

COMMON GOOD

REFORMING AMERICA'S LAWSUIT CULTURE

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HARRIS INTERACTIVE SURVEY OF U.S. PUBLIC SCHOOL TEACHERS AND PRINCIPALS FINDS THAT THE CURRENT LEGAL CLIMATE HAS CAUSED A PHENOMENON CALLED “DEFENSIVE TEACHING”

Nearly Two-Thirds Of Principals Surveyed Have Been Threatened With A Legal Challenge By Parents

New York, NY – March 24, 2004 – A new survey by Harris Interactive® of public school teachers and principals throughout the nation has found that more than three-quarters of those surveyed – 82 percent of teachers and 77 percent of principals – agree that the current legal climate has created a phenomenon that could be called “defensive teaching” – meaning that their decisions are motivated by a desire to avoid legal challenges. And the threat of lawsuits has become pronounced: 62 percent of principals surveyed said that they have been threatened with a legal challenge by parents, while 35 percent of principals have been threatened with other harm or assaulted by parents.

The survey, released today, was conducted for Common Good, a nonpartisan legal reform coalition. Harris Interactive conducted the telephone survey among 500 teachers and 301 principals from public schools nationwide.

Other findings from the poll include the following:

- 77 percent of principals think that principals (other than themselves) avoid decisions that they think are right simply because they might be challenged legally;
- 61 percent of teachers think that teachers (other than themselves) avoid decisions that they think are right simply because they might be challenged legally;
- 62 percent of principals believe that concerns about legal challenges have made teachers’ relationships with students less personal.

Other topics were explored in greater detail with sub-samples of teachers and principals from the survey (230 teachers and 167 principals). Results revealed the following:

- 85 percent of teachers and 80 percent of principals believe that having fewer laws, rules and legal mandates would help the quality of education in their schools;
- 77 percent of teachers and 81 percent of principals believe that increased laws, rules and legal mandates have hurt their ability to do their jobs;

- 63 percent of teachers and 64 percent of principals believe that the increased potential for legal challenges by students or parents has hurt their ability to do their jobs;
- 63 percent of principals said that fear of legal challenge affects their willingness or ability to fire bad teachers.

That same sub-sample had the following views on potential solutions:

- 85 percent of both teachers and principals think that reducing the availability of legal challenges to day-to-day management and disciplinary decisions would help improve the quality of education in their schools;
- 88 percent of teachers and 77 percent of principals think that replacing legal hearings and lawsuits with oversight by a school-based committee including teachers and parents would help improve the quality of education in their schools;
- 83 percent of teachers and 65 percent of principals think that replacing detailed rules with oversight by a school-based committee would help improve the quality of education in their schools;
- 71 percent of teachers and 75 percent of principals think that empowering principals to hire and fire teachers and other school staff with oversight by a school-based committee would help improve the quality of education in their schools.

“This remarkable survey reveals that legal fear is taking hold in our schools, creating ‘defensive teaching’ and undermining the ability of educators to use their best judgment in day-to-day decisions,” said Philip K. Howard, Chair of Common Good. “Teachers are squeezed in both directions. Legal threats and bureaucratic micromanagement conspire to crush the human spirit needed to teach our children.”

Survey Methodology

Harris Interactive conducted telephone interviews among a representative sample of public school teachers (500) and principals (301) in grades K-12. The main interviews were conducted between September 18 and October 6, 2003. The re-contact interviews were conducted among 230 teachers and 167 principals between October 24 and November 2, 2003. Analysis and reporting were conducted thereafter. Figures for teachers were weighted for age, gender, education, race and ethnicity, region, and school location. Figures for principals were weighted to type of school, gender, race and ethnicity and region. In theory, with a probability sample of educators of this size, one can say with 95 percent certainty that the results of teachers have a statistical precision of plus or minus 4.5 percentage points and the results of principals have a statistical precision of plus or minus 5.5 percentage points of what they would be if the entire U.S. populations of K-12 public school teachers and principals had been polled with complete accuracy. For the re-contact interviews the margin of error is 6.4 percentage points for teachers and 7.5 percentage points for principals.

About Harris Interactive®

Harris Interactive (www.harrisinteractive.com) is a worldwide market research and consulting firm best known for *The Harris Poll*®, and for pioneering the Internet method to conduct scientifically accurate market research. Headquartered in Rochester, New

York, U.S.A., Harris Interactive combines proprietary methodologies and technology with expertise in predictive, custom and strategic research. The Company conducts international research through wholly owned subsidiaries—London-based **HI Europe** (www.hieurope.com) and Tokyo-based **Harris Interactive Japan**—as well as through the Harris Interactive Global Network of local market- and opinion-research firms, and various U.S. offices.

Common Good is a bi-partisan legal reform coalition dedicated to overhauling America's lawsuit culture. Its board is composed of leaders in a wide range of fields: former government officials, including Griffin Bell, Newt Gingrich, Eric Holder, George McGovern, Diane Ravitch, Alan Simpson, and Richard Thornburgh; current and former university presidents, including Tom Kean, George Rupp, and John Silber, and numerous other leaders in education, healthcare, law, business and public policy. The Chair of Common Good is Philip K. Howard, a lawyer and author of The Death of Common Sense and The Collapse of the Common Good.

Further information on Common Good is available at www.cgood.org.

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