

Knowledge of Education Law among Form Four Students: A Case Study

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Abstract - A short test gauging students' knowledge in various aspects of education law was distributed among Form 4 students in a secondary school. Analysis of the results showed that female students have a significantly higher level of knowledge than male students in education law particularly in the knowledge of regulations and procedures with regards to school discipline and students who have had experienced punishment from breaking school rules have a significantly poorer score than those who have not experienced any punishment in knowledge of educational laws particularly in corporal punishment rules. The implications are discussed.

Key words - corporal punishment, education law, gender, individual legal rights, knowledge, negligence, regulations and procedures related to school discipline

1 INTRODUCTION

All secondary schools in Malaysia provide their students with school rule books so that students may know the rules of the schools they are in. Much of these rule books however provide only information which educators feel there is a need to know. Knowing the law fully is the first step to help students become law-abiding citizens and keep them out of trouble. Knowing the law fully is also empowering for students because students who know their rights will not be easily manipulated or victimized. Knowing the law fully therefore is an essential part of becoming a member of a civilised democratic society. Therefore, full knowledge of education law among students may be the key to making students more law-abiding, more aware of their rights and help keep them and the country safe. A survey on the level of knowledge of education law among Form 4 students was conducted in a local secondary school to find out whether there was any association between the level of knowledge of education law and demographic factors.

2 METHOD

This is a quantitative research using a true-false test that measures students' knowledge in various aspects of educational law.

2.1 Sample

The sample consisted of Form 4 students in four different classes in a local school in a low to middle income neighbourhood in the Klang Valley. The school was a Band-5 school with an enrolment of less than a thousand students.

2.2 Instrument

The true-false choice test was worded in Malay with an English translation because many of the students were very poor in English. The

questions were worded as simply as possible as many of the students especially in the last classes also had difficulty in reading and understanding the Malay language (Bahasa Malaysia) as well. Questions were constructed from information taken from the textbook 'Education Law in Malaysia' by Tie Fatt Hee [1] and the school's rule book. Five domains were covered in the instrument and these consisted of students' background and students' knowledge in four areas of education law which were negligence, individual legal rights, regulations and procedures related to school discipline and corporal punishment. There were eight questions each for negligence, individual legal rights, regulations and procedures related to school discipline and corporal punishment spread out to cover as wide an area as possible. Care was taken to word the questions in a way that did not put ideas into the heads of mischievous students. The questionnaire was reviewed by three school counsellors in the said school and words were changed for readability.

3 RESULTS

73 tests were answered satisfactorily. 1 test was discarded due to alternating true-false answers. The breakdown in the questions and correct answers are according to the table below.

Table 1: Table of specification, corresponding questions and percentage of correct answers

Section A	Demography / Personal Data
1	Form Q1: I am in Form 4 _____ (A/B/C/D)
2	Gender

	Q2: My gender (male/female)	
3	Prefect Q3: Are you a school prefect? (yes/no)	
4	Home Q4: I live with _____ (both parents/one parent/guardian but not parent)	
5	Socioeconomic status Q5: My family's financial status (poor / neither rich nor poor / rich)	
6	Experience of punishment Q6: Have you ever had action taken against you for breaking school rules? (Y/N)	
Section B	Negligence in school	Correct answers %
1	Duty of care – teachers during school hours Q7: Teachers are responsible for students' safety during school hours.	97.3
2	Duty of care – school safety Q8: The school is not obliged to ensure that the area surrounding the school is safe for students who come early.	67
3	Doctrine in loco parentis Q9: Teachers are to act as the responsible mother / father when the students are under their care.	71
4	Duty of care – outside school compound Q10: Students are responsible for themselves once they are outside the school compound.	1.4
5	Duty of care – school holidays Q11: Teachers are not responsible if students who are not permitted to be in school are injured in school during school holidays.	89
6	Duty of care – student learning Q12: Teachers are responsible for students' learning.	97.3
7	Duty of care – level of care needed Q13: The level of care to be given by teachers depends on the needs of the student.	68.5
8	Duty of care – unforeseeable circumstances Q14: Teachers are not liable for any harm sustained by pupils due to unforeseeable events.	61.6
Section C	Individual legal rights	Correct answers %
1	Right to education Q15: All children have a legal right to education up to Form 5.	100
2	Right to change religion Q16: Students under the age of	93.2

