

THE BEST INTERESTS PRINCIPLE IN ADMINISTRATIVE PRACTICE:
CANADIAN IN-SCHOOL ADMINISTRATORS' PERCEPTIONS, DEFINITIONS AND
USE OF THE BEST INTERESTS PRINCIPLE

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Nicola Bishop-Yong, candidate for the degree of Master of Education, has presented a thesis titled ***The Best Interest Principle in Administrative Practice: Canadian In-School Administrators' Perceptions, Definitions and Usage of the Best Interests Principle***, in an oral examination held on March 24th, 2010. The committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

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ABSTRACT

The *best-interests* principle is a widely used ethical, legal and social basis for policy and decision-making involving children [italics added] (Kopelman, 1997). In response to modern ethical leadership, a growing number of academics have examined the relationship between the best interest principle and decision making (Cranston, 2006; Tirri, 1999, 2001, 2002). Shapiro and Stefkovich (2001) and Stefkovich (2006) responded to this interest with two educational ethical decision making models where *best interests* are central. The models incorporated foundational works like Starratt's (1994) multidimensional ethical framework and Walker's (1998) jurisprudential and ethical perspectives. Additionally, Stefkovich (2004, 2006) sought to include jurisprudential constructs such as *rights, responsibilities and respect*. However, despite the academic attention for *best interests*, only a small number of empirical studies have been conducted (Frick, 2006; Shapiro & Stefkovich, 2001; Stefkovich, 2006).

The purpose of this research was to examine the *best interest(s)* principle through an investigation of theory, practice and professional praxis and thus to identify the common use and understanding of the best interests principle in Canadian in-school administrative practice. Quantitative and qualitative methods were used in this study. Research methodology consisted of self-report, structured questionnaires including both closed attitudinal and open ended questions and a semi-structured focus group interview. A *best interests* questionnaire was embedded in a larger study entitled *Moral Agency and Trust*

Brokering: Challenges of the Principal and distributed to a stratified sample of Canadian in-school administrators. The data was subjected to both descriptive statistical and thematic analysis.

The findings revealed a compelling image of the best interests principle in educational administrative practice. Analyses of the data revealed two categories of thought: (a) broad conceptualizations and general perspectives toward defining best interests and (b) general methodological considerations or approaches to applying best interests' principle. The best interests of the student(s) was broadly conceptualized and defined as three major categories of thought: *best interests as core good*, *best interests as good pedagogy*, and *best interests as holistic*.

Additionally, three methodological considerations were identified as contributing toward the application of the principle: *stakeholders' influence*, *contextual considerations* and *relational aspects*. Respondents preferred to define best interests in *caring* and *collective* terms. Analysis revealed simultaneously narrow and broad interpretations of interests.

Implications for theory supported a modified professional ethic and best interests model that balances the ethical paradigms of care, critique, justice and community with the jurisprudential constructs of responsibility, respect and rights. Two central dichotomies emerged within interpretations of the best interests principle in the ethical and jurisprudential literature forming a matrix of best interests: individual v. collective and subjective v. objective. This study

placed the respondents centered on the continuum between individual and communal and subjective and objective.

The findings of this study indicated that continued best practices in ethical decision making pedagogy would serve to augment the findings of this study. Likewise, continued research in the area of multiple ethical paradigms, ethical leadership and ethical decision making among in-school administrators would serve to extend the findings of this study.

DEDICATION

To my loving husband and adoring children – Kai, Michael, Matthew and Sara.

To my adoring and supportive parents – Michael and Sally Bishop.

Thanks to my many angels who supported me through my studies.

TABLE OF CONTENTS

ABSTRACT	i
DEDICATION	iv
CHAPTER ONE	1
INTRODUCTION	1
Purpose of the Study	5
Research Questions	5
Significance of the Study	6
Definition of Key Terms	8
Delimitations	9
Limitations	10
Assumptions	10
Overview of the study	11
CHAPTER TWO	12
LITERATURE REVIEW	12
Interests	12
Historical Jurisprudential Theory	13
Interests in Philosophy	14
Themes of Interests	18
Jurisprudence	18
Overview of the Best Interests Principle	18
<i>Patria Potestas</i>	19
Tender Years Doctrine	20
Best Interests Principle in Law	21
Best Interests Test in Custody and Access Cases	22
Criticism of the Best Interests Test in Custody and Access Cases	24
Best Interests Test Reform	26
Rights of the Child	28
Educators and Best Interests	31
<i>In Loco Parentis</i>	31
Public Education	32
Special Education	39
Ethical Perspectives	42
Ethical Theory	42
Non-consequentialism or Deontological Ethics	43
Consequentialism or Teleological Ethics	44
Virtue Ethics	44
Ethics and In-School Administrators	45
Ethical Paradigms	48
Ethic of Justice	49
Ethic of Care	50
Ethic of Critique	52

Ethic of Community	53
Best Interest(s) and Ethical Decision-Making Models	55
Ethic of Profession	56
Rights, Responsibility and Respect	58
Best Interests and the Educational Leader	61
Matrix of Best Interests	61
Summary of Jurisprudential and Ethical Perspectives of Best Interests	67
CHAPTER THREE	69
RESEARCH METHODOLOGY	69
Research Design	69
Data Collection	73
The Study Sample	73
The Instrument	73
Validity	77
Data Analysis	78
Presentation of the Data	80
Ethical Considerations	80
Summary of the Research Methodology	80
CHAPTER FOUR	82
PRESENTATION OF THE FINDINGS	82
Quantitative Data	87
Familiarity, General Usage and Perceived Efficacy	87
Preference to Resolving Best Interests: Individual or Collective	90
Mediation of Conflicts between Private and Public Interests	92
Qualitative Data from Open-Ended Questions	99
Definitions and Descriptions of Best Interests	101
Best Interests as Good Pedagogy	104
Best Interests as Holistic	105
Methodological Influences on Best Interest	106
Methodological Influences on Best Interest: Stakeholders' Influence	107
Methodological Influences on Best Interest: Contextual Considerations	107
Methodological Influences on Best Interests: Relational Considerations	111
Summary of the Definitions and Descriptions of Best Interests	112
Usage of Best Interests	115
Discipline	115
Pedagogical Instances	117
Human Resources	119
Special Education	119
Safety	122
Other Instances	123

Summary of the Findings	125
CHAPTER 5	127
SUMMARY, CONCLUSIONS, DISCUSSION AND IMPLICATIONS	127
Purpose of the Study	127
Research Methodology	129
Summary of the Findings	130
<i>Question One: How is the best interests principle defined by in-school administrators?</i>	130
<i>Question Two: Under what circumstances do in-school administrators claim to apply the best interests principle?</i>	133
<i>Question Three: What factors do in-school administrators identify as influencing decisions of best interest?</i>	135
<i>Question Four: How do in-school administrators make determinations of best interests?</i>	136
<i>Question Number Five: To what extent do in-school administrators conceptualize the best interests principle in a manner consistent with the models presented by Shapiro and Stefkovich (2001) and Stefkovich (2006)?</i>	139
Conclusions and Discussion	143
A Modified Professional Ethic and Best Interests Model	143
Moral Imperative – Best Interests Student(s)	144
Multidimensional Ethical Framework (Ethics of justice, care and critique, professional code of ethics)	147
Role of the Ethic of Community	149
Implications for Theory	154
Implications for Practice	159
Implications for Further Research	161
Concluding Comment	163
References	165
Appendix A:	180
Application to Ethics Committee	180
Appendix B:	191
Data Instruments	191
Appendix C:	202
Qualitative Data – Coding & Transcripts	202

LIST OF TABLES

Table 4.1	Summary of the distribution of respondent participation among the Moral Agency and Trust Brokering study containing questions on the best interests principle in administrative practice	84
Table 4.2	Summary of the demographic distribution of the respondents according to groups and subgroups.....	86
Table 4.3	Frequency and percentage of respondents' level of agreement with the familiarity, routine use and perceived efficacy of the best interests principle.....	88
Table 4.4	Summary of the respondents' perceptions of familiarity, routine use and perceived efficacy of the best interests principle.....	90
Table 4.5	Frequency of respondents' level of agreement with the optimal test of best interests principle as supporting all students or the individual student.....	91
Table 4.6	Summary of the respondents' perceptions of the optimal test of best interests principle as supporting all students or the individual student.....	92
Table 4.7	Frequency and percentage of respondents' level of agreement to routinely mediating public and private interests involving decisions affecting children.....	93
Table 4.8	Corresponding survey questions and the multi-dimensional ethical paradigms.....	94
Table 4.9	Frequency of respondents' level of agreement to resolving dilemmas considering particular ethical dispositions.....	97
Table 4.10	Summary of the respondents' preferences to resolving dilemmas considering particular ethical dispositions.....	98

LIST OF FIGURES

Figure 2.1	Circles of Interest (Hodgkinson, 1991).....	16
Figure 2.2	Intersecting Circles of Interest (Hodgkinson, 1991).....	17
Figure 2.3	Ethic of Community (Furman, 2004).....	54
Figure 2.4	Ethic of Profession (Shapiro & Stefkovich, 2001)	56
Figure 2.5	Best Interests Models (Stefkovich, 2006).....	59
Figure 2.6	Matrix of Best Interests.....	64
Figure 3.1	Research Logic.....	72
Figure 4.1	Distribution of the respondents' preferences to resolving dilemmas considering particular ethical dispositions.....	99
Figure 4.2	Major Categories of Thought in the Definition of Best Interests Principle.....	113
Figure 4.3	Methodological Influences on Best Interest.....	114

Figure 4.4	Circumstances when In-School Administrators Used the Best Interests Principle to Justify a Decision.....	124
Figure 5.1	A Modified Professional Ethic and Best Interests Model....	153
Figure 5.2	Revised Matrix of Best Interests.....	158

CHAPTER ONE

INTRODUCTION

The *best-interests* principle is a widely used ethical, legal and social basis for policy and decision-making involving children [italics added] (Kopelman, 1997). As such the applications of a best interests principle abound in legal, medical and educational contexts where determinations are made on behalf of children. It is *the* guiding criteria for legal disputes of custody and access (Department of Justice Canada, 2005). Additionally, it is examined for its utility in quasi-medical and medical contexts (Porcellato, 2006; Kopelman, 1997; Spence, 2000; Bailey, 2006). In educational contexts, the best interests principle has received increased attention in the mitigation of ethical and legal decision-making (Cranston, 2006; Frick, 2006; Shapiro & Stefkovich, 2000, 2001, 2003; Stefkovich & O'Brien, 2004; Stefkovich, 2006; Tirri, 1999, 2001, 2002; Walker, 1991, 1995, 1998).

Walker's work on the topic suggested that the best interests principle is a shibboleth of "enormous potential to direct and to measure goodness, rightness, and appropriateness of policy and practice" (Walker, 1995, p. 5). However, there is a lack of clarity as to what constitutes a student's best interests (Stefkovich, 2006, p. 17). While there has been substantive work done in the theorizing of best interests as a guiding principal in ethical leadership and decision making in education (Shapiro & Stefkovich, 2000, 2001, 2003; Stefkovich, 2006), qualitative research on the perceptions of the best interests

principle by In-School Administrators has been inconclusive (Walker, 1991, 1995; Frick, 2006). Therefore, despite attempts to provide a rigorous definition, the research revealed that *best interests* is used broadly and interpreted in multiple ways (Stefkovich, 2004). Consequently, the “potent phrase” (Walker, 1998), oft used as justification and rationalization for administrative decisions, required critical examination. The topography of “*in the best interests of the student*” required mapping and charting.

The significance of values, ethics and moral leadership have been recurrent themes in the research of educational administration in recent years (Begley, 1999a, 1999b, 2003, 2004a, 2004b, 2006; Fullan, 2003; Greenfield, 2004; Hodgkinson, 1991; Sergiovanni, 1991, 1992; Shapiro & Stefkovich, 2000, 2001, 2003; Starratt, 1994, 2003, 2005; Stefkovich, 2006). Hodgkinson (1991) went so far as to suggest that “values, morals and ethics are the very stuff of leadership and administration” (p. 11). Additionally, academics such as Walker (1995, 1998), Watkinson (1999), Shariff (2003, 2004) and Stefkovich (2006) recognized the value of interspersing ethical and jurisprudential perspectives in ways that enhance the leadership practice of In-School Administrators. The *best interest* principle represents a significant nexus between ethical and jurisprudential perspectives and the subsequent impact on decision making and educational leadership.

The press for accountability in decision-making impacts how ethics guide in-school administrators’ professional decision-making (Begley, 2006).

Additionally, in the changing and challenging operational environment in which schools now operate, it is not surprising that in-school administrators are often faced with ethical dilemmas in the course of their daily work as they endeavor to make complex decisions in the *best interests* [italics added] of both staff and students (Cranston, Ehrich & Kimber, 2006, p. 106). These conflicts are now a defining characteristic of the school leadership role and as such the work of in-school administrators has become more complex, much less predictable, less structured and more conflict laden" (Begley, 2003, p. xvi). The perceived efficacy and integrity of administration decisions underscores the need for in-school administrators' justifications to be well grounded and reasoned.

In response to modern ethical leadership, a growing number of academics examined the relationship between the best interest principle and decision making (Cranston, 2006; Tirri, 1999, 2001, 2002). Shapiro and Stefkovich (2001) and Stefkovich (2006) responded to this interest with two proposed models on ethical decision making where best interests are central. They aptly surmised that "not all those who write about the importance of ethics in educational administration discuss the needs of children" (pp. 24-25). Therefore, their two ethical decision making models adopted the moral imperative "*in the best interests of the student*" as the heart of a professional paradigm for educational administrators (Shapiro & Stefkovich, 2005, pp. 24-25). The first model was predicated upon Shapiro and Stefkovich's (2003) work on a paradigm for professional ethics for in-school administrators – *the ethic of profession*. The

model incorporated foundational works like Starratt's (1994) multidimensional ethical framework (ethics of justice, care and critique) and Walker's (1998) jurisprudential and ethical perspectives, with an ethic of profession, of which Furman's (2004) ethic of community was couched, resulting in a professional paradigm of multiple ethical perspectives. Subsequent research (Frick, 2006; Gutierrez & Green, 2004) explored the value of the special professional ethic and of the multidimensional ethical perspective analysis as advocated by Shapiro and Stefkovich (2004).

However, the professional paradigm and proposed model for addressing the best interests of the student left relatively unexamined the question posed by Walker (1998): to what extent do jurisprudential considerations (generalist theories of interests, special interests of children, case judgments) contribute to the understanding of the best interests of children justification for educational policy? Stefkovich (2004, 2006) constructed a subsequent ethical model for best interests by contextualizing the terrain in more jurisprudential constructs – *rights, responsibilities and respect* and applying the model to legal case law. The limitation of the law and the significance of ethical acumen in mitigating “tough problems” in schools, are accordingly surmised as a philosophical challenge for in-school administrators (Stefkovich, 2006, p. 34).

It is imperative for in-school administrators to grapple with the complexities of the best interest principle, both ethical and jurisprudential. For as Walker (1995) wrote “the more committed and competent we are in finding

the ethical courage to do what is clearly in the best interests of children, the better we will serve the children of our schools” (p. 8). Studies on the *best interests* principle represent a significant opportunity to examine the internal and external dimensions of ethical leadership.

Purpose of the Study

The purpose of this study was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional praxis. The intent of the investigation was to identify the prevalent understandings and use of the best interests principle in school administrative practice.

Research Questions

The following research questions were developed to guide the focus of the study:

- i. How is the best interests principle defined by in-school administrators?
- ii. Under what circumstances do in-school administrators claim to apply the best interests principle?
- iii. What factors do in-school administrators identify as influencing decisions of best interest?
- iv. How do in-school administrators make determinations of best interests?
- v. To what extent do in-school administrators conceptualize the best interests principle in a manner consistent with the models presented by Shapiro and Stefkovich (2001) and Stefkovich (2006)?

Significance of the Study

The importance of this study has been emphasized by several scholars (Frick, 2006; Husu & Tirri, 2001, 2002; Kopelman, 1997; Shapiro & Stefkovich, 2001; Stefkovich, 2006; Vojak, 2003; Walker, 1998). However, despite the academic attention for the best interests principle and its relevance for educational practice, only a small number of empirical studies have been conducted (Frick, 2006; Shapiro & Stefkovich, 2001; Stefkovich, 2006). Identifying the scope of the best interests principle is essential for the enhancement of ethical leadership in administrative practice and subsequently the implementation and development of effective policies, decisions and practices at various levels of public education.

Additionally, Frick (2006) and Shapiro and Gross (2008) recognized that the importance of ethical leadership goes beyond the professional literature to include organizational positions and formalized expressions of the ethical expectations of in-school administrators. In the United States, standard 5 of the Interstate School Leaders Licensure Consortium (ISLLC) Standards for educational leadership requires school administrators to behave with “integrity, fairness and in an ethical manner” to promote the success of all students (ISLLC, 1996). As Frick (2006) described it, this standard implied administrators possess special knowledge, dispositions and performances that constitute the basis for professional moral decision making (p. 10). Likewise, Shapiro and Gross (2008) contended that to meet this standard educational administrators must believe in,

value and be committed to bringing ethical principles to the decision-making process (p. 175). Examining the perceptions of the best interests principle afforded an opportunity to assess the ethical literacy of Canadian in-school administrators.

Begley (2003) observed that new demands on the school leadership role - more complex and conflict-laden dilemmas, greater stakeholder involvement in decision-making, and increased sensitivity to social justice issues - are profoundly more challenging because the achievement of consensus on educational issues is more difficult rendering traditional forms of problem solving obsolete (p. xvi). The best interests principle has the potential for mediating and for establishing common grounds for disputations and divergence (Walker, 1995). Therefore, in light of the emerging trends of administration practice, it is critical to establish common understandings between stakeholders. Purpel (1989) suggested that:

The public and the profession ought to require educators to reveal their theoretical and ideological perspectives, as a kind of truth-in-advertising principle. It is time for educators to end their naiveté and coyness about their social and moral principals, not only as part of their professional ethic but as a way of deepening and enriching this quality of public dialogue on education. (cited in Walker, 1995, p. 6)

Therefore, a deeper understanding of the context of best interest within educational administrative practice has the potential to enhance ethical

leadership practice, informed decision-making, and the integrity of public education.

Definition of Key Terms

The following words represent key terms as discussed in the study. As will be further discussed, some terms are matters for debate and contention and will be further illuminated in the subsequent chapters by theory or participant references. The following definitions serve as operative definitions:

Best Interests - The *best-interests* principle is a widely used ethical, legal and social basis for policy and decision-making involving children [italics added] (Kopelman, 1997). The term generally refers to the deliberation that decision makers (for instance, courts, physicians and administrators) undertake when deciding what service, action, and guideline will best serve a child's interests.

Decision-Making – refers to the deliberative process(es) of choosing from the content of alternative courses of action (Walker, 1991, p. 11).

In-school Administrator – refers to one who holds the professional responsibility to perform, manage and administer and supervise executive duties in a public or private institution of learning (Walker, 1991, p. 11) and, for this study is a elementary or secondary principal.

Ethical Perspective – refers to the branch of philosophy that is concerned with morality and its problems and judgments.

Interest(s) - Multiple denotations of interests exist. For the purposes of this study interest may be defined as a "benefit, good or advantage" for someone or in the legal sense interest may be defined as "a legal right or claim to something" (Encarta Online).

Jurisprudential Perspective – the theory or philosophy of law.

Delimitations

The following constituted the main delimitations of this research:

- i. The research was delimited to the perceptions of selected in-school administrators on the best interests principle.
- ii. Data were collected using a mixed methodology. Quantitative and qualitative data were collected using an online and paper administered questionnaire consisting of closed and open questions to a stratified population sample of Canadian principals. Additionally, further data were collected using semi-structured interviews from a focus group of Saskatchewan administrators.
- iii. The study was delimited to ethical and jurisprudential perspectives of the best interests principle. These perspectives were selected from current literature; other considerations may be of interest to in-school administrators.
- iv. The time line for data collection was from January to July 2006.

Limitations

The study was restricted by the following limitations:

- i. The researcher's academic experiences and philosophical biases affected how the data were collected, analyzed and consequently, how the conclusions were drawn.
- ii. Participants answering both the quantitative and qualitative instruments may have provided biased answers.
- iii. For the purposes of this study, ethics, morality and values were misconstrued as synonymous.
- iv. As the focus group was only comprised of three Saskatchewan administrators, the resulting data was weighted appropriately and appears where appropriate in the qualitative data.

Assumptions

The research was conducted with an awareness of the following assumptions:

- i. The participants engaged in this study were exposed to and involved in ethical and legal issues that required deliberation and resolution during their administrative practice.
- ii. The participants engaged in this study have responded truthfully and without deception.
- iii. The questions used in the survey instruments (questionnaire and semi-structured focus group interview) represented a sufficient range of ethical

and legal interpretations of the best interests principle as to justify their use as a legitimate measure of in-school administrators' perceptions of best interest principle.

Overview of the study

In Chapter One, the research was introduced. This included a rationale for the research, an outline of the purpose of the study, the research questions that guided the research, the significance of the study and the related delimitations, limitations and assumptions, and the definition of key terms.

In Chapter Two, a review of the current literature relating to the study is presented. This included an analysis of the jurisprudential and ethical perspectives of the "best interests" principle.

In Chapter Three, an outline of the research design and methodology, data collection and analysis, and the ethical considerations associated with the research are detailed.

The research findings comprised of the descriptive quantitative data and thematically coded qualitative data are presented in Chapter Four.

A summary of the study, conclusions, and implications for theory, practice, and further research are the focus of Chapter Five.

CHAPTER TWO

LITERATURE REVIEW

The purpose of this research was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional praxis. In this chapter, the literature on the jurisprudential and ethical perspectives was reviewed to reveal the range of interpretations that give meaning to the principle best interests. The chapter begins by defining *interests* in jurisprudence and select philosophical writings and establishing a thematic construct by which to view best interests. Further to this, the literature review focused on the jurisprudence by discussing the history of the best interests principle, the best interests principle in law, the rights of children and best interests considerations significant to education. Next, the ethical perspectives of best interest(s) were discussed within the context of general ethical theories, ethics and educational administration, ethical paradigms, and finally ethical decision-making models. Finally in summary, a conceptual framework of this literature review was introduced.

