teachers, may not recognize that their responsibilities cross the line from student to professional. For example, some student teachers have questioned their teacher preparation program's accountability expectations in regard to student teacher performance in schools and classrooms. Areas of professionalism include such issues as student teacher responses to university oversight of their student teaching capacity (*Rust v. Tufts University*, 1994; *Bullock v. State*, 2002, described on page 62), collaboration with colleagues in K-12 schools (see *Swift, v. Siesel*, 2002, described on page 50), and the limits of free speech in professional contexts (see *Snyder v. Millersville University*, 2008, described on page 52).

As mentors, one responsibility is helping student teachers acknowledge their responsibilities in terms of classroom practice and professional judgment. Thus, interpreting the cases outlined in this book offers us, as mentors, explicit opportunities to have frank discussions with our mentees about their understandings of their roles. For example, the afore-referenced Rust and Bullock both sued their respective universities for breach of contract after experiencing serious challenges during their student teaching experiences. In both cases, the courts held for their universities, indicating that the students themselves had not fulfilled their contractual obligations to their universities. The Swift case, in which a student teacher was removed and barred from student teaching due to Swift's difficulties working with her host teacher, clarified student teachers' relationship to the districts in which they serve. Although student teachers are working in classrooms and although the teacher preparation program may have a contract with the district that hosts the student teachers, the student teachers themselves are not employees and, as such, are not entitled to any contractual protections offered to employees.

Finally, the Snyder case raises an issue that is only now moving to the forefront of teacher preparation concerns: that of protected speech on social media websites. In this instance, several areas of classroom practice that required remediation were brought to Snyder's attention by her host teacher and her student teaching supervisor. Snyder, on her social media site, then made several negative comments about her student teaching placement and posted photographs of herself holding an alcoholic beverage, captioned *drunken pirate*. Snyder's lack of attention to remediation needs and her on-line public postings resulted in a negative student teaching evaluation that precluded her ability to graduate with a degree in secondary education. She sued, claiming that her postings were protected speech under the First Amendment. It is true that freedom of speech for post-secondary students is defined quite broadly. However, in this case, the courts identified her role as "akin to that of a public employee" (p. 53) and denied her suit on the basis that the First Amendment "did not protect the expression at issue" (p. 53).

What these four cases highlight, of course, is that the role of student teachers falls on the razor's edge between the rights of a university student and responsibilities of practicing teachers. Thus, it is through reading this book and grappling with how the courts interpret the law—generally in favor of the K-12 schools and teacher preparation programs—that student teachers may begin to recognize that "becoming a professional", moving from the student role to the teacher role, occurs before they graduate with their teaching certificate in hand. There is little time for transition. Student teachers become quasi-professionals immediately upon entering the K-12 school. Yet, student teachers themselves are probably unaware of their special legal status and the laws that may (or may not) govern them; therefore, they are unlikely to know to ask for help to understand the rules and regulations that surround their performance. It is, therefore, the mentor's

responsibility to help student teachers identify and articulate these very important questions.

The importance of this book lies in its analysis of student teachers' multiple and overlapping legal responsibilities in their K-12 classrooms, to the policies and procedures governing the schools in which they are placed, to the policies and procedures governing teacher preparation programs, and to student teachers themselves as professionals. The legal issues raised in this book bring to light dense discussions that do not unpack into easy, straightforward conversations to be had in coursework focusing on the practice of teaching. Faculty and supervisors attend to the theory, pedagogy, and content needs of pre-teachers. Mentors and advisers recognize their roles as supporters and guides and generally focus their attention on helping their mentees identify and position themselves for that first professional position. Student teachers themselves often fail to acknowledge the "big picture" of professional practice, beyond the walls of their specific classrooms.

Zirkel and Karanhxa offered an illuminating and challenging guide to the movement into the profession of teaching, thereby giving students, faculty, mentors, and advisers alike the opportunity to delve into challenging areas of student teaching performance that warrant deep discussion. How does becoming a professional change one's understanding of one's role and responsibilities within the profession? This is not a theoretical concern but one of immediate importance to student teachers and to faculty and supervisors who advise, mentor, and guide those student teachers as they take their first professional steps.

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