	18 have a right to change their religion on their own.	
3	Freedom to wear religious attire to school Q17: Muslim male students can wear turban in school.	63
4	Right to maintenance of education Q18: Students' parents do not need to pay for students' education once they pass 18 years of age.	16.4
5	School publications Q19: Articles for the school magazine can be censored before they are published.	98.6
6	Special population Q20: Schools can deny wheelchair-bound students entry if they are not able to accommodate these students.	56.2
7	Search and seizure Q21: A student's bag can be checked randomly for drugs.	6.8
8	Freedom of speech and expression Q22: Indecent and obscene speech can be censored.	84.9
Section D	Regulations and procedures related to school discipline	Correct answers %
1	Substantive due process – expulsion and suspension Q23: The decision to suspend or expel a student is based on the severity of the offence.	98.6
2	Criminal wrongdoing – Extortion Q24: A student who extorts another student can be expelled from school.	91.8
3	Criminal wrongdoing - Carrying a dangerous weapon Q25: Carrying a dangerous weapon to school without the intention to use it is not a criminal act.	84.9
4	Penalty system Q26: Students with more than 50 penalty points can be excluded from school.	87.7
5	Procedural due process Q27: A student accused of committing an offence has no right to defend himself / herself at a disciplinary hearing.	84.9
6	Cheating in exams Q28: Students who cheat during exams will get a zero mark.	91.8
7	Truancy - 1 st warning Q29: A first warning is given when a student skips school for 3 consecutive days.	91.8
8	Truancy – expulsion regulation	90.4

	Q30: A student can be expelled if he / she skips school for 31 consecutive days.	
Section E	Corporal Punishment	Correct answers %
1	Place allowed Q31: Students can be caned during the school assembly if they commit a serious offence.	30.1
2	Level of punishment allowed Q32: Corporal punishment which is excessive is a crime.	93.2
3	Forms of punishment Q33: Slapping on the face is a permissible form of corporal punishment.	90.4
4	Reasons of punishment Q34: The action to cane students is used to deter students from repeating wrongdoings.	93.2
5	Corporal punishment and humiliation Q35: Corporal punishment can be used to humiliate the student so that they do not repeat the misconduct.	43.8
6	Injury-causing punishment Q36: Corporal punishment which causes bodily hurt is an offence.	86.3
7	Female students and corporal punishment Q37: Female students cannot be punished by caning.	38.4
8	Immediacy and corporal punishment Q38: A student being naughty in class can be caned in front of the other students in the class.	19.2

3.1 Descriptive statistics

Among the 4 sections of education law, students on the whole scored highest on regulations and procedures of school discipline (total points = 527 out of 584 or 90.24%; mean = 7.22; SD = 1.04), second highest on negligence (total points = 441 out of 584 or 75.51%; mean = 6.04; SD is 0.84), third highest on individual legal rights (total points = 379 out of 584 or 64.9%; mean = 5.19; SD = 1.09) and lowest on corporal punishment (total points = 361 out of 584 or 61.82%; mean = 4.95; SD = 1.22). A very low score of below 50% score however was noted for Q10 for negligence which pertains to whether students are responsible for themselves once they are outside the school compound, Q18 and Q21 for individual legal rights which pertain to whether students' parents need to pay for students' education once they pass 18 years of age and whether a student's bag can be checked

randomly for drugs, Q35, Q37 and Q38 for corporal punishment which pertain to whether corporal punishment can be used to humiliate the student so that they do not repeat the misconduct, whether female students can be punished by caning and whether students can be caned in front of the other students in the class