Interests

In general terms an *interest*, in the context of this study, is synonymous with "benefit, good or advantage" or in legal terms "a legal right or claim" (Encarta Online). However, perhaps Jeremy Bentham said it best when he indicated that "interest is one of those words, which not having any superior *genus*, cannot in the ordinary way be defined" (as cited in Burns & Hart, 1970, p.

12). Despite Bentham's claim, his and other classic jurisprudential and ethical writings attempted to clarify the term. In his *Principle of Utility* (1781) he wrote:

A thing is said to promote the interest, or to be *for* the interest, of an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains (Bentham, p. 15).

Bentham's remarks highlighted two significant factors that further writings ponder and that are what is an interest and how is it to be determined.

However, his remarks alone do not enrich the investigation.

Historical Jurisprudential Theory

Magdalena Schoch (1948) translated the selected writings of a number of jurisprudential academics such as Heck and Isay in *The Jurisprudential Interests* that were instrumental in defining *interests*. According to the teleological or sociological school of jurisprudence, a school of jurisprudence that emphasized the study of the effects of law on real life, Heck defined interests broadly as "all things that man holds dear, and all ideals which guide man's life" (p. 33). Heck conceptualized the law as a determination of conflicting interests. Although Heck refers to opposing interests in legal terms, such that the protection of interests never occurs in a vacuum but in world of competing interests, his comments could be read as more universalistic (p. 35).

Heck cited Rudolf van Jhering as the sociological school's original conceptualist because of his notion that law is created not by concepts but by

interests or by the ends pursued by persons. However, Montgomery (1986) said that Pound was the progenitor because he held that political and legal ordering of human relations was necessary to maximize all interests with the least sacrifice of the totality of interests (as cited in Walker, 1998, p. 288).

Regardless, Pound's writing arranged interests into three categories of individual, public and social (Walker, 1998). A general theory of interests, as represented by the sociological school, places interests in the realm of assessing realities, social processes and competing interests (Walker, 1998, p. 288).

A critic of Heck and his supporters, Herman Isay, claimed that the notion of interest as defined by the sociological school was too "colorless", "devoid of content" and "inflated" beyond reason (as cited in Walker, 1998, p. 288). Isay's criticisms, that of broadness of definition and lack of a systematic determination of interests, are apt even in modern contexts. Under these conceptions, *interests* are not immutable, but rather relational and as such hold a particularly problematic place in educational contexts.

Interests in Philosophy

The relational nature of interests as envisaged by the sociological school of jurisprudence was reflected in philosophical terms in Hodgkinson's (1991) book *Educational Leadership: The Moral Art*. Hodgkinson observed that the *public* aspect of public schooling has resulted in little mystery on the part of citizens to the organizational structures, administration and methods of education. This resultant common knowledge impacts various stakeholders, or

as Hodgkinson labeled these “value-interest” groups, such as students, administrators, parents and the community. Each in turn seeks to exert their hold on the common good – education (p. 35). However, as Hodgkinson identified conflicts emerge as various stakeholders interpret *education*:

Because each component group has a natural tendency to see or portray itself as the stakeholder of prime importance, it is not logically or politically surprising that the *common* interest, the goal of *education*, is selectively reinterpreted by each special interest with corresponding distortions in the institutional reward system and in the overall system flow of costs and benefits. (p. 35)

For Hodgkinson, the hierarchical structure that currently typifies public education, could create ethical problems in that “each interested individual or interest group” will tend to maximize their share of the common good or of the overall reward system (p. 37). However, compounding the perceived hierarchical ordering of interests, was the notion that collective interests are qualified by self-interests. The intersecting nature of these various interest groups and their internal (self-interest) and external (common interest of education) conflicts is represented by Hodgkinson in Figures 2.1 and 2.2

In Figure 2.1 Hodgkinson represents the possible spheres of influence for students, teachers and administrators. Each stakeholder’s self interest is represented in the center of each diagram with the external influences and perceived hierarchies surrounding them that of administrator, teacher, student.

However, when the three spheres are overlapped, Figure 2.2 is the resultant representation. In Figure 2.2 the potential conflicts between stakeholder's self interests and collective interests are more readily apparent; the self interests of the student, teacher and administrator are balanced against the collective interests. Hodgkinson's figure illustrated the intersecting nature of interests and supports his concerns regarding the limitations of collective interests in light of self interests.

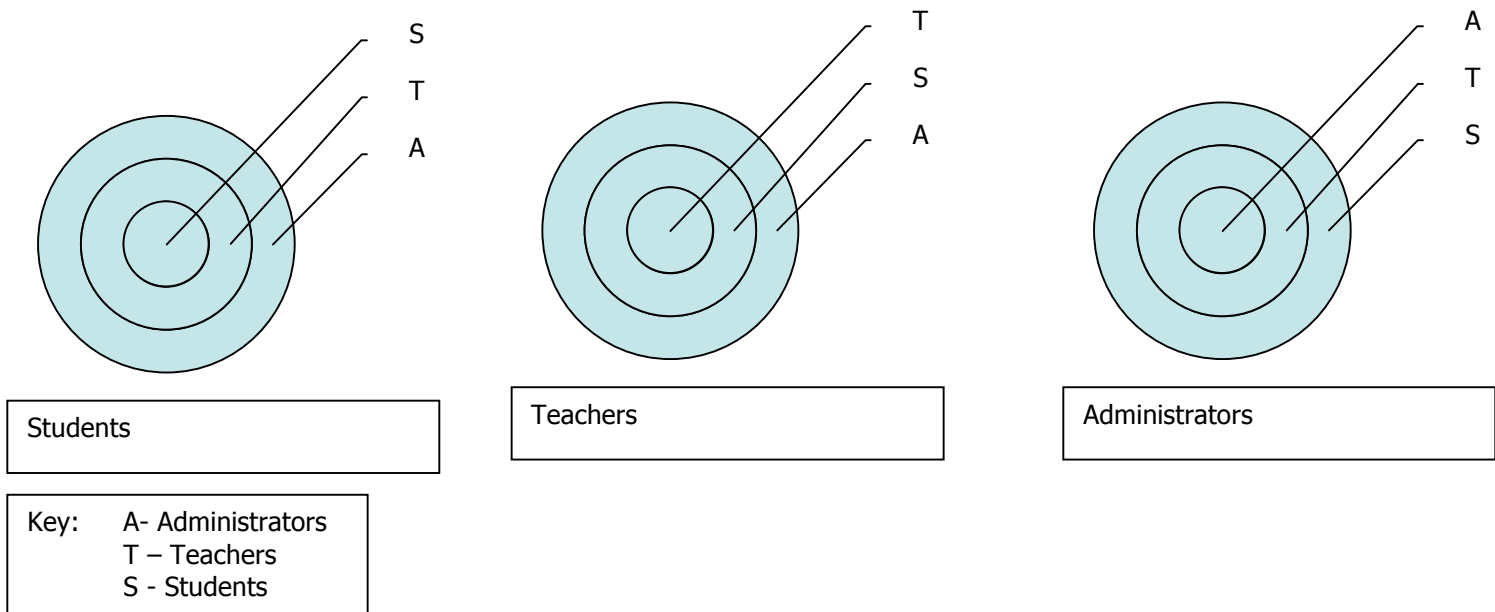


Figure 2.1 Circles of Interest (Hodgkinson, 1991)

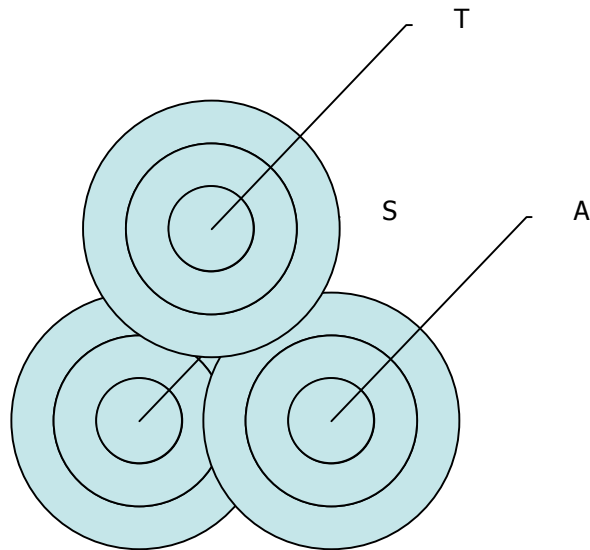


Figure 2.2 Intersecting Circles of Interest (Hodgkinson, 1991)

Hodgkinson qualified his ability to accurately represent the dynamics involved when he wrote:

Indeed, to represent the richness of value overlay and interplay and the potentialities for conflict of interest and organizational dysfunction as well as for intensification of interest and organizational synergy it would require a model extending into n-dimensional space and any gain of accuracy or predictability would be long lost through the sheer hyper-complexity of the representations. (p. 39)

In other words, once considerations of self, values and organizational interplay are quantified the visual representation would require a complexity that would undermine its theoretical underpinnings. However, Hodgkinson's insights helped to contextualize potential conflicts of interests in uniquely educational terms.

Themes of Interests

The jurisprudential writings of the sociological school and the philosophical writings of Hodgkinson (1991) shaped the context and nature of *interests* for in-school administrators: the relational nature of interests, the challenge of reconciling conflicting perceptions of purpose, and the balancing of self-interests and collective pursuits. These themes emerged elsewhere in the literature on best interests, albeit in different forms and language. These jurisprudential and philosophical insights into interests are instrumental in providing a foundation for understanding the nature of the best interests principle. It is important to consider additional jurisprudential and ethical interpretations to further explore the complexity of these themes and to explore matters not yet explored fully, the challenges of representation and that of the determination of interests.

Jurisprudence

In this second section of the literature review the best interests principle was examined within its jurisprudential roots.

Overview of the Best Interests Principle

Jurisprudential history, theory, legislation and case law present varying interpretations of the unique nature of children and the protection of their interests. Goldstein, Freud and Solnit (1979) articulated their view that children are presumed by law to be incomplete beings and as such are signaled out by law for special attention and protection. Unlike adults who are presumed to be responsible for themselves, children are presumed to be incompetent and unable

to protect their own interests (p. 3). Therefore, the responsibility of safeguarding children's interests falls to the responsibility of parents. The *best interests of the child* can trace its historical roots back to legal doctrines asserting parental rights such as *patria potestas* and *tender years* (Bala, 2000).

Patria Potestas

In Ancient Rome, *patria potestas* or paternal power gave total legal authority to fathers (or eldest males) over children. This power, which included the right to sell children into slavery and decisions regarding putting children to death, was seemingly infinite until, through Christian influence, it was limited to "reasonable chastisement" (Bala, 2000). English common law, reflecting the values and concerns of the courtiers and the wealthy who were almost exclusively male, continued Roman precedent and recognized quasi-proprietary rights to their children (Bala, 2000). Ideologies such as patriarchy and proprietary rights influenced the legally recognized voice for children well into the nineteenth century.

It was not until the *Custody of Infants Act* (1855) did women gain limited *custody* or *access* to their children. However, prior courts had differing interpretations as is reflected by the English decision of *In Re Agar-Ellis* (1833):

...we must regard the benefit to the infant, but then it...is not the benefit to the infant as conceived by the Court, but it must be the benefit to the infant having regard to the natural law which points out that the father knows better as a rule what is good for his children than a court of Justice

can...the father has the natural authority...except in cases of immorality or...wicked or cruel caprice. (as cited in Bala, 2000, pp. 7-8)

By the end of the nineteenth century there was a growing emphasis on the welfare of children reflected in children's aid societies, juvenile courts, and public schooling, as a response to changing childhood perceptions due to effects of industrialization, growth of the middle class, emancipation of women, and early child psychologists (Bala, 2000). The courts were beginning to recognize the importance of a welfare principle as evidenced in decisions like *Re Gyngall* (1893) where custody was awarded to a "psychological parent."

Tender Years Doctrine

The tender years doctrine or maternal presumption in custody cases emphasized the importance of the early childhood years by awarding mothers care of children up to the age of seven. *Re Orr* (1933) confirmed that "the general rule is that the mother, other things being equal, is entitled to the custody and care of a child" (as cited in Bala, 2000, p. 9). Likewise, *Bell v. Bell* (1955) confirmed that "no father, no matter how well-intentioned or how solicitous for the welfare of such a child, can take the full place of the mother" (as cited in Bala, 2000, p. 9). However, courts could deny the application of the tender years doctrine on "morally unfit" grounds such as adultery as evidenced in the *Nicholson v. Nicholson* (1952) where the mother lost custody to a maternal grandmother on grounds that her living arrangements with an unmarried man were "contrary to all the established rules of human society" (as cited in Bala,

2000, p. 10). The tender years doctrine was clearly gender biased, while the “morally unfit” grounds were highly moralistic (Bala, 2000). Additionally, Madame Justice L’Heureux noted in *Young v. Young* (1993) that the maternal presumption carried the seeds for its own demise as it was based on pragmatic grounds (Zuker, Hammond & Flynn, 2006, p. 119). She also noted that courts increasingly focused directly on the child’s interests as it was sometimes in conflict with a maternal preference (Zuker, Hammond & Flynn, 2006). Gradually throughout the twentieth century the concern for the welfare of children supplanted the rights of parents and a more articulated best interest principle – in the best interests of the child test - was exercised in the courts. Both doctrines maintained a vision of best interests that included narrow interpretations of who could represent the child, what constituted an interest and subjective reasoning in justifying matters of determination.

Best Interests Principle in Law

Arnest (1998) contended that children’s’ ascendancy from the status of chattels to the most important consideration in family law is indeed remarkable. Currently, “best interests is a central concept for those who are involved in making decisions about children...[and]...even politicians and parents frequently cite the best interests of the child as the touchstone that guides their actions and decisions” (Bala, 2000, p. 1). Those who make decisions about children - judiciary, politicians, and educators - are increasingly required by law and public policy to act in the child’s best interests. Saskatchewan Learning in *Structuring*

Public Education: Ensuring Quality Education for Saskatchewan Students (1997) recognized the *best interests of the students* as the *paramount consideration* during restructuring school divisions and reinforced its importance as a guiding principle for decision making (pp. 4 and p. 17). The Saskatchewan School Trustees' Association's Code of Ethics recognized that fiscal matters will be guided by the *best interests of the students* (as cited in Walker & Chomos, 2004, pp. 14-2). However, while many critics of children and the law refer to the indeterminacy, vagueness or open-endedness of the best interests principle (Bala, 2000; Thompson, 2000; Parker, 1994), others advocate that the best interests principle, particularly in custody and access issues, is applied objectively *and* allows for discretion and latitude to make determinations of best interest when facts and character differ (Zuker, Hammond & Flynn, 2006). Modern invocations of the principle have expanded the context of best interests well past family law, challenged traditional notions of the individualistic nature of best interests, and questioned the emphasis of the principle's paramount position in jurisprudence.

Best Interests Test in Custody and Access Cases

Bala (2000) suggested that the move toward the adoption of the best interest principle for the resolution of disputes about children was gradual. In *McKee v. McKee* (1951) resulted in the general proposition that "welfare and happiness of the infant is the paramount consideration in questions of custody...[and]...to this paramount consideration other yield" (as cited in Bala,

2000, p. 11). In the *Divorce Act* (1968) there was no clear welfare principle, only a clause that stated courts should do what "it thinks fair and just to do so, having regard to the conduct of the parties, and the condition, means and other circumstances of each of them" (Bala, 2000, p. 11). It resulted in considerable variation in interpretation and application and as such the weight the principle was afforded varied. *Talsky v. Talsky* (1975) held that while the welfare of the child was the "paramount consideration" it was "not the sole consideration" (Bala, 2000, p. 11). The late 1970's and early 1980's witnessed profound change in family law resulting from enormous changes in attitudes toward the role of women in the family and in the labour force, growing secularization of and pluralism of values, and a continuing rise in the divorce rate (Bala, 2000, p. 12). A series of legislative reforms occurred such as the Ontario legislation *Family Law Reform Act* (1978) and the *Children's Law Reform Act* (1982). The former adopted the best interests child principle in disputes involving children, while the latter developed more fully the language of best interest and delineated court considerations (Bala, 2000).

Bala (2000) contended that in practice there is very little difference between provincial and federal legislation in this area, despite the variation of wording, and as such courts across Canada seem to apply the same broad standard: disputes between parents and children are to be decided on the basis of a judicial assessment of the best interests of the child (p. 9). Currently, Section 16(8) of the *Divorce Act* (1986) states that "the court shall take into

consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child." In *Gordon v. Goertz* (1996), Justice McLachlin identified the courts' decision-making for determinations of best interests of the *child* in custody disputes:

... Parliament did not entrust the court with the best interests of most children; it entrusted the court with the best interests of the particular child...Each child is unique. The inquiry in an individual one. Every child is entitled to the judge's decision on what is in the best interests; to the extent that presumptions in favour of one parent or the other predetermine this inquiry, they should be rejected. (as cited in Thompson, 2000, p. 207)

Therefore, while the *Divorce Act* (1986) adopts the best interests principle, no direction as to the priority and weight of factors in the assessment of interests is articulated (Bala, 2000, p. 14).

Criticism of the Best Interests Test in Custody and Access Cases

Thompson (2000) warned that the Supreme Court of Canada in its application of the best standards principle has "sacrificed the interests of *all* children at the altar of the *one* child" (p. 202). He contended there is a refusal on the part of the judiciary to consider the premises or the consequences that one decision can lead to unintended, counterintuitive and even perverse effects on all children (p. 202). Thompson's own firm belief was that a good many of

these cases [parental decisions on behalf of children] have *no* right or wrong answer...they reside in the realm of disputed values...when individual rights – of autonomy, privacy or liberty – clash with what is good for a group or for society as a whole, which values should prevail (p. 274)? The levity of the challenge before judges was best articulated by Mnookin in his book *In the Interests of Children* (1985):

Deciding what is best for a child poses a question no less ultimate than the purposes and values of life itself. Should the judge be primarily concerned with the child's happiness? Or with the child's spiritual and religious training? Should the judge be concerned with the economic 'productivity' of the child when he grows up? Are the primary values in life in warm interpersonal relationships, or in discipline and self-sacrifice? Is stability and security for a child more desirable than intellectual stimulation? These questions could be elaborated endlessly. And yet where is the judge to look for the set of values that should inform the degree of what is best for the child? Normally the custody statutes do not themselves give consent or relative weights to the pertinent values. And if the judge looks to society at large he finds neither a clear consensus as to the best child rearing strategies nor an appropriate hierarchy of ultimate values. (p. 18)

The impact of the underlying values, biases, beliefs and experiences of the person making a best interests decision on the outcome of a best interests

decision was well recognized (Bala, 2000; Thompson, 2000; Kopelman, 1997). Kopelman (1997) recognized that the challenge for implementing the best interest principle is the disagreement and lack of consensus about the norms and thresholds employed as justification. Bala (2000) called the recognition that values and attitudes of decision-makers plays a crucial role in determining outcomes has become "trite" in the post-modern world (p. 3).

Best Interests Test Reform

The Department of Justice recognized that increased public attention had called into question the ability of the current legislation in facilitating the restructuring of parental relationships following separation and divorce in a way that promoted the best interests of children. The Department of Justice (2001) recognized the laments of commentators that the best interests standard was too vague, gave courts little guidance as to the factors that ought to be taken into consideration and, ultimately allowed courts to make determinations on the basis of their own subjective views. As such, the federal government established the Special Joint Committee on Child Custody and Access in 1997 to the study the issue and released its report, *For the Sake of the Children*, in 1998, recommending a range of forty eight sweeping law reforms. The government in its response entitled Strategy for Reform endorsed the need to reform the current law. Throughout the law reform the federal government recognized the best interests principle as the "overriding principle" (Department of Justice, 2001, p. 1).

Recent law reform has seen several incarnations of acts amending divorce laws in Canada. In Bill C-22, *An Act to amend the Divorce Act* a non-exhaustive list of factors was proposed including, but not exclusive to, the child's physical, emotional and psychological needs, history of care, child's cultural, linguistic, religious and spiritual upbringing, and factors determining spouse's ability to parent. Additionally, the child's view was to be ascertained as was reasonably possible in order to assess best interests, and this confirms the right to be heard confirmed by the *Convention* whereas the best interests of the child must never be disassociated from respect for his or her rights – including the right to be heard – to prevent decisions based on possible subjective interpretation of “best interests” (Castelle, 1990, p. 10). However, Bill C-22 died on the order papers when Parliament was prorogued on November 12, 2003.

On June 16th, 2009 Maurice Vellacott introduced a Private Member's Bill – C-422 – that sought to amend the Divorce Act to instruct judges to apply the principle of equal shared parenting unless it is established that the best interests of the child would be substantially enhanced by allocating parental responsibility other than equally. One of the legislative initiatives of the bill was to define *best interests of the child* as “served by maximal ongoing involvement by both parents with the child, to be implemented in the Divorce Act as the rebuttable presumption of equal parenting as the starting point for judicial deliberations” (Vellacott, 2009). Similarly to former Bill C-22, Bill C-422 sought to enact many of the recommendations from the *For the Sake of the Children* report. Likewise,

it was the bill's objective to reform the best interests of the child test. Vellacott (2009) indicated that the *best interests of the child* test can mean little more than judicial discretion and this test is not rationally related to social objectives or government policy. Currently the bill has received multi-party support in Parliament.

Rights of the Child

The *United Nations Convention on the Rights of the Child* (1989) represents a milestone in the recognition, enforcement and delineation of children's rights (hereafter known as *Convention*). The best interests principle occupies a significant place of importance in the *Convention* and serves as a touchstone for the rights of children for which it advocates. The *best interest of the child* is reflected in Article 3, 9, 18, 20 and 21. However, it is Article 3(1) that affirms *the best interests of the child* shall be a primary consideration in all judicial and administrative actions concerning children. Article 3(1) reads:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

However, critics contended that while the *Convention* entrenched the best interests principle as a major doctrine in the rights of children, it fails to adequately articulate whose interests are protected, child or children, and which application of the principle will be evoked, *paramount* or *a consideration*.

According to Alston (1994), the juxtaposition of the words 'children' and 'child', highlighted the interplay between two very different, co-existing dimensions of human rights - wholly individualistic or predominantly collectivist (p. 21). The Convention was not clear whether children *as a class* are intended to be the beneficiaries, or children individually. As Bala (2000) indicated this is a significant distinction because, amongst other reasons, conceptions of justice will be different (p. 28).

Bala (2000) pointed out, clearly 'a' is weaker than 'the' and, arguably, 'primary' is weaker than 'paramount' (p. 28). In other words, utilizing the best interests principle as one of, or *a* consideration in the adjudication of decisions for children, it demonstrably different than utilizing the best interests principle as *the*, singular and defining guide for decisions for children. The role of the child appears to change with successively weaker formulations from *the* to *a*. When the principle is given paramount authority, the attention was on the individual child, and that child was the object of distribution. By the time one arrives at the version in article 3(1) the context may be quite different.

The Supreme Court of Canada acknowledged the *Convention* in *Baker v. Canada (Minister of Citizenship and Immigration)* (1999) where a majority held that the *Convention* and the best interests principle should be used to interpret and apply to Canadian legislation (Bala, 2000, p. 19). Justice L'Heureux-Dube wrote:

Children's rights and attention to their interests, are central humanitarian and compassionate values in Canadian society...[An] indicator of the importance of considering the interests of children when making a compassionate and humanitarian decision is the ratification by Canada of the *Convention of the Rights of the Child*, and the recognition of the importance of children's rights and the best interests of children in other international instruments ratified by Canada. International treaties and conventions are not part of the Canadian law unless they have been implemented by statute...Its provisions therefore have no direct application within Canadian law. Nevertheless the...important role of international human rights law as an aid in interpreting domestic law has...been emphasized in other common law countries...The values and principles of the *Convention* recognize the importance of being attentive to the rights and best interests of children when decisions are made that relate to and affect their future. In addition, the preamble...recognizes that "childhood is entitled to special care and assistance." ...The principles of the *Convention* and other international instruments place special importance on protections for children and childhood, and on particular consideration of their interests, needs and rights. (as cited in Bala, 2000, pp. 19-20)

Neither the *Convention* or the *Baker* decision resolved the issue of determining or weighting interests. The *Convention* only called forth for the best interests of

the child to be “a primary consideration.” The decision in *Baker* does not give any indication of how much weight was to be given to the interests of the child in making the decision about the parent (Bala, 2000). Therefore, Bala (2000) contended that Canada’s ratification of the *United Nations Convention on the Rights of the Child*, with its vague and often unenforceable references to best interests, is only of limited legal and political significance in this country. Other critics, like Parker (1994) were more cynical and observe that at the same time as the best interests standard is deepening its hold in domestic and international instruments, it provides a convenient cloak for bias, paternalism, and capricious decision-making (Parker, 1994, p. 26).

Educators and Best Interests

In addition to the historical constructs of best interests and its modern applications, in-school administrators’ unique relationship with children was shaped by other common law doctrines such as *in loco parentis* and provincial legislation.

In Loco Parentis

The common law doctrine of *in loco parentis* literally translates “in the place of the parent” and means that any person standing in the place of a parent shall behave toward the children as would a kind, firm and judicious parent. The classic statement of this doctrine comes from eighteenth-century legal scholar Sir William Blackstone:

[A parent] may also delegate part of his parental authority during his life, to the tutor or school master of his child; who is then in loco parentis, and has such a portion of the power of the parent committed to his charge, viz.: that of restraint and correction, as may be necessary to answer the purposes for which he is employed. (as cited in Watkinson, 1999, p. 173)

The doctrine does not establish authority over *the interests of children*, but rather authority in general terms, and as such it can be postulated that if children's interests are connected to their parents than said interests are transferred to teachers subject to this special relationship. While the doctrine bestows educators' with *parental privileges*, diligence, responsibility and care are simultaneously heightened. The *in loco parentis* standard was oft used in matters of tort law in establishing a sufficient or insufficient standard of care on the part of the educator. Additionally, as is implied by Blackstone's definition, *in loco parentis* is closely associated with matters of discipline and the justification of force. Some legal scholars question the utility of the doctrine on grounds of its narrow application and resultant behaviours. However, the debate does not appear to have a definitive resolution (Zirkel & Reichner, 1986). Thus the doctrine can speak to matters of authority in general, but not to the matters of how to best adjudicate interests.

Public Education

Professional teaching organizations across Canada confer codes of ethics, codes of professional practice and ethical standards upon their professional

members. Such codes contain a variety of references to best interests principle ideology from the identification of student centered decision making to adoption of specific ethical standards or dispositions. For instance, while The Manitoba's Teachers' Society, the Ontario Teaching Profession Act, Nova Scotia Teachers Union, The Alberta Teachers' Association (ATA) and the British Columbia Teaching Federation's codes regarding ethical behavior do not cite the best interests principle as a guiding principle, they make reference to notions of justice, respect, child welfare, the mediation of conflicts of interest and the central importance of students in the decision making process. However, the ATA goes further to endorse the best interests principle as a means for determining unprofessional conduct. In section 23 of Alberta's *Teaching Profession Act* (2000) unprofessional conduct was defined as conduct that is "detrimental to the best interests of students, the public or the teaching profession". While the act does confer an application of the best interests principle under negative or contrary behavioural expectations, its use recognizes the merits of the principle as a guide for decision making. Likewise, the Ontario College of Teachers (2006) similarly affirmed the efficacy of ethical dispositions central to the best interests principle as the ethical standards for the teaching practice – care, respect, trust and integrity.

However, the *Principal Quality Practice Standard: Successful School Leadership in Alberta* (Alberta Education, 2007) specifically recognized "best interests" in its descriptors of fostering effective relationships. It states that

principals must demonstrate responsibility for all students and act in their best interests (p. 5). Additionally, in understanding and responding to the larger societal context principals must advocate for the needs and interests of children and youth (p. 7). These codes and standards reflect the needs of the professional organizations and governing bodies to honour and address ethical decision making as a significant component of public education. In some cases, the codes and standards specifically cite “best interests” or “interests” as part of their consideration and decision making process.

The provision of the Saskatchewan *Education Act* (1995) stipulating the duties of the principal to be that of “general supervision over the well-being and good order of pupils” while in school or during school related activities (Section 175(1)(e), p.103) affirms a general authority for students. However, the exercise of this authority in public education is increasingly problematic as the stakeholder interest in public education becomes more complex and hence *representation*, who speaks for the interests of children, becomes contested. Additionally, this discord can be conceptualized as a conflict of competing *goods* (Vojak, 2003), or in other words, differing purposes of public education. Both Dolmage and Clarke (2006) and Vojak (2003) addressed public education in light of students’ best interests.

Dolmage and Clarke advocated revision of the Saskatchewan *Education Act* (hereinafter known as the *Act*). They suggested that the *Act* does not articulate the principals and values that are to be honoured in educational

decision making (Dolmage & Clarke, 2006, p. 197). A central question for Dolmage and Clarke was the consideration of education as a *public* or *private* good, and the corresponding recognition of that position in legislation. A revised *Act* should take in account two primary considerations: a respect for democratic values upon which legislation is built and a basic organizational principle which sets out the relevant statutory framework.

In *R. v. Jones*, the Supreme Court of Canada acknowledged that the state had a *compelling interest* in the education of children. As noted by Justice La Forest,

Whether one views it from an economic, social, cultural or civic point of view, the education of the young is critically important in our society. From an early period, the provinces have responded to this interest by developing schemes for compulsory education. Education is today a matter of prime concern to government everywhere. Activities in this area account for a very significant part of every provincial budget. Indeed, in modern society education has far-reaching implications beyond the province, not only at the national, but at the international level. (as cited in Dolmage & Clarke, 2006, p. 189)

Schools are required to educate students in a democratic tradition founded on respect for the rule of law and the Canadian Constitution, including respect for the values underpinning the *Canadian Charter of Rights and Freedoms*. Chief

Justice Dickson articulated these values on behalf of the Supreme Court of Canada in *R. v. Oakes*:

The Court must be guided by the values and principals essential to a free and democratic society which I believe embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identify, and faith on social and political institutions which enhance the participation of individuals and groups in society. The underlying values and principles of a free and democratic society are the genesis of the rights and freedoms guaranteed by the Charter and the ultimate standard against which a limit on a right of freedom must be shown, despite its effect, to be reasonable and demonstrably justified. (as cited in Dolmage & Clarke, 2006, p. 191)

In essence, there can be no democracy without a progressive and liberal education that prepares children to discover who they are as individuals and to decide how they can get along with others while contributing constructively to society. In other words, educating children is fundamental because it allows us, as individuals and members of a collective, to live together as we attempt to strike a balance between the self ("I") and others ("we") (Dolmage & Clarke, 2006, p. 189).

In light of the above, Dolmage and Clarke offered suggested revisions to the *Act* recognizing the underlying values and organizational principles. While

matters of conflicting interests were a consideration in their critique of legislation and public education, the best interests principle per se, was included in the proposed revisions only in relation to discipline:

(9) Saskatchewan's educational institutions are responsible for ensuring that human conflict in schools is resolved in a non-threatening and peaceful manner. In particular, the Government recognizes that methods of students discipline must be consistent with the law and must be administered in the *best interests of the students* [italics added] involved. (Dolmage & Clarke, 2006, p. 192)

Vojak centered her critique on the capacity of a *liberal* public education to meet the best interests of children, her assessment of the conflicting interests of parents (family) and the education system (state and school) are compelling. The conflict, for Vojak, is conceptualized as a conflict of competing *goods*. The goods of the family could include physical and emotional support, security, love, sense of purpose, support network, religious community and road map for moral life, while the goods of liberal public education may include literacy, general knowledge of the world, rational and critical thinking skills, career preparation, social skills, civic education in a diverse and liberal democracy (p. 405). While neither has a monopoly on these goods, both sides have a special interest in transmitting these goods to the child in order to serve what they perceive as the child's best interests (Vojak, 2003, p. 406). Additionally, Vojak pointed out that

the state also has both self-interests and the child's interests in mind in its education of the child.

She observed that the state's self interests and child's interests are "often tangled up with the belief that what is best for the nation as a whole is also best for each individual child" (pp. 406-407). To this end, Vojak concluded that public schools can "continue to offer the benefits of a strong liberal education to a diverse student body only if they work to accommodate parents, whenever possible, in a mutual effort to serve the best interests of their children" (p. 419). Therefore, in Vojak's assessment best interests are achievable only if *purpose*, in this case liberal education, has been accepted and welcomed by interest groups.

However, Jeremy Bentham cautioned against the vanity of discussing the interest of the community, without firstly understanding the interest of the individual. Therefore, the role of self-interests, be that the interests of student, administrator or community deems consideration in determining matters of best interest. Vojak, stated that best interest cannot be determined without access to self-knowledge (p. 415). She wrote:

...it is ultimately in the child's best interests to be educated and equipped to know him – or herself in relation to the diverse world that has helped to shape his or her identity. Only the child (as a future adult) has the benefit of combing self-knowledge with genuine (unadulterated) self-interest to determine the best life path. (p. 415)

The role of education, in this sense of best interests, is not as mediator, but as creator. Brighthouse (as cited in Vojak) contended that the “fundamental interest each person has in living well yields as obligation on all to provide prospective adults with an instrument for selecting well among ways of life” (p. 417) than public education (specifically, *liberal* in Vojak’s conception) is just such an instrument.

Special Education

The cases of *Bonnah* and *Eaton* serve to illustrate the implications of the best interest principle in educational contexts. In *Bonnah* (Litigation guardian of) *v. Ottawa-Carleton District School Board* (“Bonnah”) considered the conflict between a special needs pupil’s education and the duty to ensure a safe school environment. The special needs pupil was transferred from an integrated placement in a regular classroom to a special needs class at a different school, as a result of safety concerns stemming from class disruptions and growing physical aggression toward educational assistants and other students. The parents challenged the transfer because they had not consented to the placement change. The Superior Court found that the school board decision was fair in light of statutory authority in *Safe Schools Act* and thus determined that safety of all involved took precedence over the procedures to be followed regarding the education of the special need’s pupil. As a result of the decision it is suggested that an administrator or school board, when balancing, these competing interests should give precedence to the maintenance of a safe school environment, as in

the *Bonnah* decision (*CAPSLE*, pp. 703 – 704). Essentially, the *interests* of the students trumped the interests of the student.

In *Brant County Board of Education v. Eaton* [1997] 1 S.C.R. 241; (1996) 31 O.R. (3d) 574 (1996) 142 D.L.R. (4th) 385; 1997, Supreme Court of Canada, the court considered the responsibilities of an educational authority to provide reasonable accommodation in primary education to Emily Eaton a child with severe communication disabilities, visual impairment and mobility impairment. Emily's parents, on her behalf, challenged the school authorities contention that Emily's interests were best served by placing her in a special education class (Watkinson, 1999, p. 112). The Eaton family submitted that there ought to be a presumption in favour of including disabled children into regular classrooms – integration - and that those who proposed a segregated classroom had the burden of proving its worth. In an *unexpected move*, the Supreme Court of Canada (SCC) applied the best interests test (Lauwers, 2004, p. 279), which represented a departure from the equality rights approach taken by the lower court. The court ruled firstly that integration is a norm of general application. Secondly, it held that there is no presumption in favour of integration. Thirdly, it affirmed that, on the whole, integration provides benefits (Lauwers, 2004, p. 279). Justice Sopinka outlined the steps in decision-making bodies must take to determine that the appropriate accommodation for an exceptional child is in the child's best interests.

- i. Decision making body must determine “whether the integrated setting can be adapted to meet the special needs of an exceptional child”
- ii. If this cannot be done, “that is where aspects of the integrated setting which cannot reasonably be changed interfere with meeting the child’s special needs, the principle of accommodation will require a special education placement outside of this setting;” and
- iii. For children who can communicate their wishes and needs, “their own views will play an important role in the determination of best interests,” but for children who are limited in communicating their wishes the decision-makers must make a decision based on the evidence before them. (Watkinson, 1999, p. 120)

Albeit in the special education context, the inclusion of the child’s *voice* in the assessment of best interests has serious implications for the educational leader in mediating best interests in other contexts. Despite, affirming that inclusion in society’s institutions and rights to equality are in the best interests of children (Lauwers, 2004), the methodology used in the Eaton case has critics.

Watkinson (1999) found the best interests framework troubling. Accordingly, she contended that in taking this approach, the Supreme Court restored judicial deference towards educational decision-makers. Her concerns were that the best interests principle “can so readily be adapted to suit the needs of administrators, educators, and even parents” and those who believe that educators know what is in the “best interests of the child” run the risk of

sacrificing the child's equality rights (Watkinson, 1999, p. 117). Likewise, Bailey (1998) identified that for some, the best interests of children may be a colorless meta-value that is subject to the whims and wiles of irresponsible educational careerists and humbugs (as cited in Walker, 1998, p. 288). However, Kopelman (1997) argued that the remedy for concerns like these, vagueness and so forth, was not to abolish the standard, but to clarify and defend how it is being used (p. 287).

Ethical Perspectives

In this third section of the literature review the relevant ethical literature is examined. An assessment of ethical theory, ethics and in-school administrators, ethical paradigms and ethical decision making models for best interests is considered.

Ethical Theory

Whereas much of philosophy is concerned with knowledge of what is, ethics is about what we *ought* to do; it is concerned with questions about right or wrong behavior, good or bad conduct, and with what is fair or just (Freakley & Burgh, 2000). Ethics is a justificatory discourse that requires judgment and reasoning. As such, ethical discourse cannot avoid conflicts of value, *interest* and sentiment [italics added] (Freakley & Burgh, 2000, p. 97). Begley and Stefkovich (2007) defined ethics as a particular form of values that are normative social ideals or codes of conduct usually grounded in the cultural experience of particular societies and are in this sense a sort of *uber* form of social consensus

(p. 400). However, while it may be common to use *ethics* to refer to a code or set of principles, ethics in education is far richer than can be circumscribed by such codes (Freakley & Burgh, 2000). Begely and Stefkovich (2007) stated that the application of any ethic occurs within a normative and cultural context and cautions that abstracting ethics can strip them of their contextual details.

However, while ethical theories may be classified and conceptualized in different manners, three sets of theories bear scrutiny in light of best interests: non-consequentialism or deontological, consequentialism or teleological and virtue ethics.

Non-consequentialism or Deontological Ethics

Non-consequentialism is an approach to ethics is based on the intrinsic view of what is right and one's duty to do. Duty-based systems, traditionally, known as deontological ethics [Gk. *deon* duty; *dei* one must] are those moral theories which expect actions to be done or not done (Freakley & Burgh, 2000, p. 112) by imposed duties from self, society or theological belief (Walker, 1991, p. 23). From the deontological position, an action is right when it conforms to a relevant principle of duty (Walker, 1991, p. 22). Accordingly, deontological judgments are absolute in the sense that we have a duty to perform regardless of the consequences of performing or failing to perform those actions (p. 113). While some deontological positions can be termed moral absolutism, not all are; rather, deontological systems are those that require ethical judgments to be based on more than just consequences (Freakley & Burgh, 2000, p. 117).

Consequentialism or Teleological Ethics

Consequentialism or teleological theory [Gk. *telos* end and goal] is the view that all actions are right or wrong in virtue of the value of their consequences (Freakley & Burgh, 2000, p. 120). Freakley and Burgh stated that consequentialism demands rethinking of ethical reasoning by calling into question the justification of deontological reasoning and establishing consequences as the ultimate justification for determining goodness and therefore, consequentialism is fundamentally practical and can be termed “common sense morality” (p. 121). Two main strands of consequentialism are ethical egoism and utilitarianism and each utilizes different criteria for assessing ethical action: ethical egoism ascribes self-interest as the measure, while utilitarianism ascribes utility as the measure (Freakley & Burgh, 2000, p. 121). Both systems of thought have serious implications of the educational leader. In resolving matters of best interest(s) in-school administrators need to limit ethical egoism and the corresponding self interests, and the extent to which in-school administrators adopt the utilitarianism mantra of *the greatest good for the greatest number* will determine if they are acting in the best interests of the individual or the collective; student or students.

Virtue Ethics

Virtue ethics or aretaic ethics [Gk. *arete* excellence or virtue] de-emphasizes or even denies the existence of valid moral rules or principles and claims that morality is best understood in terms of inner traits (p. 124). Preston

(1996) stated that the aim of virtue ethics “is to foster living well so that good and right behavior emanates from within the person” (as cited in Freakley & Burgh, 2000, p. 125). This approach to decision making represented a divergent position from duty and action based ethical systems which emphasize moral reasoning, impartiality and objectivity.

Ethics and In-School Administrators

The assertion that educational leadership is a fundamentally moral endeavor has been developed by many scholars (Sergiovanni, 1991, 1992; Hodgkinson 1991; Starratt, 1994, 2003; Furman, 2004; Greenfield, 2004; Begley, 1999, Johansson, 2003; Fullan, 2003, Sernak, 1998, Shapiro & Stefkovich, 2000; Stefkovich, 2006). Hodgkinson (1991) encapsulated the modern state of educational leadership when he terms it “especially difficult, especially challenging and especially moral” [emphasis added] (p. 63) or “philosophy-in-action” (p. 115). Other leadership approaches, instructional or managerial, might answer the questions *how* and *what*, an ethical leadership approach can answer the question of *why* (Rebore, 2001, p. 8). Similarly, Begley and Stefkovich (2007) contended that leadership development with an emphasis on the macro perspectives like organizational theory and policy should not be the primary locus of concern. Hence, a grounding in various ethical theories, paradigms and frameworks is paramount for in-school administrators.

Begley (2006) and Begley and Stefkovich (2007) observed that scholars on ethical leadership approach the study of valuation processes and ethics from

a variety of foundational perspectives. For example, Starratt's (1994) work is grounded in philosophy, whereas Stefkovich (2006); Stefkovich and Shapiro, (2003); Shapiro and Stefkovich, (2005) is influenced by a legal perspective and Gross and Shapiro (2008) reflected a social justice orientation in their work. Likewise Furman (2004) advocated community as her foundational perspective for ethical leadership.

Despite the debate from which to view ethical leadership, the importance, relevance and significance of school administrators' ethical decision making remains robustly examined. Shapiro and Gross (2008) recognized that in-school administrators have always had to make important decisions that affect the studies and lives of the next generation but that currently a unstable era of war, terrorism, natural disasters, accountability and high stakes testing, make the decision making process even more daunting. Central to much of this literature is the argument that in-school administrators must develop and articulate a much greater awareness of the ethical significance of their actions and decisions (Stefkovich, 2006, p. 4).

Hence, Begley (2006) proposed that genuine forms of leadership begin with the understanding and thoughtful interpretation of observed or experienced valuation process by individuals and hence implies the appropriateness of a focus on the perceptions of individuals in the context of school leadership situations (p. 399). Similarly, Rebore's (2001) three justifications for the relevance of ethics and educational leadership recognized the interplay of ethical leadership and

ethical decision making. Rebores (2001) recognized firstly that ethics not only provide a framework for decision making, but also because it requires reflection upon values; secondly, ethics support disciplined ways of thinking; and lastly that ethical analysis offers a unique response to the demands of leadership.

Stefkovich (2006) articulated an important distinction in her conceptualization of ethics and the education leader that is significant in matters of best interest. Her premise follows:

...[E]thics should guide school leaders' decision making, [so] that there can be common ground even in multicultural, pluralistic society, and that, rather than impose their own values on students and teachers, school leaders should strive to reach a higher moral ground in making decisions.

(p. 4)

Begley and Stefkovich (2007) observed that ethics and valuation models are highly relevant to school leadership as rubrics, benchmarks, socially justified standards of practice, and templates for moral action (p. 399). Such understandings of various models and frameworks help to move in-school administrators from bureaucratic systems and control toward teacher empowerment and participatory decision making (Rucinski & Bauch, 2006). For as Starratt suggested "educational leaders have a moral responsibility to be proactive about creating an ethical environment for the conduct of education" (as cited in Rucinski & Bauch, 2006, p. 492). Therefore, ethical school leadership

begins with an understanding various ethical theories, paradigms and frameworks.