3.2 Inferential statistics

Normality tests showed the data was not normally distributed and as a result, non-parametric tests were used. The Mann-Whitney U test was used to test whether 'type of class', 'gender', 'being a school prefect', 'home life', 'socio-economic status' and the 'experience of action/punishment for breaking school rules' were associated with significant differences in the levels of knowledge of educational law in the aspects of negligence, individual legal rights, regulations and procedures in school discipline, corporal punishment rules and knowledge of education law in general. Only significant results are reported. For 'gender' it was found that the difference in gender is associated with a significant difference in the score of knowledge of regulations and procedures in school discipline and the scores in knowledge of education law in general. Male students scored significantly lower than female students on procedure and regulations of school discipline ($z = -3.343$, $p < .05$) and general score of education law knowledge ($z = -2.700$, $p < .05$). Male students had an average rank of 23.26 while female students had an average rank of 41.17 for procedures and regulations of school discipline. For the general score on education law, male students had an average rank of 24.97 while female students had an average rank of 40.65. Female students therefore have a significantly higher level of knowledge of education law particularly in the knowledge of regulations and procedures in school discipline than male students. The Mann-Whitney U test also showed that students who had experienced punishment from breaking school rules have a significantly poorer general score in knowledge of education laws ($z = -2.516$, $p < .05$) particularly in corporal punishment rules ($z = -2.083$, $p < .05$). For general scores on education law, students who had experienced punishment for breaking school rules had an average rank of 27.89 while students who had not experienced punishment for breaking school rules had an average rank of 41.19. For knowledge on corporal punishment rules, students who had experienced punishment for breaking school rules had an average rank of 29.67 while students who had not experienced punishment for breaking school rules had an average rank of 40.37.

4 DISCUSSION

The results from descriptive statistics implied that how much students know about educational law is controlled in part by the educators themselves on a need to know basis. Malaysian education is still teacher-centred [2] which is a norm in the country's culture of collectivism and high power distance [3] although the Ministry of Education in Malaysia is now actively promoting student-centred and constructivist learning [4]. School authorities are still the ones who decide which aspects and depth of education law information to give to students and the type and level of education law knowledge that students have seem to suggest a distrustful teacher - student relationship and a protectionist education system. Education law information which may be deemed as casting too much responsibility or burden on educators (Q10), as able to reduce teacher and parental control over students (Q18 and Q21) and as able to increase the risk of educators getting sued for abuse of power (Q31, Q37 and Q38) may had been consciously or unconsciously withheld from students.

Inferential statistics showed that male students tend to have significantly lower scores in education law particularly in regulation and procedures of school discipline compared to female students while those who have experienced punishment for breaking school rules showed a significantly lower scores in education law particularly in the aspect of corporal punishment compared to those who have not experienced punishment. These results points to a need to increase male students' knowledge in education law particularly in regulations and procedures of school discipline. Students who scored poorly in education law particularly in the aspect of corporal punishment also experienced more punishment for breaking school rules. This could be because students with poor knowledge of the law will be more a risk of violating the law. Teachers should also at the same time be aware that perhaps those of them who had violated corporal punishment laws without experiencing any complaints or legal action from students or parents was not because they were justified or held in high esteem, but because many of the students who had been punished did not know the law regarding corporal punishment. As such, teachers need to know and practice education law judiciously.

5 CONCLUSION

Knowledge is power. Knowledge of the law is important for all citizens of a country so that they will know what is expected of them and thus behave accordingly or receive the consequences.

Everyone (including students) needs to know the law as it governs nearly all aspects of our lives and we are all bound by it. However, there are always two sides to a coin as more superior knowledge of the law enables some people to manipulate it and use it against others unfairly. So, in order for fairness and justice to prevail, knowing the law as much as possible is important for everyone to prevent evilness and oppression from occurring. Those who are in power and are wise enough should ensure that those who are subjected to that power are empowered as well. This is to enable those who are subjected to these powers to exert their rights and to prevent an abuse of power by those who are dominant. Educators need to know education law well for many reasons. They are duty bound by it and they are also protected by it but they also need to realise that they have a moral duty to do the right thing and fight the inclination to leave students in the dark where it suits them so that they can be easily or usefully manipulated. Educators must realise that they are role models to their students in all aspects and thus must act morally with the motive to protect their charges' well-being by empowering them with education law knowledge in all aspects. This would be in line with Kant's categorical imperative (Kemerling, 2011).

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