Ethical Paradigms

The multidimensional ethical framework or multiple ethical paradigm that Starratt (1994) advanced in his book *Building an Ethical School*, has become a prevalent way of envisaging and conceptualizing the impact of ethical paradigms on in-school administrators (Shapiro & Stefkovich, 2001; Stefkovich, 2006; Furman, 2004; Begley 2006; Shapiro & Gross, 2008; Roubanis, Garner & Purcell 2009). Eloquently and impassionedly Starratt argued that the ethics of justice, care and critique combined to provide a “richer response to the complex ethical challenges facing contemporary society” (p. 45). He argued that the interpenetration of each theme was necessary for the fully developed moral person and a fully developed human society (p. 55).

Subsequent writers have continued to recognize and honour the significance of this triadic multidimensional framework. Begley (2006) developed a guide for the analysis of school leadership dilemmas where he proposed a sequenced consideration of the three ethics along with an integration of his research on motivational bases of valuation and arenas of administrative action. However, Shapiro and Stefkovich’s (2001) seminal work on the ethic of profession in combination with the ethics of justice, care and critique resulted in adaptations and adoptions of Starratt’s triadic approach as well as the newly defined ethic of profession. Furman (2004) introduced a fifth ethic with her work

on the ethic of community in her multiple ethical model. Roubanis, Garner and Purcell (2008) advocated an adapted ethical perspectives model for Family Consumer Science educators. Shapiro and Hassinger (2007) and Shapiro and Gross (2008) introduced turbulence theory in conjunction with the quartet of justice, care, critique and profession.

Ethic of Justice

The ethic of justice focuses on rights and law and is part of a liberal tradition (Shapiro & Stefkovich, 2001). Strike (1991) characterized the liberal tradition as a "commitment to human freedom" and the democratic tradition as "procedures for making decisions that respect the equal sovereignty of the people" (as cited in Shapiro & Stefkovich, 2001, p.11). Starratt (1994) conceived the ethic of justice as requiring that we "govern ourselves by observing justice" and henceforth "treat each other according to some standard of justice" which is uniformly applied to all relationships (p. 49). Accordingly, Starratt identified the ethic of justice as emanating from two schools of thought. The first, represented by Thomas Hobbes and John Rawls, advocates the individual as the primary human reality, independent of social relationships and logically prior to society who engages in a social contract with the community (p. 49). The second, represented by Aristotle, Rousseau, Hegel, Marx and Dewey, places the society as the prior reality within which the individuality develops (p. 50). In this regard, the individual living in society learns the lessons of morality and hence, within this school of thinking ethics is grounded in practice within the

community. Starratt (1994) contended that both conceptions of justice are required in schools:

...Individual choices are made with some awareness of what the community's choices are and school community choices are made with some awareness of the kinds of individuals choices that are being made every day in the school. (p. 51)

Denig (2001) stated that this ethic perceives ethical decision making as rational, logical, systemic and enhanced by universal principles (p. 44). As such Shapiro and Hassinger (2007) suggested that this ethic leads in-school administrators to questions such as: Is there a law, right, or policy that would be appropriate for resolving a particular ethical dilemma? Why is this law, right, or policy the correct one for this particular case? How should the law, right, or policy be implemented? In summary, the ethic of justice focuses on rights, law and policies and concepts like fairness, equality and individual freedom.

Ethic of Care

Starratt (1994) denoted that an ethic of care requires "fidelity to persons" and absolute regard and love. It is concerned less with fairness and more with caring for individuals as unique persons. This ethic is rooted in the work of Gilligan's (1982) analysis of Kohlberg's moral development and subsequent writers like Noddings (1984, 2003) and Beck (1994). Its relational nature is reflected in Beck's (1994) contention that "the communal relationships between people mean that the welfare of each is inextricably related to the welfare of

others...such that caring for others is, in fact, caring for oneself" (as cited in Rucinski & Bauch, 2006, p. 494). Rucinski and Bauch (2006) called for in-school administrators to be grounded in the ethic of care and in the belief in the sacredness of human relationships and the good of human beings within the school organization.

Feminist scholars like Noddings (2005) and Watkinson (1999), along with ethicists like Sergiovanni (1992) have challenged the ethic of justice as dominant among ethical paradigms in education and law, and called for more attention to concepts like loyalty, trust and empowerment. However, while theoretical opposition to the dominance of the ethics of justice advanced theoretical understandings and accepted use of the ethic of care, academics routinely call for the two ethics to be balanced (Sernak, 1998; Stekovich, 2006; Shapiro & Hassinger, 2007). Stefkovich (2006) identified three factors intrinsic to this concept:

- i. understanding self both as a separate from and in relation to community,
- ii. building a just and democratic pluralistic school community; and
- iii. experiencing personal freedom in order to fully function in a community.

(p. 11)

These factors are significant in light of ethical school leadership. Likewise, Shapiro and Hassinger (2007) suggested that this ethic asks in-school administrators to consider the consequences of their decisions and actions. It asked them to take into account questions, such as: Who will benefit from what I

decide? Who will be hurt by my actions? What are the long-term effects of a decision I make today? And if I am helped by someone now, what should I do in the future about giving back to this individual or to society in general? In summary, the ethic of care is rooted in relationship building, trust and compassion others.

Ethic of Critique

The ethic of critique was aimed at an awakening to the inequities found in schools and in society and represents a challenge to the status quo in order to give a voice to the marginalized (Rucinski & Bauch, 2006; Stefkovich, 2006). This ethic recognizes that no social arrangement is neutral. Every social arrangement, no matter how it presents itself as natural, necessary or simply “the way things are,” is artificial (Starratt, 1994, p. 47). It is usually structured to benefit some segments of society at the expense of others and hence the ethical challenge is to make these social arrangements more responsive to the human and social rights of all the citizens (Starratt, 1994, p. 47). The challenge for in-school administrators is to expose and confront the tough questions of social class, race, gender, sexual orientation and so forth. This ethic required educators to deal with the hard questions regarding class, race, gender, and other areas of difference, including: Who makes the laws, rules, or policies? Who benefits from these laws, rules, or policies? Who has the power? And who are the silenced voices (Shapiro & Hassinger, 2007, p. 453)?

The ethic of critique has close ties to critical theory, writings which analyze social class and inequities, and correspondingly to critical pedagogy. The critical theorist, Giroux, asked educators to conceive of classrooms as political entities. In this respect the ethic of critique provides a “discourse in expanding basic human rights” (Shapiro & Stefkovich, 2001, p. 14), together with the basis for moving from discourse to action. Shapiro and Stefkovich contended that such a critique and posture would lead to “the development of options related to important concepts such as oppression, power, privilege, authority, voice, language and empowerment” (p. 14). In summary the ethic of critique is typified by a critical inquiry of *differences*, such as race, gender class and so forth.

Ethic of Community

Furman (2004) defined an ethic of community as “the moral responsibility to engage in communal processes” (p. 215). The ethic of community envisaged administrators, teachers, schools staffs, students, parents, and other community members engaging in communal processes as they pursue the moral purposes of schooling. Thus, an ethic of community centered the communal over the individual as moral agent – its shifts the locus of moral agency to the community as a whole (Furman, 2004, p. 222). This shift in focus to the communal was represented as preeminent in relation to the other ethical paradigms in Figure 3.

According to Furman (2004), the ethic of community captured the centrality of this need for communal processes in a way that the ethics of justice,

critique and care (Starratt, 1994) and the profession (Shapiro & Stefkovich, 2001) do not. Furman suggested that with the exception of Starratt's (1994, 1996, 2003) suggestions for the collaborative work needed to "build an ethical school," little attention is given in the ethics literature to the communal processes that are necessary to achieve the moral purpose of schooling in the twenty-first

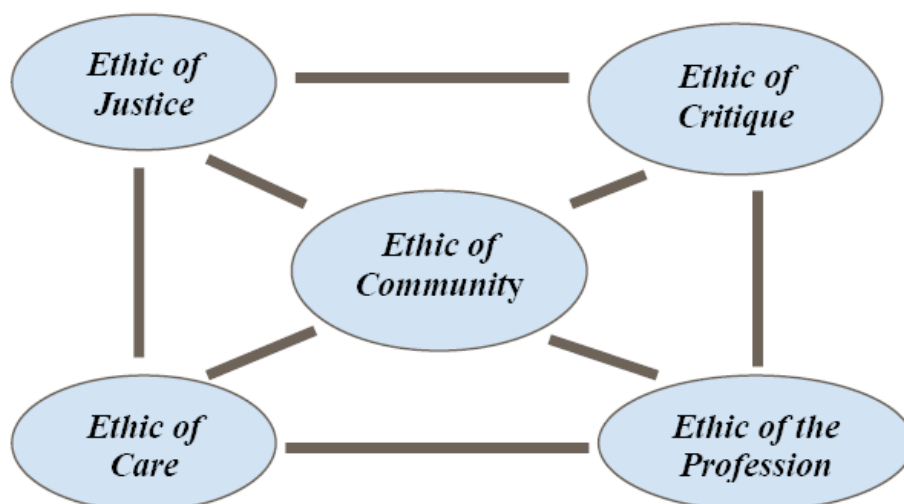


Figure 2.3 Ethic of Community (Furman, 2004)

century (p. 220). Likewise, Furman lamented that ethical frames do little to pull our thinking beyond the mindset, so entrenched in our Western society, our schools and our field of study, of the individual as "leader" and moral agent (p. 220). Thus, an ethic of community centered the communal over the individual as the primary locus of moral leadership and agency in schools (Furman, 2004, p. 229). Viewed through the lens of the ethic of community, best interests are community minded and pluralistic in nature.

Best Interest(s) and Ethical Decision-Making Models

In the changing and challenging operational environment in which schools now operate, it is not surprising that in-school administrators are often faced with ethical dilemmas in the course of their daily work as they endeavor to make complex decisions in the *best interests* [italics added] of both staff and students (Cranston, Ehrich & Kimber, 2006, p. 106). The best interests models developed by Shapiro and Stefkovich (2001) and Stefkovich (2006), ethic of profession and its model for promoting students' best interests, responded to their desire to make sense of a much used, yet amorphous, concept. Stefkovich (2006) identified the pressing need for a codified approach to best interests when she wrote:

Understanding that adults possess a great deal of power in determining students' best interests and realizing how easy it is to ignore the voices of those who literally have the most to lose, it is incumbent on school leaders to make ethical decisions that truly reflect the needs of students and not their own adult self-interests. (p. 21)

Both models succeeded in addressing the themes inherent in the ethical and jurisprudential interpretations of best interests. As such the models considered the relational nature of interests and the challenge in recognizing a shared purpose of education and more deeply of educational administration. Likewise, the models addressed issues of whose interests are best served and how.

Ethic of Profession

According to Stefkovich and Shapiro (2001, p. 18) even taken together, the ethics of justice, critique and care do not provide an adequate picture of the factors that must be taken into consideration as leaders strive to make ethical decisions with the context of educational settings. Shapiro and Stefkovich (2001) aptly surmised that, “not all those who [wrote] about the importance of ethics in educational administration discuss the needs of children” (p. 60). They surmised that if there was a moral imperative for educational administration, it would be to serve *the best interests of the student* and that this ideal would lie at the heart of a professional paradigm for in-school administrators (Figure 2.4).

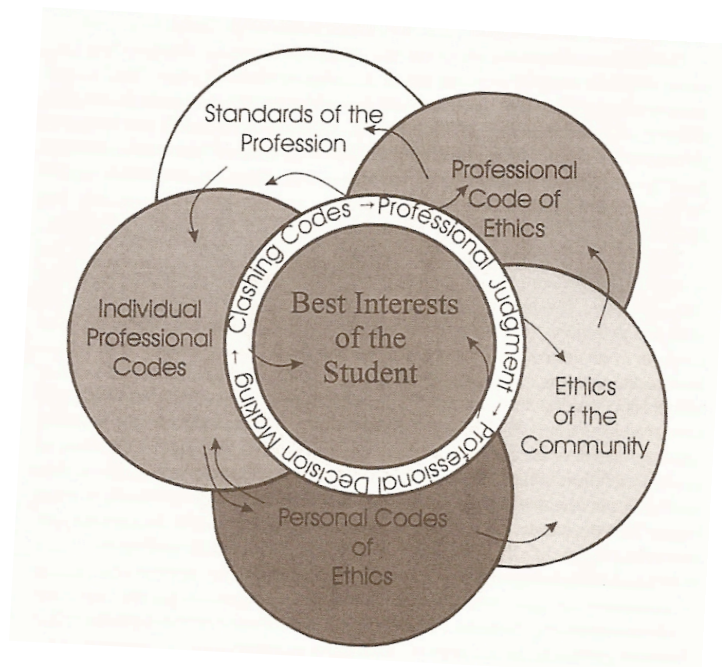


Figure 2.4 Ethic of Profession (Shapiro & Stefkovich, 2001, p. 23).

Shapiro and Hassinger (2007) identified that the lens of the ethic of the profession to resolve or solve an ethical dilemma raises questions such as these: What is in the best interests of the student? What are the personal and professional codes of an educational leader? What professional organizations' codes of ethics should be considered? What does the local community think about this issue? And what was the appropriate way for a professional to act in this particular situation, based on the standards of the profession (p. 454)?

A key component of the ethic of profession was "an integration of personal and professional codes (p. 60) which may lead to inconsonance or a "clashing of codes". The best interests of the student model was intended to act as a moral ideal that can be relied upon to calm the internal struggle between personal morality, what is determined as right and good according to the individual, and what an organization and/or the profession expects, values and delineates as right and good practice (Frick, 2006, p. 12).

Factors that played in the development of professional codes may include but not be limited to the inclusion of considerations of community standards, including both the professional community and the community in which the leader works (p. 22). Shapiro and Stefkovich (2003) advocated that dialoguing about and in the communities of work is helpful in addressing the *silencing* that is especially important to critical theorists. Hence, *community* is embedded in the model and is not interpreted as a stand alone ethic as in Furman's (2004) model. However whether community is viewed, as a separate paradigm or part

of a larger schema, as positive or negative, its influence on ethical decision making in schools may be profound and should never be underestimated (Stefkovich, 2006, p. 16). Stefkovich (2006) summarized that the ethic of profession asks educational leaders to “consider professional and personal ethical principles and codes, standards of the profession, and individual professional codes to create a dynamic model that places “the best interests of the student” as central” (p. 14) and as such the moral imperative of in-school administrators.

Rights, Responsibility and Respect

Stefkovich (2006) wrote that in the absence of any clear definition of best interest, she has constructed a model that may serve as a guide in determining factors to be considered in making ethical decisions. Stefkovich (2006) extended her model of the Ethic of Profession to include the jurisprudential constructs of rights, responsibility and respect (see *Figure 2.5*). In this model, Stefkovich can aptly claim that she has incorporated Walker’s (1998) claim to ground educational decisions and policies in ethics and jurisprudence. An assumption of her model was that it relied on context, student voices, active inquiry and self-reflection (Stefkovich, 2006, p. 27).

According to Stefkovich (2006) her conception of rights includes recognition of the following jurisprudential, international and federal notions:

- i. rights granted to human beings by philosophers,
- ii. universal rights such as the *Convention*, and
- iii. rights guaranteed by law such as U.S. Constitution’s Bill of Rights. (p. 22)

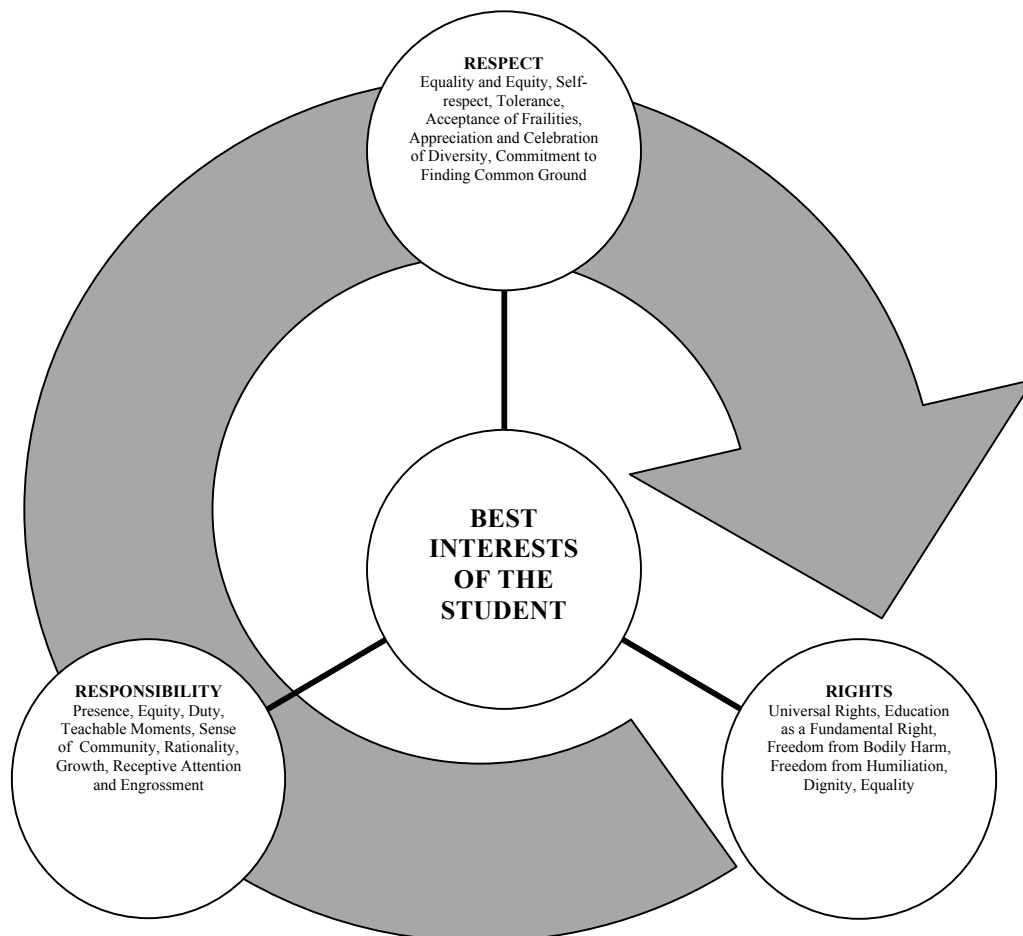


Figure 2.5 Best Interests Models (Stefkovich, 2006)

Although Stefkovich's model was conceived in American terms, the concepts are easily transferable. It would likely that the American Bill of Rights could be translated with minor adjustment to the *Charter* for Canadian contexts.

Likewise, despite the fact that rights of this kind are not recognized as fundamental in the United States, she conceived rights as universal and fundamental to her conception of a student's best interests. While the United States was present as a signatory of the Convention in 1995, the Convention failed to be ratified by the Senate, and it continues to have strong opposition.

While rights are fundamental, they are not unfettered (Stefkovich, 2006). Accordingly, the model honored the philosophical tradition of accompanying rights with *responsibility*. While the model is not based on utilitarian ethics, Stefkovich (2006) recognized Mills' words on responsibility as significant:

Everyone who receives the protection of society owes a return for the benefit, and the fact that living in society renders it indispensable that each should be bound to observe a certain line of conduct toward the rest. (as cited in Stefkovich, 2006, p. 23)

Additionally, Stefkovich supported the inclusion of responsibility in her best model by citing other ethicists such as Starratt (2005), Gilligan (1982) and Noddings (2002). Inherent in these writers was the recognition of the authentic self or as Stefkovich borrows "empathy" (p. 25).

In light of an array of definitions of respect Stefkovich offered Kant's placement of respect within moral theory as a foundation to its inclusion in her model and as such to treat others never simply as a means, but at the same time as an end in itself (p. 25). The best interests model conceptualized respect as a cornerstone of ethical behavior that requires positive, mutual interactions

between individuals. Stefkovich (2006) envisioned respect including equity, equality, tolerance, self-respect, acceptance, and "a commitment to finding common ground in an increasingly multicultural, pluralistic society" (p. 26).

Best Interests and the Educational Leader

In-school administrators are increasingly dealing with questions pertaining to who holds the overriding authority in decisions pertaining to particular children. Walker (1998) claimed that it may be wise to exchange the question "What is best for these children?" with the question "Who should decide what is best for these children?" Walker (1998b) articulated this modern conundrum when he wrote that "sometimes parents, educational professionals, special interests groups, state representatives of justice, education and social services all vie for legal position and pre-eminence" (p. 321). Walker contended that in-school administrators are best positioned to help negotiate among various stakeholders and indeed states it is the core responsibility of in-school administrators to work with their collaborators to mediate competing interests and for "collaborative processes to bring grassroots expertise to bear on decisions that make a difference for children" (p. 320).

Matrix of Best Interests

Conceptualizing the nexus between the ethical and jurisprudential interpretations of the best interests principle is premised on the relational nature of interests. Both bodies of thought, the ethical and jurisprudential literature, support interpreting interests in relational terms. As such, two central

dichotomies emerge: individual/collective and subjective/objective. The resulting intersection of those dichotomies is represented in the *best interests matrix* (see Figure 2.6). While the literature and research provided some insight into the processes and inquiries required to make determinations within the conceptualized best interests matrix, what is missing is an assessment of the current position of in-school administrators vis a vie in-school administrators' definition and usage of best interests on the proposed matrix.

The matrix was used as a conceptual framework with which to assess current literature and this study's findings. The matrix's continuum, comprised of a range of individual and collective, and subjective and objective considerations, is supported in the ethical and jurisprudential literature. Walker (1998b) suggested that "where the subjective and objective elaborations, sensitivities, interpretations, and applications meet" we will see the best interest of children and child (p. 323). Therefore, the matrix served to represent how to theoretically conceive best interests outcomes for children using ethical and jurisprudential constructs of interests. In an educational context, the language of the individual and communal is more complex, in light of legislation, public policy and ethics, the varying stakeholders of education – teachers, principals, superintendents and trustees – have to chose an interest to uphold – the individual (student) or the communal (students) and a methodology – subjective (case by case) or objective (criteria based).

Smith (1998), like the judiciary, was similarly concerned with the “child” in his critique of best interests per the educational leader. According to Smith there may be “no singular right, good, or virtuous pattern for all children,” yet there may be in fact a singularly right response for the single child...[and] what fundamentally determines the measure of help given the child is the moral agency of “people [who] are in better positions relative to particular children than others” (Smith, 1998, p. 309).

Likewise, Shapiro and Stefkovich (2001) and Stefkovich (2006) centered their research on assisting those in “better positions” – in-school administrators – make ethical decisions in the best interests of the *student*. The underlying assumption is that if the individual is treated with fairness, justice, and caring, then a strong message is sent to all students that they will be afforded justice and caring and that they should treat others similarly (Stefkovich, 2006, pp. 17-18). However, unlike Smith’s assessment, Shapiro and Stefkovich’s appear to hold the position of whose interests, individual or collective, in a balance.

Dworkin (1982) identified the struggle for balancing the interests of the individual and the communal lies not only in terms of value conflicts, but time conflicts also. Writing about political representatives, he suggests they are asked to balance the interests and desires of some against those of others and may have to consider the interests of current generations against the needs or interest of future generations (p. 205). Once again the nature of interests is relational.

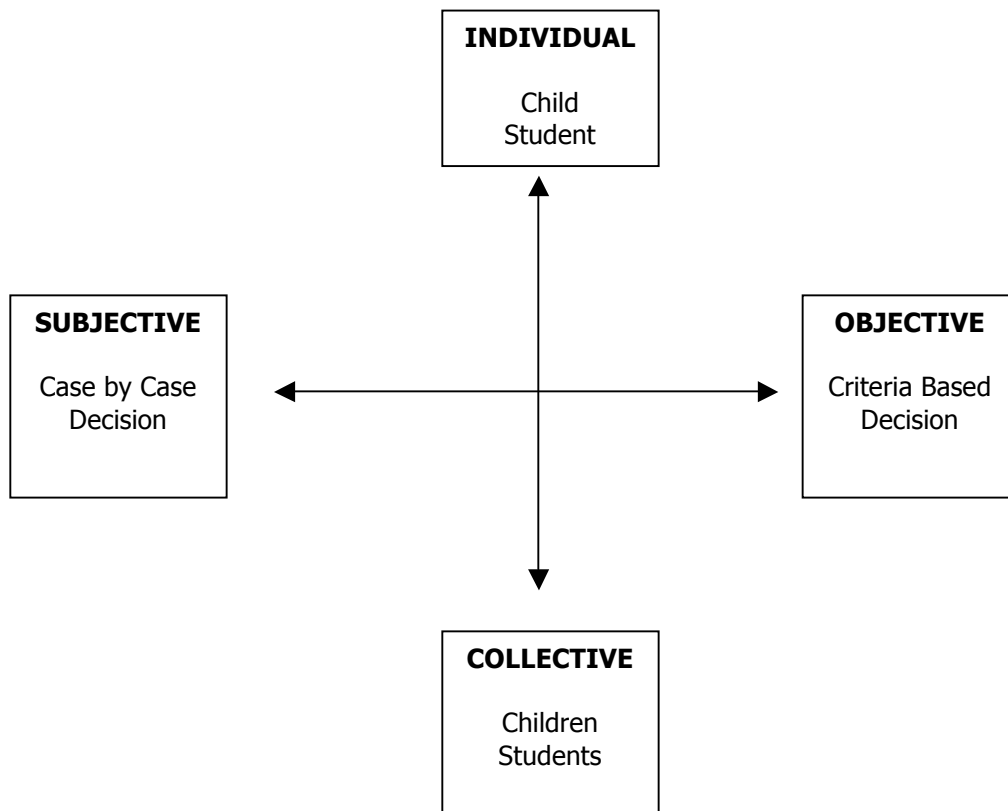


Figure 2.6 Matrix of Best Interests

Although, Smith (1998), Shapiro and Stefkovich (2001) and Stefkovich (2006) conferred an individualistic notion of best interest that of child or student, they advocate differing methodological models – subjective vs. objective - approaches to best interests outcomes. Smith advocated a singularly subjective standard where the full complement of the individual child's *interests* are considered as for their merit toward the specific case and child. Hence the best interests outcome or decision is subjective and unique to the child (in Smith's conception best interests are best conceived as individual and not collective),

and the outcome is not applicable for use with other disputes or other children. Shapiro and Stefkovich's models conversely advanced a blended approach by proposing a subjective, case by case analysis and an objective assessment of multidimensional ethical paradigms and jurisprudential concepts. Their conception of the best interests outcome or decision, recognized that decisions while honouring the particulars of the case and circumstance, must also be mitigated in the face of criteria like the multidimensional ethical paradigms, respect, responsibility and rights.

Capron (1982) identified the subjective and objective tension and inherent values conflict when he discusses the use of the best interests doctrine in instances of child custody disputes:

...there is no requirement that the decision reflect individualized knowledge about what is actually best suited for a particular child, the doctrine seems to rest on an "objective" standard of what a reasonable person would find appropriate for the ordinary child; in application, this standard may amount to a highly *subjective* decision, but subjective that in the sense that it reflects the values and beliefs of the judiciary, not those of its individual wards. (p. 126)

Walker (1998b) echoed the tension between subjective and objective determinations of best interest:

Whereas some would skeptically and cynically say that the true meaning of the best interests of children is something only definable by persons

themselves, I think the best interests of children exist and can be helpfully, though not fully, defined independent of the particular adult or child – their opinions, feelings, beliefs, desires and experiences. Of course, I would want to acknowledge and respond with wholehearted supersensitivity to their subjective perspectives but I would, nonetheless, insist on reserving the capacity for their community, parents and professional magistrates to adjudicate these perspectives by independent and external criteria when conflict arise. (Walker, 1998b, p. 323)

Walker not only surmised the complexity and relational nature of objectivity and collectivism and best interests outcomes, but also identified some of the external factors influencing position on the matrix – the decision maker’s values, self-interests and personal dispositions.

This values tension of the individual decision maker was reflected in Shapiro and Stefkovich’s (2001) and Frick’s (2006) work on the conflicts of personal and professional codes of ethics and their impact on mediating decisions for the best interest of the student. Additionally the interplay implies reconciling the purposes of personal codes and professional codes, and of education itself. Walker (1998b) captured this complex landscape:

...formal school leaders are positioned to function as mediators and animators of many completing and complimentary values and interests on behalf of various educational constituents. These leaders (school principal or superintendent for example) work as a collaborative-brokers among

various agencies with concern and responsibility for children; as advocates of community and individual ends; as solicitors and dispensers of educational resources; as enablers, encouragers, and exhorters of professional and lay service-workers with children. (p. 321)

While the matrix served to represent how to theoretically conceive best interests outcomes for children using ethical and jurisprudential constructs of interests, external factors influencing position on the matrix that of the decision maker's values, self-interests and personal dispositions, necessitated and supported this study.

Summary of Jurisprudential and Ethical Perspectives of Best Interests

Ethical and jurisprudential considerations brought to bear on best interests have the potential to both "slow down and sensitize citizens" and to engender "habits of the heart" that recognize each individual's search for significance together with the importance of that common good for all children (Walker, 1998b, p. 322). The ethics and jurisprudential literature imparted a continued concern with the nature of the principle and the process of determining best interests, resulting in continuous reflection and critique. These processes inform and guided the matrix of best interests. Stefkovich's (2006) best interests model sought to provide a jurisprudentially and ethically defensible expression of what is in a student's best interests and to assist in-school administrators with understanding that self-reflection, open-mindedness and sensitivity were necessary qualities, and that making ethically sound decisions profoundly

influences others lives (Frick, 2006). Consequently, the “myriad of considerations” which are imposed in resolutions of best interests import a great deal of pressure on decision makers to use their ethical discretion and dialogical competence (Walker, 1998, p. 293). Educators are best informed as to the extent and depth of best interests through considerations of ethical and jurisprudential interpretations.

CHAPTER THREE

RESEARCH METHODOLOGY

The purpose of this research was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional praxis. The intent of the investigation was to identify the common use and understanding of the best interests principle in school administrative practice. In this chapter the methodology of the study was presented including the research design and methodology, data collection process and data analysis procedures.

Research Design

Creswell (2002) indicated that research has the potential to “add voices of individuals to knowledge” whose perspectives have not been heard (p. 5). As such, the research design was constructed in a manner to evoke the voices of Canadian in-school administrators on the principle of *in the best interests of the student(s)*. Of the little empirical research on understanding the perceptions of best interests among in-school administrators, the contexts and methodologies employed do not warrant generalizable conclusions among current practicing in-school administrators (Shapiro, 2006; Frick, 2005). A more rigorous methodology was required to examine the depth and breadth of the best interests principle in current administration practice, and hence both quantitative and qualitative method or mixed methods were undertaken in this study.

The paradigm debate between qualitative and quantitative researchers has spanned several decades and has adopted many forms. However, the détente of the paradigm wars produced a powerful third methodological approach known as *mixed methods research* (Tashakkori & Teddlie, 1998), *combining methods* (Gorard & Taylor, 2004) and *multi-method or integrated research* (Cresswell, 2003). Reichardt and Rallis (1994) contended that there are enough similarities in fundamental values between quantitative and qualitative research “to form an enduring partnership” (p. 74). The strength of mixed methods is that it combined the advantages from each paradigm; that is quantitative data provides generalizability while qualitative data offers more information about context (Creswell, 2002). However, despite the truce and reconciliation of the paradigms, methodological integration required a precision of language.

Clarifying the taxonomy of mixed methods and associated types and variances of design have been the subject of many research publications (Patton, 1990; Tashakkori & Teddlie, 1998; Creswell, 2002). Creswell (2002) defined a mixed method design as:

a procedure for collecting both quantitative and qualitative data in a single study and analyzing and reporting this data based on a priority and sequence of information. (p. 560)

Creswell (2002) indicated that there are three types of mixed method designs: triangulation, explanatory, exploratory. Each type addresses differences in the

priority or weight of the qualitative and quantitative data, the sequencing of data collection and the analysis. While in the explanatory and exploratory type of mixed design either qualitative or quantitative data are prioritized, the triangulation mixed method design values both qualitative and quantitative data as equal sources. Recognizing the value of both sets of data also impacted the sequencing and analysis in triangulation, wherefore the data were collected simultaneously and the data were weighted accordingly and interpreted jointly. Triangulation between the evidence produced by mixed research methods is thought to be a simple and common form of combining methods (Garard & Taylor, 2004, p. 43). Various reasons have been advanced for the use of triangulation of this form such as:

- i. Increasing the concurrent, convergent and construct validity of research,
- ii. The ability to enhance trustworthiness of an analysis by a fuller, more rounded account, and
- iii. Reducing bias. (Garard & Taylor, 2004, p. 43)

As such this study utilized a triangulated mixed method design where quantitative and qualitative were collected simultaneously and weighted equally.

Figure 3.1 represents the Research Logic of this study in graphic terms. The diagram displays the dichotomies present within the study: theoretical considerations of ethics and jurisprudence, and methodological considerations of quantitative and qualitative. A conceptual matrix was developed in Chapter Two

to bring ethics and jurisprudence to bear on the best interests principle and survey instrumentation was developed to identify a common use and understanding of the best interests principle in administrative practice. Figure 3.1 assists in mapping the theoretical and methodological terrain of the study.

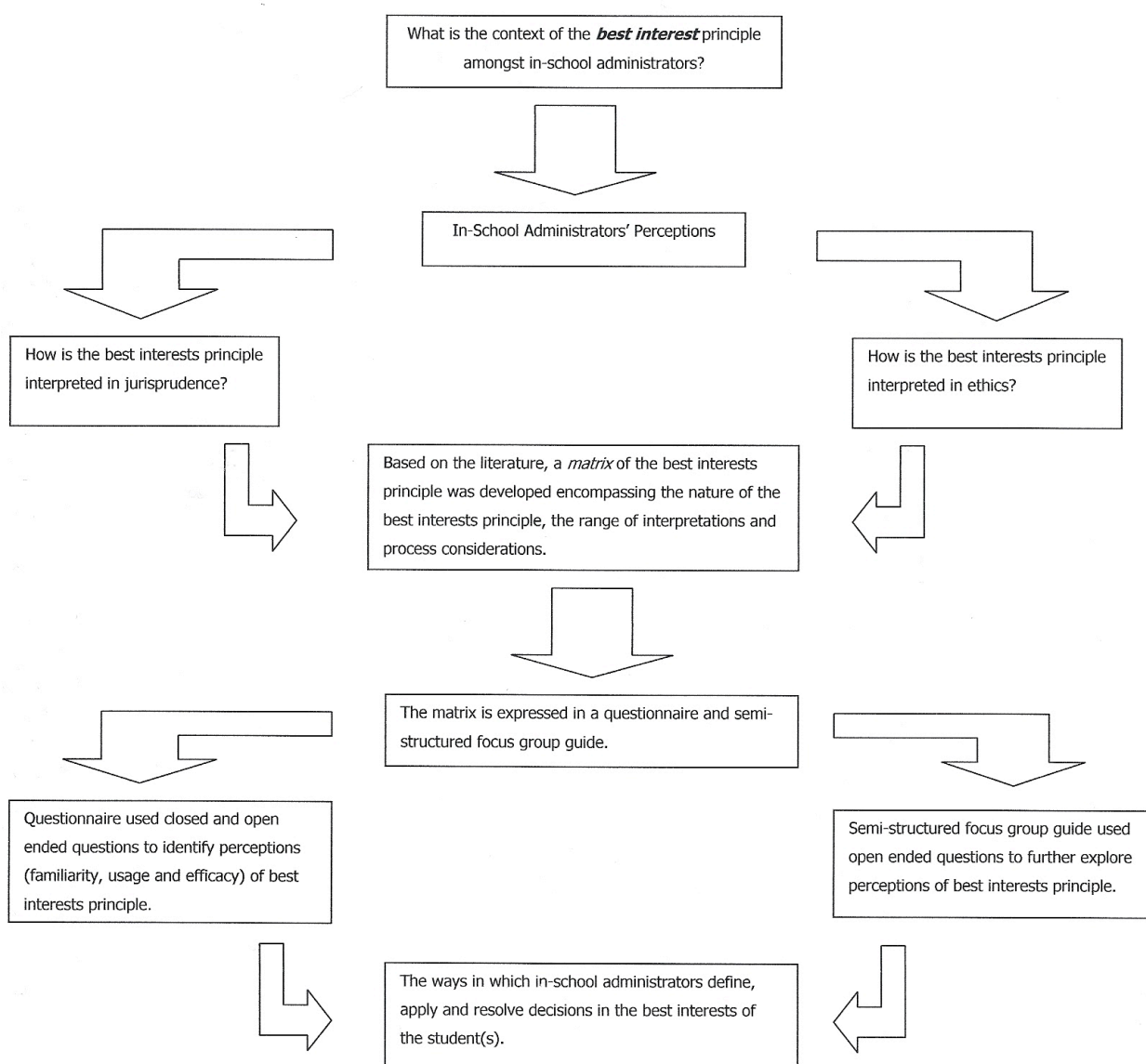


Figure 3.1 Research Logic for Best Interests of Children Study

Data Collection

The Study Sample

The target population for this study included Canadian in-school administrators. A stratified sample of 780 in-school administrators were contacted to participate in the survey. The participants were made available by an analysis of multiple educational databases at the national, provincial, and divisional levels. Of the total number of surveys distributed (N=780), 132 Canadian in-school administrators participated in the study and represented 10 Canadian provinces and 3 Canadian territories. The participants were all practicing in-school administrators throughout Canada. Further study involved a focus group of three Saskatchewan in-school administrators. Partaking in the survey and focus group was voluntary, and the confidentiality of the participants was guaranteed.

The Instrument

In this study quantitative and qualitative data were obtained through the use of a survey and focus group. Gall, Gall, and Borg (2003) indicated that surveys and group interviews are appropriate to collect data about phenomena that are not directly observable: inner experience, opinions, values, and interests. Fink (2006) concurred that survey methods are appropriate to “describe, compare, or explain individual and societal knowledge, feelings, values, preferences and behaviors” (p. 1). A cross sectional survey study

allowed for the examination of current attitudes, beliefs, opinions and practices among a specific population (Creswell, 2002). Likewise, Seidman (1998) envisioned the interview as most consistent with people's ability to make meaning through language (p. 7). Hence, the survey and semi-structured focus group were deemed appropriate instruments to explore the perceptions of the best interests principle by in-school administrators (see Figure 3.1).

Walker and Burnhill (1988) stressed the importance of linking research instruments to the concepts included in a study's conceptual framework. Additionally, the importance of instrumentation was emphasized by Gorard and Taylor's (2004) suggestion that the two methods utilized in a triangulated mixed method study must be directed at different aspects of the wider phenomenon to be investigated, two halves of the same whole. As such the survey and focus group guide were developed to address the full context of the study (see Figure 3.1 and Appendix B).

The survey reflected the need to quantify meaning, usage and application of the best interests principle, while the semi-structured focus group interview reflected the need to explore more deeply the influencing factors and considerations of process in the applications of the best interest principle.

The questionnaire, developed by the researcher, was designed as a survey instrument to address the five research questions of this study that of how do in-school administrators define and use best interests, what circumstances do in-school administrators use best interests, what factors

influence their decisions of best interest and to assess the extent of in-school administrators conceptualization best interests. Oppenheim (1992) indicated that a questionnaire is neither an official form nor a casually constructed set of questions but rather an important instrument of research. Questionnaires posed several advantages such as posing the same questions to all participants, participants control over data-collection by filling out questionnaire at their convenience and the ability to facilitate larger sample size from target population. The best interests questionnaire, consisted of fourteen closed and open-ended questions, were a subset of a larger survey study entitled *Moral Agency and Trust Brokering* administered by Drs. Keith Walker and Warren Noonan (see Appendix B). The larger survey on moral agency and trust fielded five questionnaires: two online versions (B & C) and three mailed versions (A, B & C) and was distributed to a stratified sample of in-school administrators across Canada. The best interests questionnaire were embedded into the online versions (B & C) and two of the three mailed versions (A & B).

The closed question data consisted of checklist demographic questions that ascertained the identifying characteristics of the participants, and attitude scaled questions that ascertained the usage and application of the best interests principle. Gall, Gall, and Borg (2003) defined attitudes as "an individual's viewpoint or disposition toward a particular object" (p. 214). The attitude scaled question responses were recorded on a five point Likert scale, which asked participants to check their level of agreement with various statements. Further

exploration of usage and application of the best interests principle was sought through open-ended questions.

Miller and Crabtree (1999) contended that the interview is better conceptualized as a special type of partnership and communicative performance or event (p. 91). It is a "research-gathering approach that seeks to create a listening space where meaning is constructed through an interexchange / cocreation of verbal standpoints in the interest of scientific knowing" (Miller & Crabtree, 1999, p. 89). It emphasized depth, detail, vividness and nuance (Miller & Crabtree, 1999). As Bogdan and Biklen (2003) indicated the interview is used to "gather descriptive data in the subjects' own words so that the researcher can develop insights on how subjects interpret some piece of the world" (p. 95). Researchers have found that the interactions among participants of a focus group interview are stimulated to state feelings, perceptions and beliefs beyond individual interviews (Gall, Gall & Borg, 2003). The interview guide was developed to complement the questionnaire and to extend the questionnaire's scope of inquiry by probing more deeply the influencing factors and considerations of process for best interests. Based on the research questions and the conceptual framework or matrix twenty interview questions were developed according to the ethical and jurisprudential interpretations of best interest (see Appendix B).

In order to facilitate depth, the researcher must consider how to invite participants to think deeply and express themselves fully about their experiences,

perspectives, lived experiences, values and decisions (Bogdan & Biklen, 2003; Johnson, 2002). Good interviews are those where the participant feels at ease to talk freely on the subject since the goal of understanding how the participants think is at the center of the interview. Focus group participants were drawn randomly and voluntarily from the Saskatchewan Educational Leadership Unit (SELU) Principal's Short Course and were informed of their role and procedures with introductory letters, interview guides and transcripts (see Appendix B and C). Seidman (1998) recommended an interview length of 90 minutes given that the purpose of the method is to have participants reconstruct their experience, insights and opinions. The focus group interview was audio recorded and later transcribed.

Validity

The questionnaire and interview guide were verified as effective instruments by means of content validity. Content validity was defined as the extent to which the questions represent the characteristics they are supposed to survey (Cox, 1996; Fink, 2006). As such, pilot testing of both instruments among a selected representation of the target population is recognized as an essential practice (Gall, Gall & Borg, 2003; Creswell, 2002; Fink, 2006) and was implemented in this study. As such, the instrument was shared with several in-school administrators familiar to the researcher via email and personal conversations and their feedback was included in revisions. Additionally, validity was established through discussions with research advisor and feedback from

proposal committee. Accordingly, recommendations, adjustments and suggestions as a result of the content validity procedures were made to both instruments.

Data Analysis

In this study, the quantitative and qualitative data was not prioritized or sequenced. Quantitative and qualitative data was collected simultaneously, weighted equally and likewise analyzed in a complementary manner (Tashakkori & Teddlie, 1998). According to the shorthand notation system developed by Morse (1991), this study was graphically represented as the following: QUAN + QUAL, where uppercase letters indicated priority or weight, and the '+' sign indicated concurrent collection of data (Cresswell, 2002).

Cresswell (2002) recommended standard data analysis for mixed methods as converging and comparing the quantitative and qualitative. Firstly, the quantitative data was analyzed by descriptive means using the SPSS computer software. Fink (2006) described descriptive statistics as follows:

Descriptive statistics for surveys include counts (numbers of frequency); proportions (percentages); measures of central tendency (the mean, median and mode); and measures of variation (range, standard deviation). (p. 70)

The qualitative data from the eleven closed attitudinal questions were subjected to descriptive statistical analysis and presented systematically. Frequencies, means, standard deviations, ranges and percentages were calculated where

appropriate for the closed items of the survey. The results of the descriptive statistical analyses stemming from the quantitative data, particularly the closed questions, will be tabulated and presented as to explain the central results.

Subsequently, the qualitative data from the open ended questions and the focus group were subjected to thematic analysis. The results of the thematic analyses of the qualitative data will be grouped according to emergent themes and presented thematically according to each research question.

Describing and developing themes from the data consists of answering the research questions and forming an in-depth understanding of the central phenomenon (Creswell, 2002, p. 265). Seidman (1998) recommended that analysis of qualitative data begins with the reduction of words and identification of important ideas (p. 99). Seidman emphasized that the researcher come to the data with "an open attitude, seeking what emerges as important and of interest from the text (p. 100), letting "the interview breathe and speak for itself" (p. 100). Subsequent analysis and attention to the "connecting threads and patterns" between categories will be developed into themes (Seidman, 1998, p. 107). Likewise, Creswell (2002) denoted the process of thematic analysis in a similar fashion: coding produces themes and themes produce the description. Coding is the process of segmenting and labeling the text to form descriptions and broad themes, while themes are similar codes aggregated together as a major idea (Cresswell, 2002, pp. 266-267). A cumulative description, or detailed

rendering of the phenomenon was the result of multiple descriptive analyses (see Appendix C).

Presentation of the Data

The qualitative and quantitative data were presented separately. The presentation included tables that summarized statistical information and themes, figures that portrayed variable and thematic relationships, and detailed explanations about the statistical and thematic results.

Ethical Considerations

The ethical guidelines as outlined by the University of Saskatchewan's Ethics Review Board Committee were followed in this study. Prior to the collection of data, an application to the University of Saskatchewan Advisory Committee on Ethics in Behavioural Science Research was sought and granted (see Appendix A). Participation in the survey and the focus group interview was voluntary. Focus group interview participants were informed that their involvement was confidential and provided with opportunities to withdraw at any time during the study.

Summary of the Research Methodology

This chapter has described the overall research design and methodology used in this study. Quantitative and qualitative data were collected from a questionnaire and semi-structured focus group interview. The purpose of this research was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional

praxis. A mixed methods approach was deemed most appropriate to explore more fully the phenomenon of best interests practice and professional usage among Canadian in-school administrators.

CHAPTER FOUR

PRESENTATION OF THE FINDINGS

The purpose of this research was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional praxis. The intent of the investigation was to identify the common use and understanding of the best interests principle in school administrative practice. The purpose of this chapter was to present the findings of the quantitative and qualitative methodologies as described in Chapter Three. This chapter presented the findings of the data in three parts; demographic, quantitative and qualitative data. The first part provided the demographic data which describes the population sample. The second part provided the quantitative data from the closed attitudinal questions of the survey by means of descriptive statistical analysis. Frequencies, medians, means, standard deviations, and percentages were calculated for the closed items of the survey. The third part provided a thematic analysis of the qualitative data from the open ended questions of the survey and the focus group interview. The quantitative and qualitative data herein, were obtained through self-report, structured questionnaires consisting of both closed and open ended questions and a focus group interview. The data were derived from questions embedded in a larger survey study entitled *Moral Agency and Trust Brokering: Challenges of the Principal* administered by Drs. Keith Walker and Warren Noonan while the focus

group interview was conducted at the Saskatchewan Educational Leadership Unit (SELU) Principal's Short Course.

Five versions of the *Moral Agency and Trust Brokering: Challenges of the Principal* survey were fielded: two online versions (B & C) and three mailed versions (A, B & C) and distributed to a stratified sample of 780 in-school administrators across Canada resulting in a 17% return rate or 132 in-school administrators respondents. Questions pertaining to this study of the perceptions of best interests among Canadian in-school administrators were embedded into four versions: online versions (B & C) and mailed versions (A & B). Fourteen closed and open ended questions were developed to address the five research questions of this study that of how do in-school administrators define and use best interests, what circumstances do in-school administrators use best interests, what factors influence their decisions of best interest and to assess the extent of in-school administrators conceptualization best interests. The closed and open ended questions were distributed evenly among the online and mailed versions of the *Moral Agency and Trust Brokering* study (see Appendix B).

Table 4.1 data illustrate the distribution of respondents to the four online and mailed survey methods that contained best interests questions. Seventy five (57%) of the study's respondents participated in the mailed versions of the survey, while fifty seven (43%) of the respondents participated in the online survey.

Table 4.1

Summary of the distribution of respondent participation among the Moral Agency and Trust Brokering study containing questions on the best interests principle in administrative practice

Survey	Number of Respondents	Percentage of Total Study
Online Survey (B)	29	22.0
Online Survey (C)	28	21.1
Mailed Survey (A)	39	29.5
Mailed Survey (B)	36	27.3
TOTAL	132	100

In addition to the survey portion of the study, a further three respondents participated in a focus group interview during the Saskatchewan Educational Leadership Unit (SELU) Principal's Short Course. All three respondents, Saskatchewan in-school administrators, participated in a group interview regarding best interests and educational administrative practice (see Appendix B & C) and their contribution to this study is included in the qualitative data analysis.

Demographic Data

One hundred and thirty two Canadian in-school administrators participated in the survey portion of this study, while an additional three Saskatchewan in-school administrators participated in the focus group. Table 4.2 provides the summary of the demographic data regarding the respondents. Seventy four

(55%) of the respondents were male, and 59 (44%) were female. An equal majority of the respondents were aged 41- 50 (41%) and aged 51-60 (40%). The highest represented provinces in the survey were Saskatchewan with 38 (28%) respondents, Alberta with 27 (20%) respondents and Ontario with 24 (18%) respondents. The remaining 10 provinces and territories comprised the balance of the respondents with no residence reporting higher than 7% of the total respondents. One hundred and thirty three (99%) of the respondents were principals with the only exception being a vice principal and principal candidate on the focus group panel. Seventy (52%) of the respondents reported having 21-30 years of experience as an educator as either a teacher or school administrator; whereas 37 (27%) respondents had 11 – 20 years experience and 22 (16%) respondents had 31 or more. Eighty nine (66%) of the respondents had up to 10 years of administration experience, while 43 (32%) respondents had 11 or more years of experience in administration. The data from the online surveys (B and C) and the focus groups revealed that of the 42% of the total respondents 34 (60%) respondents held a masters of education, and another 13 (23%) respondents held masters in other fields and other accreditation and certification.

Table 4.2
Summary of the demographic distribution of the respondents according to groups and subgroups

Group	Subgroup	Number of Respondents	Percentage of Total Study
Gender	Male	74	54.8
	Female	59	43.7
	Undeclared	2	1.5
Age	30 or younger	0	0
	31 – 40	16	11.9
	41 – 50	55	40.7
	51 – 60	54	40.0
	61 or older	8	5.9
	Undeclared	2	1.5
Residence	British Columbia	3	2.2
	Alberta	27	20.0
	Saskatchewan	38	28.2
	Yukon	1	.7
	Manitoba	10	7.4
	Northwest Territories	1	.7
	Ontario	24	17.8
	Nunavut	1	.7
	Quebec	2	1.5
	Nova Scotia	10	7.4
	New Brunswick	6	4.4
	Newfoundland & Labrador	10	7.4
	Prince Edward Island	0	0
Undeclared	2	1.5	
Position	Principal	133	98.5
	Vice Principal	1	.7
	Undeclared	1	.7
Years as Educator	0 or less	3	2.2
	11 – 20	37	27.4
	21 – 30	70	51.9
	31 or more	22	16.3
	Undeclared	3	2.2
Years as Administration	5 or less	37	27.4
	6 – 10	52	38.5
	11 – 15	18	13.3
	16 or more	25	18.5
	Undeclared	3	2.2
Highest Level of Education ¹	Bachelor of Education	5	8.8
	Masters of Education	34	59.6
	Masters	9	15.8
	PhD	1	1.8
	Other Certificate or Accreditation	4	7
	Undeclared	4	7

1. Only 57/135 reported their highest level of education

Quantitative Data

Quantitative data were collected in the online and mailed surveys through 11 closed attitudinal questions (see Appendix B). The results of the Likert attitudinal questions were grouped into four categories of thought: familiarity, usage and efficacy of best interests principle; preference for resolving best interests individually or communally; frequency and identification of conflicts between private and public interests; and ethical paradigm preference in resolving best interests where each grouping was subjected to descriptive statistical analysis. Each grouping of attitudinal closed questions were analyzed and presented in two parts. Firstly, the data was analyzed as ranges, frequencies and percentages and secondly as medians, means, and standard deviations. In order to express respondent perceptions ranking from strongly disagree to strongly agree, the level of agreement was translated to a corresponding scale of 1-5 for analytical and statistical purposes.

Familiarity, General Usage and Perceived Efficacy

Survey questions were developed to assess the familiarity, general usage and perceived efficacy of the *in the best interests of the student(s)* principle. In-school administrators were asked to respond to the following questions using a 5 point Likert scale that ranged from strongly disagree to strongly agree:

- i. I am familiar with the principle *in the best interests of the student(s)*.
- ii. I routinely use the criteria of *the best interests of the student(s)* in my administrative decision-making.

- iii. The principle of *in the best interests of the student(s)* is an effective means of resolving ethical challenges in administrative decision-making.

In Table 4.3 the frequency and total percentage of respondents' level of agreement with the familiarity, routine use and efficacy of the best interests principle is summarized.

Table 4.3

Frequency and percentage of respondents' level of agreement with the familiarity, routine use and perceived efficacy of the best interests principle (N=Number of Responses; % = Percentage of Total Response Population)

Level of Agreement	Familiarity		Routinely Use		Efficacy	
	N	%	N	%	N	%
Strongly Agree	48	75	42	65.6	30	46.9
Agree	15	23.4	21	32.8	25	39.1
Neutral	1	.02	1	.02	8	12.5
Disagree	0	0	0	0	1	.02
Strongly Disagree	0	0	0	0	0	0
Total	64	98.6	64	98.4	64	98.5

The majority of respondents, 98% of those completing survey, indicated either strong agreement or agreement to the familiarity of *the best interests of the student(s)* principle and claimed to routinely using the principle in their

administrative decision making. Eighty-five percent of the respondents' strongly agreed or agreed that the best interests principle was an efficacious in resolving ethical challenges in administrative decision making. The efficacy of the best interests principle registered a higher percentage of neutral responses (13%) than the familiarity and usage.

In Table 4.4 the summary of the respondent's perceptions of familiarity, routine use and efficacy are summarized using median, means and standard deviation. The mean scores of the respondent's familiarity and routine use of best interests were similar, 4.73 and 4.64, respectfully. The mean scores indicated that the majority of the respondents were in strong agreement to understanding and routinely using the best interests principle. Similarly, low standard deviations of 0.48 for the familiarity and 0.52 for the routine use suggested a fairly consistent response of strong agreement to these questions. The mean average of respondents' perception of the efficacy of the best interests principle of 4.31 represented a slightly lower agreement than the other perceptions. Likewise, the slightly higher standard deviation of the efficacy of the best interests principle, 0.75, indicated that the respondents' answers were distributed differently among levels of positive agreement and neutral.

Table 4.4

Summary of the respondents' perceptions of familiarity, routine use and perceived efficacy of the best interests principle

Perception	Median	Mean	SD
Familiarity of best interests principle	5.00	4.73	0.48
Routine usage of best interests principle	5.00	4.64	0.52
Efficacy of best interests principle	4.00	4.31	0.75

Preference to Resolving Best Interests: Individual or Collective

In-school administrators were asked to indicate a preference for resolving matters of best interests as either upholding the individual (*student*) or the communal (*students*) interests. The following questions were designed to identify if determinations of best interests were perceived as meeting the needs of all or individual students:

- i. The optimal test of a difficult decision is does it support *the best interests of all the students*.
- ii. The optimal test of a difficult decision is does it support *the best interests of the individual student*.

In Table 4.5 the frequency and percentage of respondents' level of agreement with the optimal test to a difficult decision to be all students or an individual student is recorded. Of the responses, 83% either strongly agreed or agreed that the optimal test should consider *all students*; whereas 64% either strongly agreed or agreed that the optimal test should consider *the individual student*. In

contrast, approximately 8% of the respondents disagree that the optimal test should consider all students and 19% disagree that the optimal test should consider the individual student. Almost twice as many respondents answered neutrally to considering the interests of the individual student.

Table 4.5

Frequency of respondents' level of agreement with the optimal test of best interests principle as supporting all students or the individual student (N=Number of Responses; % = Percentage of Total Response Population)

Level of Agreement	All Students		Student	
	N	%	N	%
Strongly Agree	13	36.1	11	30.6
Agree	17	47.2	12	33.3
Neutral	3	8.3	6	16.7
Disagree	3	8.3	7	19.4
Strongly Disagree	0	0	0	0
Total	36	99.9	36	100

The summary of the respondents' perceptions of the optimal test of best interests principle as supporting all students or the individual student as expressed by means, median and standard deviation is reported in Table 4.6. The mean scores indicated that respondents favoured the optimal test to a difficult decision as one that supports the needs of all students, 4.11, whereas,

supporting the needs of individual students was slightly lower at 3.75. Both mean scores indicated that respondents were in agreement that difficult decisions should consider all and the individual student, with a greater emphasis on all students' interests. Additionally, the higher standard deviation of 1.1 for the perception of the importance of individual student interests during difficult decisions, confirmed that these responses were covered more of the range of attitudinal values than responses for all students.

Table 4.6
Summary of the respondents' perceptions of the optimal test of best interests principle as supporting all students or the individual student

Perception N=39	Median	Mean	SD
All Students	4.00	4.11	0.887
Individual Student	4.00	3.75	1.11

Mediation of Conflicts between Private and Public Interests

In order to determine the extent to which the respondents' decision making was influenced by conflicts between private and public interests the following question was designed: "I routinely mediate conflicting public and private interests that involve children." Respondents were asked to expression the extent of their agreement or disagreement with this statement.

The frequency and percentage of respondents' level of agreement to mediating public and private interests involving children is represented in Table 4.7. Nearly

two thirds of the respondents identified themselves as often and sometimes mediating private and public interests, or 67% of those surveyed, while one third or 33% rarely or never mediate conflicting interests. No respondents indicated that they always mediated private and public interests.

Table 4.7

Frequency and percentage of respondents' level of agreement to routinely mediating public and private interests involving decision affecting children (N=Number of Responses; % = Percentage of Total Response Population)

Frequency	N	%
Always	0	0
Often	7	25.9
Sometimes	11	40.7
Rarely	8	29.6
Never	1	3.7
Total	27	100

A summary of the respondents' perception to the frequency of mediating public and private interests involving children is summarized using median, means and standard deviation. The median was 2.98, while the mean was 3.00. A standard deviation of 0.847 was reflected in the range and distribution of Table 4.7.

Ethical Paradigm Preference in Resolving Best Interests

In order to assess how in-school administrators make determinations of *in the best interest of the student(s)* and what factors influence those decisions, respondents were asked to identify their attitude to five ethical paradigms influencing their decisions: *justice, care, critique, profession and community*.

Shapiro and Stefkovich's (2003) work on a paradigm for professional ethics for in-school administrators located the *best interests of the student* in the center. The model incorporates foundational works like Starratt's (1994) multidimensional ethical framework (ethics of justice, care and critique) and Walker's (1998) jurisprudential and ethical perspectives, with an ethic of profession, of which Furman's (2004) ethic of community is couched, resulting in a professional paradigm of multiple ethical perspectives. Thus the respondent attitude toward the ethical paradigms of the ethic of law, care, critique, profession and community were identified as significant for the purposes of the study. The corresponding survey questions (Appendix B) and the corresponding ethical paradigms are displayed in Table 4.8.

Table 4.8
Corresponding survey questions and the multi-dimensional ethical paradigms

Ethic of Law	Dilemmas concerning the best interests of the student(s) should be resolved using policy and the law.
Ethic of Care	Dilemmas concerning the best interests of the student(s) should be resolved by considering the care and well being of all involved.

Ethic of Critique	Dilemmas concerning the best interests of student(s) should be resolved by avoiding the marginalization of those directly or indirectly involved.
Ethic of Profession	Dilemmas concerning the best interests of student(s) should be resolved by considering the expectations and responsibilities of the teaching profession.
Ethic of Community	Dilemmas concerning the best interests of student(s) should be resolved by considering the interests of the community.

Table 4.9 displays the frequency and percentage occurrence of respondent's level of agreement to resolving ethical dilemmas considering the ethical paradigms of justice, care, critique, profession and community. The respondents' agreement to resolving dilemmas rated the ethical paradigms from care, critique, profession, justice and community. Respondents rated the ethic of care highly among the ethical paradigms. The ethic of critique and profession received a similar rating behind ethic of care, while the ethic of justice and community received a similar low rating of agreement among the ethical paradigms.

Thirty five (52%) respondents either strongly agreed or agreed that one should resolved dilemmas of best interest by considering policy and law (an ethic of justice); whereas 20 (29%) of the respondents either disagreed or strongly disagreed. A large majority of Canadian in-school administrators preferred to resolve dilemmas and consider the care and well being of those involved. Sixty five (96%) respondents either strongly agreed or agreed that one should resolved dilemmas of best interest by considering the care and well being of

those involved (ethic of care); whereas one (2%) of the respondents disagreed. Fifty three (78%) respondents either strongly agreed or agreed that one should avoid the marginalization of those directly or indirectly involved (ethic of critique) in dilemmas of best interest whereas four (6%) of the respondents either disagreed or strongly disagreed. Forty nine (72%) respondents either strongly agreed or agreed that one should resolved dilemmas of best interest by considering the expectations and responsibilities of the teaching profession (professional ethic) whereas 10 (15%) of the respondents disagreed. Thirty (44%) respondents either strongly agreed or agreed that one should resolved dilemmas of best interest by considering the interests of the community (ethic of community) whereas 15 (22%) of the respondents either disagreed or strongly disagreed.

In Table 4.10 the summary of the respondents' preferences are summarized using median, mean and standard deviation. The mean score of 4.41 showed the respondents strong agreement with considering the well being and care of those involved in resolving dilemmas. A standard deviation of 0.629 signified that the respondents were similar in their agreement. The mean score of 4.03 and a standard deviation of 0.90 showed that the respondents agreed that dilemmas should be resolved by avoiding the marginalization of those directly or indirectly involved (ethic of critique). The mean score of 3.65 showed that respondents agreed or were neutral in their agreement to considering the expectations of the teaching profession. The mean scores of 3.24 and 3.19

Table 4.9
*Frequency of respondents' level of agreement to resolving dilemmas considering particular ethical dispositions
 (N=Number of Responses; % = Percentage of Total Response Population)*

Level of Agreement	Ethical Paradigms									
	Justice		Care		Critique		Profession		Community	
	N	%	N	%	N	%	N	%	N	%
Strongly Agree	1	1.5	32	47.1	22	32.4	5	7.4	5	7.4
Agree	34	50.0	33	48.5	31	45.6	44	64.7	25	36.8
Neutral	13	19.1	2	2.9	11	16.1	9	13.2	23	33.8
Disagree	17	25.0	1	1.5	3	4.4	10	14.7	11	16.1
Strongly Disagree	3	4.4	0	0	1	1.5	0	0	4	5.9
TOTAL	68	100	68	100	68	100	68	100.0	68	100

indicated that most Canadian in-school administrators expressed a neutral point of view toward the interests of the community and policy and law (ethic of justice). Standards deviations of 1.01 for the ethic of community and 0.981 for the ethic of justice signify similar responses among respondents for these ethics.

Table 4.10

Summary of the respondents' preferences to resolving dilemmas considering particular ethical dispositions

Perception	Median	Mean	SD
Ethic of Care	4.00	4.41	0.629
Ethic of Critique	4.00	4.03	0.897
Ethic of Profession	4.00	3.65	0.824
Ethic of Community	3.00	3.24	1.01
Ethic of Justice	4.00	3.19	0.981

The attitudinal preferences for the five ethical paradigms are graphically represented in Figure 4.1. The figure supported the corresponding qualitative data and revealed the respondents' agreement to resolve dilemmas of best interest as a ranked preference ranging from the ethic of care, ethic of critique, professional code of ethics, ethic of justice and ethic of community.

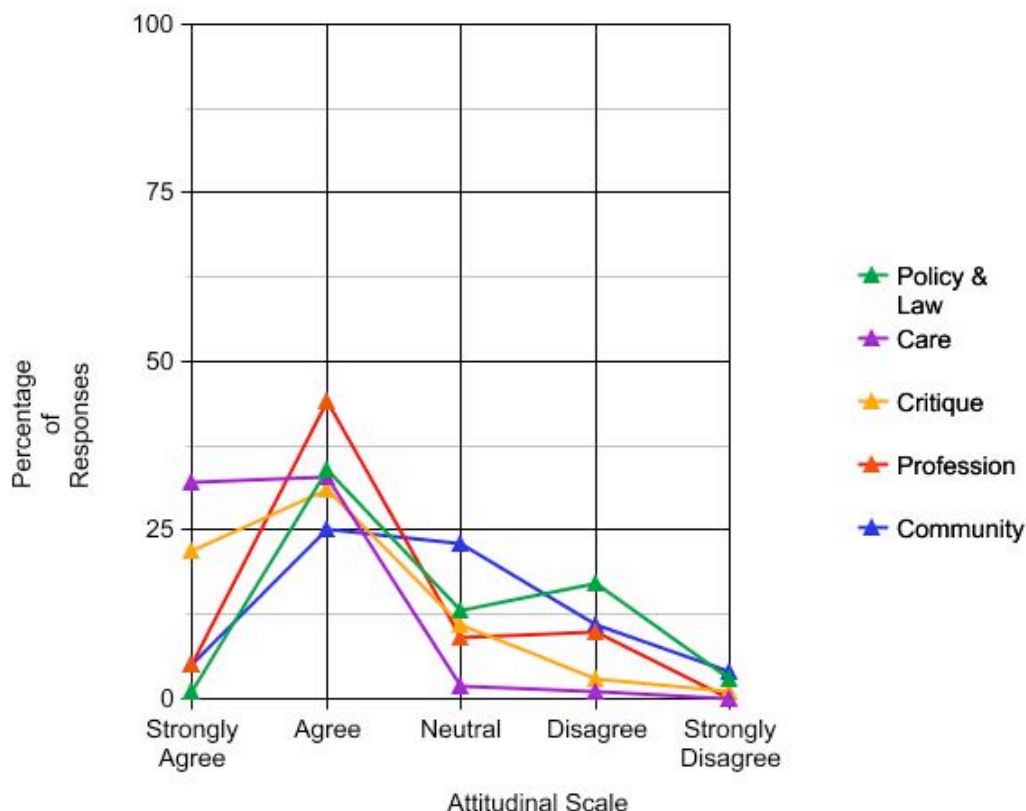


Figure 4.1 *Distribution of the respondents' preferences to resolving dilemmas considering particular ethical dispositions*

In figure 4.1 the distribution of the respondents' preferences to resolving dilemmas augmented data analyses in support of the hierarchal preference of ethical dispositions as displayed.

Qualitative Data from Open-Ended Questions

The qualitative data stemmed from three open ended questions and the focus group semi-structured interview and were developed to address the five research questions of this study that of how do in-school administrators define and use best interests, what circumstances do in-school administrators use best interests, what factors influenced their decisions of best interest and to assess

the extent of in-school administrators conceptualization best interests (see Appendix B). In addition, unexpected data appeared in the *Moral Agency and Trust* survey and significant contributions are included in this analysis. Another source of data obtained through the study, in the survey on *Trust and Moral Agency: Challenges of the Principal*, was manifest when respondents were asked to reply to a number of open ended questions pertaining to the study on moral agency and trust. A number of responses specifically cite *best interests* in relation to decision making or ethics and as such significant contributions are included in the data analysis. The qualitative data analyzed herein will be presented in two parts. Firstly, *Definitions and Descriptions of Best Interests and Methodological Influences on Best Interest* summarized data from the following open ended questions: How do you prefer to define in the best interests of the student(s) and how would you explain "in the best interests of the student(s)" to a new staff member? Secondly, *Usage of Best Interests* summarized the data from the following open ended question: "Describe a time when you used the principle in the best interests of the student(s) to justify a decision." Wherein the focus group data used similar questions, additional probing questions were used during the semi-structured interview, where necessary, to cover the identified content.

The study allowed for conventional coding procedures as described by Bogdan and Biklen (2003). Initially, the data were analyzed to identify emergent themes and to prepare a preliminary coding system. Subsequently the

qualitative data and preliminary coding system were refined through continued analyses (Appendix C).

Definitions and Descriptions of Best Interests

Sixty three (94%) respondents provided insight as to how they preferred to define in the best interests of the student(s) or how they would explain in the best interests of the student(s) to a new staff member. Analyses of the data revealed two categories of thought: (a) broad conceptualizations and general perspectives toward defining best interests and (b) general methodological considerations or approaches to applying best interests' principle. The best interests of the student(s) was broadly conceptualized and defined as three major categories of thought: *best interests as core good*, *best interests as good pedagogy*, and *best interests as holistic*. Additionally, three methodological considerations or approaches were identified as contributing toward applying in the best interests of student(s): *stakeholders' influence*, *contextual considerations* and *relational aspects*. Furthermore, in-school administrators identified that *safety considerations* and using their *own children as an ethical compass* were seen as important mitigating considerations throughout the data. The major and minor themes were both prominent and repetitive throughout the survey data and focus group interview.

Best Interests as Core Good

The first major category of thought evidenced in the data was a description of best interests as a core good. The majority of respondents

identified with a definition of best interests within this category. Concepts and phrases like, *center*, *heart*, *purpose*, *why* and *best outcome* were synonymous with descriptors in this category of thinking.

The student(s) was regularly described as the core or center of decision making and best interests. One respondent wrote:

I would ask staff members to always remember why we teach – to educate students. They are our priority. When not sure of something/decision to make – think of ‘the best interest of the students’.

Correspondingly, descriptions of best interests included the emphasis of students at the heart of educators’ work. Respondents’ definitions focused on the notion that best interests were the total sum of all of the school endeavors and initiatives.

All of what we do and who we are in the school setting centers on what is best for students – our demeanor, the classroom setting, etc. All need to work towards that (I need a few more pages for that).

In this category of thinking it was evident that the respondent’s mitigated decisions of best interest by placing the students’ at the heart of decision making. As one respondent articulated, “we need to see to their needs ahead of our own.”

Moreover, respondents defined best interests as the *why* of their work and the *why they entered teaching*. Furthermore, respondents identified an ethical duty and responsibility toward providing students with best possible care and

attention including decisions on their behalf. This sense of service responsibility prevailed in this category of thought. The respondents' articulated a perception of best interest that the "students are our client and we have a responsibility to our students" and that an agreed central purpose of education, best interests, should be "to serve students."

Finally, in this category of thought, respondents defined best interests as the *best outcome* or as a positive *benefit*. Words like best, success and advantage all indicated that the respondents in this category of thinking deemed best interests in beneficial terms. Decision making in this manner of thinking was therefore depicted as those decisions that would lead to student development, advancement and growth. This manner of thinking is best articulated by the following respondent:

Doing what we believe furthers the success of students in school. If it is in the best interest of students, it must be something that gives them an advantage or encourages them to achieve some form of success.

Furthermore, the following quotation encapsulates this category of thinking:

That phrase [*best interest*] means, to me, that decisions are made from the perspective of providing the best possible outcome for that child. That being said, all decisions must take into account what is possible and what limitations are involved. Weighing all these factors, the decision needs to focus on the child, not best for staff, best for funding, etc.

In conclusion, the majority of the respondents' defined in the best interests of student(s) as a central and core good.

Best Interests as Good Pedagogy

The second major category of thought evidenced in the data was a description of best interests as good pedagogy. Concepts and phrases like learning, achievement, learning environment, and pedagogy were synonymous with descriptors in this category of thinking. Respondents in this category of thinking best interests was described as a means to an end; the central purpose or paramount reason of education was student learning. As is indicated in the following responses:

Our central purpose is student learning. I prefer to define "best interests" in the context of good pedagogy.

I would explain it by saying that the paramount reason we are in business is to advance student learning. If the decision advances student learning then it is in the best interest of the student.

In this category of thinking, best interests were placed in the context of good pedagogy and corresponding decisions of best interest were placed in the context of advancing achievement and maintaining safe learning environments. That is to say that decisions of best interests were those identified by the respondents "which support[ed] student learning [and] achievement in a safe and caring learning environment" or enabled students to "flourish in an

environment that is safe and productive to learning." Additionally, the respondents' defined decisions of best interests as "interests that [led] to growth through learning opportunities" and higher achievement. In conclusion, the respondents in this category of thinking clearly associated and envisaged the *interests* of student(s) in pedagogical terms.

Best Interests as Holistic

The third major category of thought evidenced in the data was a description of best interests as holistic. Respondents defined best interests as those decisions that recognized the complexity of students. Respondents wrote that the "best interests of the students has to embrace academic, social, emotional, spiritual and intellectual criteria [and as such] the entire student has to be safeguarded." This category of thinking extended interests beyond narrow interpretations. While others may have depicted student learning or good pedagogy as the center, this category of thinking envisaged a larger holistic context for the definition of best interests:

To me, "in the best interests of the student(s)" is: a) making sure that the students' learning will not be adversely affected by the decision, b) taking into account the concerns of the student's intellectual, emotional, and behavioral needs, c) the ability of the student to cope with the situation that is being done in their best interest, and d) how the relationships that student or students has with the people around them will be affected.

Using different descriptors, other respondents echoed this perception of best interests:

That which best serves the needs of the student - for reasons of academic or social, or personal, or physical or psychological health.

[Best interests is] what is best for the social, emotional, physical and intellectual growth and development of the student(s).

Safety, physical, mental, emotional health and well being, acting to ensure academic success, making a wide range of program (course) opportunities available, making a wide range of extra curricular opportunities available.

I would talk about consideration of all dimensions of a student (emotional, physical, spiritual, etc.) and use the point of view of parent and teacher.

Respondents' usage of terminology to articulate the dimensions of students may not have been consistent, but the sentiment of describing best interests as those decisions which best considered all the needs, dimensions and variables of student life was consistent among the respondents in this category of thinking.

Methodological Influences on Best Interest

In defining best interests the respondents identified three methodological influences that regulated, impacted and in some cases mitigated decisions in the

best interests of student(s): *stakeholders' influence, contextual considerations, and relational aspects.*

Methodological Influences on Best Interest: Stakeholders' Influence

The first methodological influence on best interests was stakeholder's influence. Respondents' definitions of best interests were mitigated by a sense that all of those involved in a decision, the stakeholders, should be considered. Respondents identified that decisions of best interest needed to consider the multiple stakeholders' needs in the present and future. Alternatively, some respondents identified that it might be necessary to override the influence of some stakeholders in order not to jeopardize the best interests of the student(s). As one respondent wrote, serving the best interests of the student, "does not always mean it is what the student or other individual[s] may think is the best interest" of the student. Likewise, other respondents indicated that decisions of best interests could be determined and made irrespective of whether stakeholders like the student(s), parents, staff or community agree.

Methodological Influences on Best Interest: Contextual Considerations

The second methodological influence on best interests was contextual considerations. Respondents identified a range of contextual considerations including situational factors, weighing the interests of the greater good and the individual student as well as recognizing a balance therein.

Some respondents recognized the influence of situational factors like identifying good information and the need to place best interests within the domain of decision making as significant. For example:

The information one has regarding each situation must come into play for each decision made. "In the best interest of the student" is a phrase used by people who believe that their decisions and actions can affect the lives of the student(s) in their care...Decisions are based on information: the better the information the better the decision and how it will affect people.

Other responses in this category shed further light as to the depth and extent of what influences should be considered in matters of best interests: collective or individual interests.

Decisions of best interests for some respondents included considering other situational forces like that those of the collective community. The following responses served to illustrate the range of responses which considered balancing the needs of the *greater good* in their definition of best interests:

Greatest good for the greatest number while considering the position of the minority.

In the best interests of students' has always meant, to me, the decisions and initiatives that are being considered/implemented/discussed are

selected because they serve the needs of the greater part of the students body or a select group of the student body with specific needs.

We are here for one purpose, to educate children. We must take their lack of knowledge and experience into account when power struggles occur. In the event of conflict we must make decisions that benefit all students. Doing the right thing is not always easy. If teaching was easy, everyone could do it.

Despite the articulation that the majority of students' interests should take precedence, the respondents acknowledged the recognition of the minority or special interest groups within the greater good. However, the greater good in these responses was limited to perceiving the collective community as the entire student body or all students. The respondents did not perceive the greater good to extend beyond the school community.

In contrast, some respondents clearly envisaged their context in individual terms. Instances of best interests were seen to be mitigated with respect to the individual student and not the greater good. Respondents wrote:

I would define that as such that the student will have the opportunity to present the best that they are able to. It must be to address the student - not what the staff member feels or thinks is the best for them (ie.

because it is the best for others, or was the best for them). Must be highly individually based.

That is putting one's own biases, prejudices and preconceptions aside and dealing with the student(s) as an individual – a student-centered approach where the dignity of the individual must remain intact – where the adult must act in a reasonable way and with common sense.

However, many respondents identified the need to *balance* the interests of all students with the individual student. This nexus is “keeping in mind the student's welfare (physical, intellectual, emotional), including the balancing of individual and common needs when making decisions” and thus this “where best interests are met.” The difficulty in being multi focused was identified by the respondents.

It is very complicated. If I could state it simply it would be to always be student centered when considering difficult decisions but remembering that what is best for one student may not be for the entire student population.

We always need to do what is in the best interest of individual students, however, we must be aware of the message decisions send for the collective learning community we serve.

What is evident in this category of thinking is the complexity of decision making. The respondents articulated the tension between exclusively defining best interests in individual or collective terms.

Methodological Influences on Best Interests: Relational Considerations

The final methodological influence on best interests was stakeholder's relational considerations. Respondents' definitions of best interests were littered with references to respect, attention to relationships, voice and dialogue. Respondents identified that definitions and decisions of best interest needed to consider relational and implications of process. Respondents in this category identified the importance and significance of tending to relationships among students and staff. One respondent wrote that best interests were best understood in the context of getting to know student(s) on a "personal level" and to "understand who they are as people." The implication herein was that determinations of best interest are predicated on fostering honest, respectful and open relationships. It was also noted from the respondents that open and positive communication and dialogue was essential to the actualization of best interests.

However, the importance of relational considerations was rarely identified by respondents in isolation; other major modes of thinking or methodological implications were prevalent. The following respondent exemplifies this layered complexity:

The best interest of a student does not mean meeting all demands from a student or the students in general. By looking out for their best interests, I will listen to students before making decisions that affect them. I will not blindly support teachers in settling all disputes, but I generally feel that by supporting teachers, I do support the students. (Of course, the issue of trust is paramount in this approach - I trust the teachers all have the best interests of their students at the forefront of their own decision-making).

The best interest of students is met by dialogue with all stakeholders before, during and after the emergence of issues, controversies and disputes/conflicts.

The influences of dialogue, relationships and voice on matters of best interests also suggest considerations of trust and reflective practice that are required by respondents to bring these determinations to life.

Summary of the Definitions and Descriptions of Best Interests

In summary analyses of the data revealed two categories of thought: (a) broad conceptualizations and general perspectives toward defining best interests and (b) general methodological considerations or approaches to applying best interests' principle. The best interests of the student(s) was broadly conceptualized and defined as three major categories of thought: *best interests as core good*, *best interests as good pedagogy*, and *best interests as holistic* (Figure 4.2).

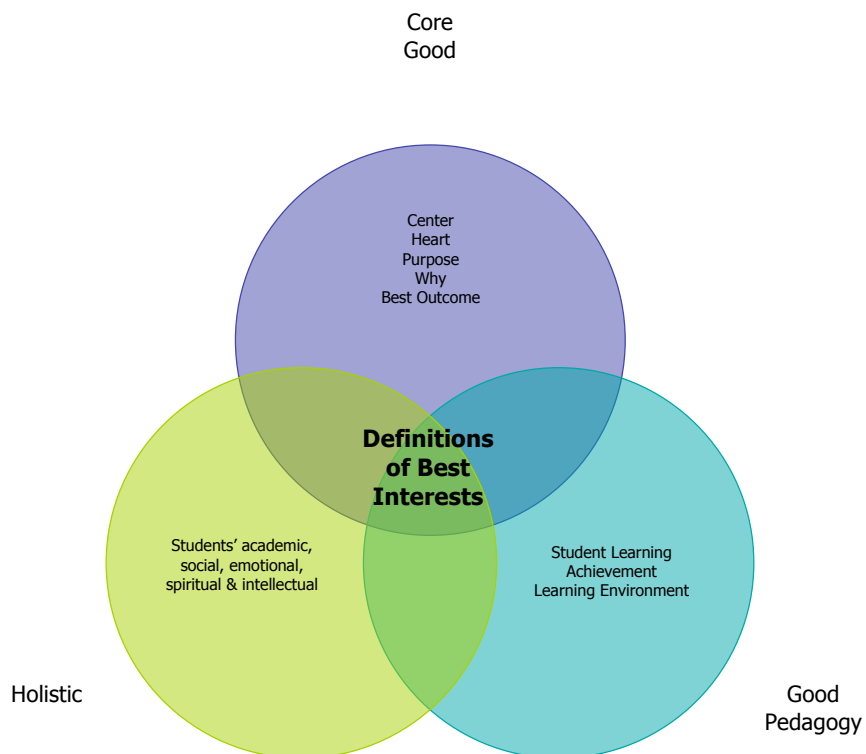


Figure 4.2 Major Categories of Thought in the Definition of Best Interests

Principle

Additionally, three methodological considerations or approaches were identified as contributing toward applying in the best interests of student(s): *stakeholders' influence, contextual considerations* and *relational aspects* (Figure 4.3).

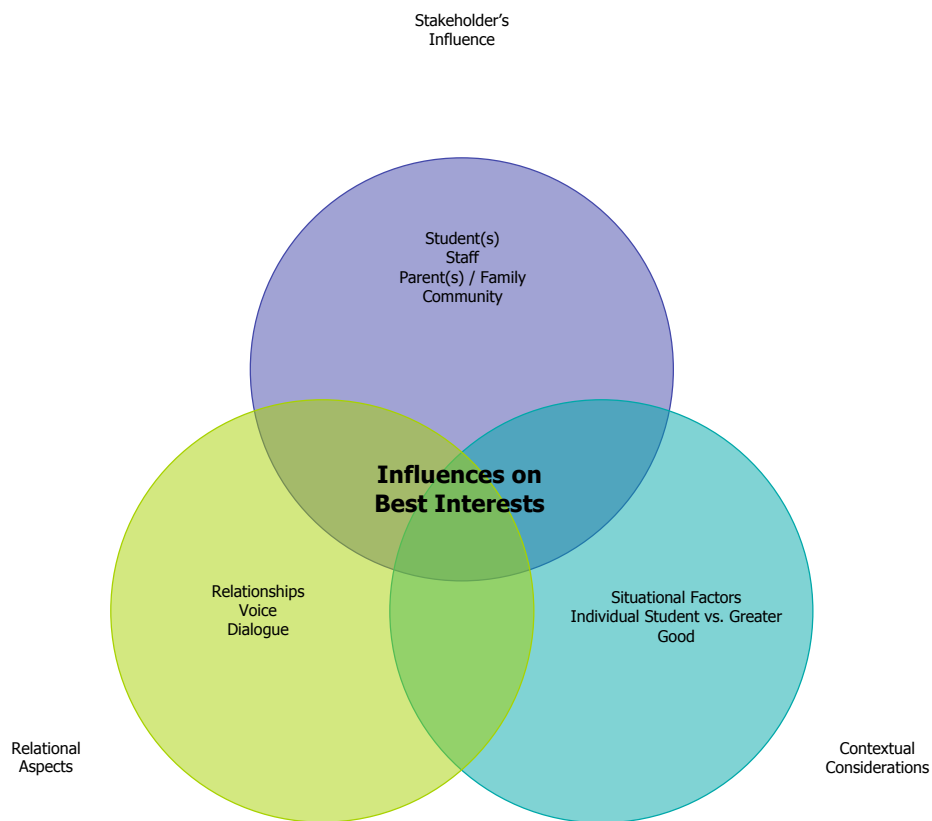


Figure 4.3 Methodological Influences on Best Interest

Major and minor themes of the definitions and influences of best interests were both prominent and repetitive throughout the survey data and focus group interview.

Usage of Best Interests

Sixty four (91%) respondents described a time when they used *in the best interests of the student(s)* to justify a decision. Analysis of the data revealed five broad circumstances where in-school administrators used best interest as a means of decision making: discipline matters, pedagogical considerations, human resources, special education and safety (Figure 4.4).

Discipline

Twenty one (33%) of the respondents identified discipline as a time when best interests was used to justify a decision. The discipline cases provided by the respondents ranged from alternate options to suspension and expulsion, safety and the general enforcement of school rules and expectations. Some examples of the cases discussed and elaborated include giving a student coaching and extra chances based on his background and recent behaviour, shortening suspensions given individual circumstances even if in conflict with policy, contravening the practice of contacting parents if family dynamics do not support contact, providing in-school suspensions when home life is unsafe and override the wishes of teachers.

However, what is more compelling than the particulars of the discipline cases was the emergence of three previously discussed themes: the need to recognize the individual student, the influence of stakeholders and the need to attend to relational matters such as relationship building and dialogue. The following case represented such a nexus of themes:

A young, pregnant student, whose hormones and emotions are extremely out of sync right now has been having issues with a particular teacher. He wanted her to be suspended for her attitude towards him and her "clinging" behaviours towards her boyfriend (the father of her baby). I spoke with her at length, went to her level of fears, frustrations and goals and managed to calm her down. I explained how she is perceived as interrupting the classroom environment and challenging the teacher. She was not suspended but put on a contract and given a "safe place" (a quiet place) to work on her assignments. She saw this as a good resolution to her situation as her feelings were legitimized and neither the teacher nor the student need to be around each other for now.

In this case the respondent described the achievement of best interests by recognizing the individual needs of the student. The case also highlighted the respondent's attention to relationship building and dialogue necessary to resolve the issue in the best interests of the student. A similar case follows:

Students were out at recess and one student got upset with another and punched the student, then removed himself from the situation on his own accord. I decided not to follow through on a suspension for the student, as he had made a conscious decision to stop and get out of the situation. Teacher wanted me to suspend, but I felt that the student would learn more by working the situation through and working with the student he had trouble with.

Similarly to the previous case, the respondent defined best interests within the context of individual student needs by honoring the student's choice to correct poor behavior. Additionally, the respondent did not bow to the influence of other stakeholder's, teacher's request for suspension, and overrode alternate views of best interests application. This conflict of converging views of best practice between in-school administrators and stakeholders was articulated time and time again throughout the discipline cases. The following case represented this conflict:

I have a teacher who feels that the least little infraction is office referral material. A child who had had a death in the family and had attended a memorial the night before arrived in school extremely tired and grumpy. He fell asleep in class. The teacher came to me and "demanded" that the child be sent home. I told the teacher to let the child sleep or send him to the library to sleep and then he would be sent back to class when he woke up. The child slept for an hour and a half and then went back to class. The teacher was not pleased but the student had a very productive rest of the day.

Discipline matters featured very prominently in the respondent's responses as a usage of best interests principle.

Pedagogical Instances

Seventeen (27%) of the respondents identified pedagogical instances like learning, programming or scheduling as a time when best interests was used to

justify a decision. Some of the pedagogical cases discussed and elaborated include learning adaptations for individual needs, student placement, retention and advancement, programming suited to learning and students not staff and professional learning.

The learning agenda in the cited examples was always preeminent. For instance even in the face of sorrow, the best interests of the learning of students was stressed:

When the former Principal of this school passed away and all of the teachers wanted to leave the building - I let them know that it was not in the best interest of the students who were also grieving and sad. I let the teachers go for the last period but not the whole day or afternoon.

Likewise, when obstacles to advancing the learning agenda were identified the respondents in this category clearly rose to the challenge as is evident in the following example:

When discussing views related to assessments, and the changes that are occurring, trying to persuade teachers to challenge their assumptions and use 'assessment for learning' rather than 'assessment of learning'.

In conflicts between various stakeholders, students, staff and community, the usage of the best interests principle for pedagogical considerations was upheld by the respondents' responses.

Human Resources

Nine (14%) of the respondents identified human resources and staffing as a time when best interests was used to justify a decision. Respondents' identified the interests of students as the mitigating factor in resolving matters of human resources. As the respondents wrote, "I hope that I always make decisions with the best interests of the students in mind" and "when staffing is tight I have to consider what is best for students, not staff." Likewise, the respondents' articulated that in times of staffing advocacy that the needs of students drive requests and considerations.

The needs of students often outweigh the resource allocation at our school and my request for a greater resource allocation was based on the best interests of the students.

Justifications and usage of the best interest of the student(s) also included possible staffing reassignment, hiring or termination of teaching and support staff. As one respondent wrote, "I had to decide whether I could sacrifice 2.5 teacher associate positions so I could keep a full time teacher. My decision was made upon the 'best interests of the students.'" A small number of respondents in this category of thinking identified using best interests as a justification for the resolution of staff disciplinary or supervisory matters.

Special Education

Six (9%) of the respondents identified matters relating to special education as a time when best interests was used to justify a decision.

Respondents' identified the philosophy and nature of inclusion and the practical means of integration as incidences when a best interests justification was utilized. One respondent wrote that situations in where staff and students have misperceptions and resistance with regards to assistive technology matters may need to be resolved by justifying decision within the best interests of student(s). Other respondents echoed the need to evoke best interests in matters requiring pedagogical shifts in thinking among staff and parents. With regards to assisting staff in accepting an inclusion model of service delivery one respondent wrote:

We started a program for autistic students and decided to embrace an inclusive school model in delivering that program. This was in the best interest of all students and so we moved to support and promote that model. It was hard because we were asking staff to teach and organize in a way that was different from the norm.

Likewise, respondents' also recognized that parents required support when programming for special need students and identified the usage of best interests as a means to justify conflicts between parental and educational recommendations.

When programming for special needs students, it is imperative that their interests are first and foremost, especially when parent are not on side. It is a principal's responsibility to give parents all the information they need to make an informed choice regarding their child's programming. When a parent has difficulty accepting their child's exceptionalities, it is imperative

that you are empathetic but you fight for what is in that student's best interest.

Likewise, respondents' also recognized that the practical means of administering integration may result in conflicts that require mediation by using best interests. Instances in this category of thinking ranged from the supervision of students with special needs to the inclusion of special need students in unique curricular activities like camp experiences. The following response is representative of this category of thinking:

Grade 7 and 8 attend an adventure camp up north. It involves rigorous activity. We had a multi-handicapped child going into this division the following year. I made it imperative that he would attend and made arrangements with the camp to make it happen with alternate activities and included a chalet for his parents with separate facilities. Before the mother knew this, she came to meet with me to tell me she did not think her son could go to this camp based on what her daughter had experienced on the grade 8 trips. My response was "nonsense" he is going and arrangements have been made for your family to come with you. We had a great time.

Respondents who identified special education conflicts as incidences requiring the justification of best interests did not display a preference for using best interests as student (individual) or students (communal). Rather, the respondents in this category resolved the special education matters by applying

the best interests of the student or the students equally as a means of justification.

Safety

Six (9%) of the respondents identified safety as a time when best interests was used to justify a decision. Respondents identified potential unsafe or supervisory practices where the resolution of the matter was mired in a conflict between or amongst staff, parent, student or community expectations of safety. The need to increase teacher supervision was identified as a matter requiring a decision in the best interests of the students.

We needed to increase the amount of supervision on the playground. Everyone knew it but most were waiting for someone else to make the decision. I made huge increases in the time assigned to staff for supervision, provided fair distributing and clear expectations. Staff has seen the benefits in terms of student behavior and safety.

The schoolyard was under supervised at recess in my opinion. We added extra supervisors. It was unpopular with the staff, but the interest of student safety necessitated it.

Likewise conflicts between the school and community were also cited by the respondents as times requiring a justification with respect to the interests of all students.

I have kept students from going to the adjacent lot owned and equipped by the Community's recreation association during school time as there is not adequate supervision for these students while they are over there. Our school board does not provide supervision off property-it's not a risk I am willing to take although the rec. association is adamant that the former principal meant for them to be over there when he wrote a letter of endorsement for upgrades to the facility next door.

Other incidences identified unsafe practices or situation that required resolution with respect to the interest of an individual student as is the case of disallowing attendance on field trips due to potential self harm, reassignment of student to regular programming or lack of knowledge of possible adults with permission to transfer a student home.

Other Instances

Five (8%) of the respondents could not identify specific circumstances or times when best interests was used to justify a decision but rather described the justification of best interests of student(s) as a consistent means of decision making in administration practice. As one respondent wrote that utilizing the best interests of the student(s) as a justification is used "all the time." Another respondent distinguished the use of best interests not as a justification but rather a means or tool for resolution. The respondent wrote, "I use it all the time, not to justify a decision, but to spark discussion about issues related to a decision that might be made." This distinction between justification and decision making

was consistent among respondents within this category as respondents clearly envisaged the use of best interests in terms of decision making and not justification.

The best interest of students is why we do everything we do...it is the foundation for all of our work. Rather than use this phrase as a means of justifying a decision, popular or not, it is a common understanding on staff that if something is not in the best interests of students then it won't be done. I don't use students to justify my decisions. If I have to make an unpopular decision I clearly lay out my train of thought in arriving at the decision point. My staff knows that I don't make rash decisions because student's best interests are always my litmus test.

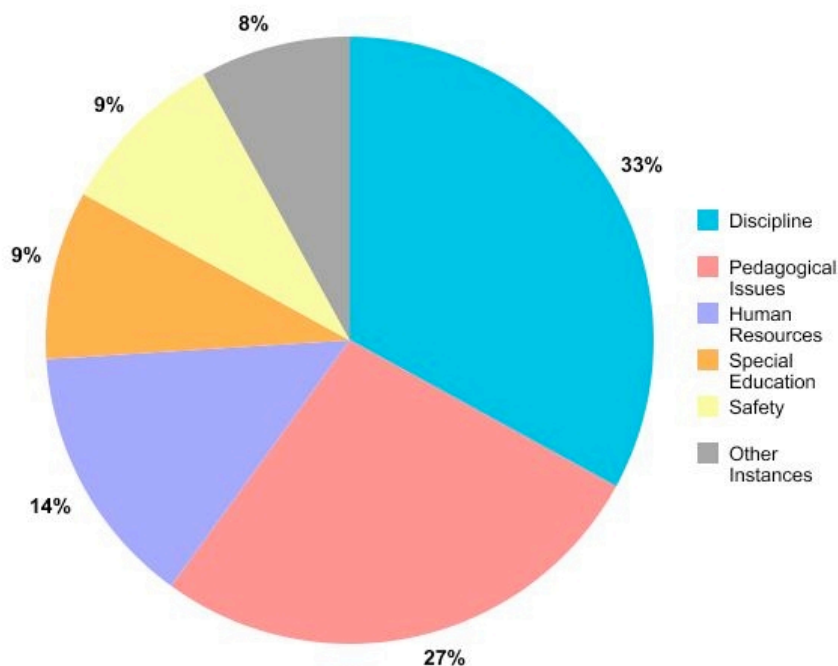


Figure 4.4. Circumstances when In-School Administrators Used the Best Interests Principle to Justify a Decision

Summary of the Findings

The quantitative and qualitative data herein analyzed paint a compelling image of the best interests principle in educational administrative practice and address the research questions of this study that of how do in-school administrators define and use best interests, what circumstances do in-school administrators use best interests and what factors influence their decisions of best interest. The highlights from this chapter include:

- A preference among respondents to define the best interests as student(s) as the core, center or guiding principle of their professional responsibilities.
- A preference among respondents to define in the best interests of the student(s) within the larger context of ethical decision making and to envisage best interests as a tool in resolving conflict.
- The quantitative and qualitative data revealed a slight preference among respondents to define the best interests principle in collective terms. That is to say that the needs or interest of the greater good, students, was seen to be more significant than the needs of interests of the individual student.
- The data revealed narrow interests (pedagogical) and broad (holistic) interpretations of interests.
- While the quantitative data revealed a statistically average response to resolving public and private interests, the qualitative data revealed

professionally internal mediation such as balancing the interests between students and student, student(s) and staff and new pedagogical practice versus traditional.

- A preference among respondents to define best interests in terms consistent with the ethic of care.

Chapter Five applied the theoretical literature on the quantitative and qualitative data and further develops the extent to which Canadian in-school administrators conceptualize the best interests principle. Moreover, the results of the data were discussed in conjunction with the ethical and jurisprudential research findings and current best interests models of thinking.

CHAPTER 5

SUMMARY, CONCLUSIONS, DISCUSSION AND IMPLICATIONS

In this chapter, a summary of the purpose and methodology of this study was presented, a summary of the research findings is reviewed, and the findings related to the research questions are discussed in light of the related literature. Significant conclusions that can be drawn from the data analysis are presented. The chapter concludes with a presentation of the implications for administrative practice, research and further study.

Purpose of the Study

The purpose of this research was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional praxis. The intent of the investigation was to identify the prevalent understandings and use of the best interests principle in school administrative practice. The following research questions were developed to guide the focus of the study:

- i. How is the best interests principle defined by in-school administrators?
- ii. Under what circumstances do in-school administrators claim to apply the best interests principle?
- iii. What factors do in-school administrators identify as influencing decisions of best interest?

- iv. How do in-school administrators make determinations of best interests?
- v. To what extent do in-school administrators conceptualize the best interests principle in a manner consistent with the models presented by Shapiro and Stefkovich (2001) and Stefkovich (2006)?

In educational contexts, the best interests principle has received increased attention in the mitigation of ethical and legal decision-making (Cranston, 2006; Frick, 2006; Shapiro & Stefkovich, 2000, 2001, 2003; Stefkovich & O'Brien, 2004; Stefkovich, 2006; Tirri, 1999, 2001, 2002; Walker, 1991, 1995, 1998). The significance of values, ethics and moral leadership have been recurrent themes in the research of educational administration in recent years (Begley, 1999a, 1999b, 2003, 2004a, 2004b, 2006; Begley & Stefkovich, 2007; Fullan, 2003; Greenfield, 2004; Hodgkinson, 1991; Sergiovanni, 1991, 1992; Shapiro & Stefkovich, 2000, 2001, 2003; Starratt, 1994, 2003, 2005; Stefkovich, 2006; Gross & Shapiro, 2008). In response to the call for ethical leadership, a growing number of academics have examined the relationship between the best interest principle and decision making (Frick, 2006; Cranston, 2006; Tirri, 1999, 2001, 2002). The primary intention of this study was to better understand the complexities of the best interest principle, both ethical and jurisprudential, within the context of educational administrative practice.

Research Methodology

Quantitative and qualitative methods were used in this study. The data were obtained through qualitative and quantitative sources consisting of self-report, structured questionnaires including both closed attitudinal and open ended questions and a semi-structured focus group interview. The survey instruments were developed by the researcher in accordance with the research questions and the current literature to elicit perceptions of the best interests principle in administrative practice. A best interests questionnaire was embedded in a larger study entitled *Moral Agency and Trust Brokering: Challenges of the Principal* administered by Drs. Keith Walker and Warren Noonan and distributed to a stratified sample of 132 in-school administrators across Canada while the focus group was conducted at the SELU's Principal's Short Course (2007) with three administrators.

The quantitative data collected were analyzed using SPSS computer software. The descriptive statistical analysis for the closed items of the survey included reports of frequencies, medians, means, standard deviations, and percentages. A thematic analysis of the qualitative data from the open ended questions of the survey and the focus group interview was conducted. The findings were analyzed and presented in such a manner as to address the research questions.

Summary of the Findings

A brief summary of the findings related to the research questions are summarized in the following section.

Question One: How is the best interests principle defined by in-school administrators?

From the analysis of the perceptions of best interests definitions and explanations, the respondents perceived the best interests of the student(s) principle broadly. Analysis revealed that the principle was conceptualized and defined as three major categories of thought: *best interests as core good*, *best interests as good pedagogy*, and *best interests as holistic*.

The first major category of thought was a description of best interests as a core good. The majority of respondents identified with a definition of best interests within this category and utilized phrases and concepts like *center*, *heart*, *purpose*, *why* and *best outcome* in their thinking. Within this category of respondent thinking the principle was synonymous with placing students at the core or center of educational decision making. Correspondingly, descriptions of best interests included the emphasis of students at the heart of educators' work. Respondent's defined best interests as the "why are we here and why did we go into teaching. Likewise, another respondent defined best interests as follows:

I would ask staff members to always remember why we teach – to educate students. They are our priority. When not sure of something/decision to make – think of 'the best interest of the students'.

The need to place student(s) at the heart or core of decision making and best interests was prevalent in this category of thinking: "we always need to think about how our actions affect the students. We need to see to their needs ahead of our own." Additionally, best interests in this category of thought was also depicted as those decisions that would lead to student development, advancement and growth. As one respondent wrote:

Doing what we believe furthers the success of students in school. If it is in the best interest of students, it must be something that gives them an advantage or encourages them to achieve some form of success.

The principle was routinely depicted in terms of a touchstone, a guide or a standard for decision making. This analysis of the quantitative and qualitative data suggested that the best interests principle was foundational to the work of ethical decision making among in-school administrators.

The second major category of thought evidenced was a description of best interests as good pedagogy. Respondents' definitions of best interests in this category were synonymous with learning, achievement, learning environment, and instructional pedagogy. Respondents in this category of thinking described the application of best interests as a means to an end; the central purpose or paramount reason of education was student learning. As was indicated in the following responses:

Our central purpose is student learning. I prefer to define "best interests" in the context of good pedagogy. I would explain it by saying that the

paramount reason we are in business is to advance student learning. If the decision advances student learning then it is in the best interest of the student.

Therefore, in this category of thinking respondents identified interests more specifically beyond those of a general philosophical and ethical ideal as did respondent's within the first category of thought. Interests in this second major category of thought are those decisions that best advanced 'student learning' and hence are clearly associated and envisaged in pedagogical terms.

The third major category of thought evidenced was a description of best interests principle in holistic terms. Respondents defined best interests as those decisions that supported and recognized the complexity of students' interests. Rather than envisaging interests in a singular, narrow sense, respondents in this category of thinking depicted best interests in broad terms where interests embrace academic, social, behavioral, emotional, spiritual and intellectual considerations of the student(s). Respondents wrote that the "best interests of the students has to embrace academic, social, emotional, spiritual and intellectual criteria [and as such] the entire student has to be safeguarded." The respondents did not rank or identify interests preferentially but rather emphasized a balanced consideration of all dimensions of the student(s).

Question Two: Under what circumstances do in-school administrators claim to apply the best interests principle?

Analyzing the responses to the quantitative open ended question regarding the usage and application of best interests in administrative practice revealed five prevalent themes: discipline matters, pedagogical considerations, human resources, special education and safety.

Thirty three percent of the respondents identified discipline as a time when best interests was used to justify a decision. The discipline cases provided by the respondents ranged from alternate options to suspension and expulsion, safety and the general enforcement of school rules and expectations.

Twenty-seven percent of the respondents identified pedagogical instances like learning, programming or scheduling as a time when best interests was used to justify a decision. Some of the pedagogical cases discussed and elaborated included learning adaptations for individual needs, student placement, retention and advancement, programming suited to learning and students not staff and professional learning.

Fourteen percent of the respondents identified human resources and staffing as a time when best interests was used to justify a decision. Respondents' identified the interests of students as the mitigating factor in resolving matters of human resources such as possible staffing reassignments, hiring or termination of teaching and support staff, staff disciplinary or supervisory matters.

Nine percent of the respondents identified matters relating to special education as a time when best interests was used to justify a decision. Respondents' identified the philosophy and nature of inclusion and the practical means of integration as incidences when a best interests justification was utilized.

Nine percent of the respondents identified safety as a time when best interests was used to justify a decision. Respondents identified potential unsafe or supervisory practices where the resolution of the matter was mired in a conflict between either staff, parent, student or community expectations of safety.

Eight percent of the respondents could not identify specific circumstances or times when best interests was used to justify a decision but rather described the justification of best interests of student(s) as a consistent means of decision making in administration practice.

Whereas, analysis of the quantitative data revealed a stronger preference to consider the needs of all students than the individual student, analysis of the qualitative data revealed a slight preference to consider the needs of the individual. In matters of discipline and special education, analysis revealed respondents' strong preference for recognizing individual needs. In matters of human resources, analysis revealed a strong preference for considering the needs of all students or communal needs. In pedagogical and safety matters, analysis revealed an equitable consideration of individual and communal needs.

Question Three: What factors do in-school administrators identify as influencing decisions of best interest?

Analysis of the qualitative opened ended question data revealed three methodological influences that regulated, impacted and in some cases mitigated decisions in the best interests of student(s): *stakeholders' influence, contextual considerations, and relational aspects*. Analysis of the qualitative responses revealed a strong recognition and acceptance that decisions of best interest involve mediating public and private interests.

Data analysis revealed that respondents' use and conception of best interests was mitigated by a sense of stakeholder inclusion; students, parents and community. Respondents identified that decisions of best interest needed to consider the multiple stakeholders' needs in the present and future that of student self interest, staff, parent and community interest. Alternatively, some respondents identified that it might be necessary to override the influence of some stakeholders in order not to jeopardize the best interests of the student(s).

A secondary methodological influence identified by respondents' conceptions of best interests was contextual considerations. Respondents identified a range of contextual considerations including situational factors, weighing the interests of the greater good and the individual student as well as recognizing a balance therein. Analysis of both qualitative and quantitative data suggested a *mutually inclusivity* between the two conceptions of individual and communal interests.

The final methodological influence on best interests were relational considerations. Respondents articulated the significance and importance of respect, relationships, voice and dialogue in resolving matters of best interest. The respondents within this category of thinking revealed an attention to past, present and future implications of their decisions. They also articulated a tension between exclusively defining best interests in individual or collective terms. Analysis of the responses indicated that the respondents recognized existing pre-conditions like relationship building, fostering honest, respectful and open relationships through effective communication that impact best interests resolution in the present and future. The responses also suggested that in-school administrators are attentive to communication and dialogue during the resolution of best interests conflicts. The importance of relational considerations was rarely identified by respondents in isolation but rather in conjunction with other modes of thinking like that of stakeholder influence and contextual considerations. Responses in this category of thinking supported analysis that affirmed the complexity of educational administrative decision making.

Question Four: How do in-school administrators make determinations of best interests?

Insight into *how* respondents made determinations of best interests were evident among the quantitative and qualitative data. The data revealed how respondents perceived the efficacy and usage of the best interests principle, the mediation of public and private interests, and respondents' preference to

resolving best interests either individually or communally. Additionally, the data revealed that respondents' determinations of best interests were made thoughtfully with dialogue and communication.

The analysis of respondent familiarity, general usage and perceived efficacy of best interests revealed that the majority of respondents either strongly agreed or agreed to routinely using and being familiar with the best interests principle. The majority of respondents, ninety eight percent of those surveyed, indicated either strong agreement or agreement to the familiarity of *the best interests of the student(s)* principle and to routinely using the principle in their administrative decision making; whereas eighty five percent of the respondents' strongly agreed or agreed that the best interests principle was an efficacious means of resolving ethical challenges in administrative decision making.

Additionally, in school administrators were asked to indicate the frequency and extent with which their decision making was influenced by conflicts between private and public interests on a Likert frequency scale and analysis revealed a slight majority of respondents *often* and *sometimes* mediate public and private interests. Nearly two thirds of the respondents identified themselves as often and sometimes mediating private and public interests, or sixty seven percent of those surveyed, while one third or thirty three percent rarely or never mediate conflicting interests.

In-school administrators were asked to indicate a preference for resolving matters of best interests as either upholding the individual (*student*) or the communal (*students*) interests using a Likert scale and to respond to an open ended question asking for a description of a time when the best interests principle was used to justify a administrative decision. Analysis of the quantitative data revealed that the respondents favored, by a small margin, that the optimal test to a difficult decision should consider all students over the individual student. Of the responses eighty three percent either strongly agreed or agreed that the optimal test should consider *all students*; whereas sixty four percent either strongly agreed or agreed that the optimal test should consider *the individual student*.

Evident in the data were indications that determinations of best interests were part of regular ethical decision making. Respondents placed emphasis on communication and dialogue amid their decision making process. One respondent wrote that "decisions are based on information: the better the information the better the decision and how it will affect people". Likewise another respondent wrote that "the best interest of students is met by dialogue with all stakeholders before, during and after the emergence of issues, controversies and disputes/conflicts".

In-school administrators indicated how or in what way they made determinations of best interests by strongly agreeing to a familiarity with, general usage and efficacy of best interests. The data also revealed a majority

of respondents often and sometimes mediated private and public interests and favored decisions for all students over the individual student. Lastly, how respondents made determinations of best interest was by communication and dialogue.

Question Number Five: To what extent do in-school administrators conceptualize the best interests principle in a manner consistent with the models presented by Shapiro and Stefkovich (2001) and Stefkovich (2006)?

In order to assess to what extent do in-school administrators conceptualize the best interests principle in a manner consistent with the models presented by Shapiro and Stefkovich (2001) and Stefkovich (2006) respondents were asked to identify their attitude to five ethical paradigms: ethic of justice, care, critique, community and a professional code of ethics. Survey questions (Appendix B) were developed to correspond to the five ethical paradigms. Those questions and corresponding ethical paradigm are displayed below:

Ethic of Law: Dilemmas concerning the best interests of the student(s) should be resolved using policy and the law.

Ethic of Care: Dilemmas concerning the best interests of the student(s) should be resolved by considering the care and well being of all involved.

Ethic of Critique: *Dilemmas concerning the best interests of student(s) should be resolved by avoiding the marginalization of those directly or indirectly involved.*

Ethic of Profession: *Dilemmas concerning the best interests of student(s) should be resolved by considering expectations and responsibilities of the teaching profession.*

Ethic of Community: *Dilemmas concerning the best interests of student(s) should be resolved by considering the interests of the community.*

Analysis from the attitudinal data revealed the respondents' agreement to resolve dilemmas of best interest as a ranked preference ranging from the ethic of care, ethic of critique, professional code of ethics, ethic of justice and ethic of community. Likewise, respondents' disagreement to resolving dilemmas of best interests reaffirmed the preference of ethical paradigms. Respondents rated the ethic of care highly among the ethical paradigms. The ethic of critique and professional code of ethics received a similar rating behind ethic of care, while the ethic of policy and law and community received a similar low ranking among the ethical paradigms.

As previously discussed with regards to other research questions the analysis of the open ended response data revealed two categories of thought: (a) broad conceptualizations and general perspectives toward defining best interests and (b) general methodological considerations or approaches to applying best interests' principle. In review, the best interests of the student(s) was broadly conceptualized and defined as three major categories of thought: *best interests as core good, best interests as good pedagogy, and best interests as holistic*, while three methodological considerations or approaches were identified as contributing toward applying in the best interests of student(s): *stakeholders' influence, contextual considerations and relational aspects*.

Analysis of this body of data revealed that the respondents have not envisioned best interests in discrete terms, but rather in complex, multi layered, multi-dimensional manners consisting of multiple ethical paradigms and jurisprudential constructs. The incidence of ethical paradigm thinking is represented in the table titled *Distribution of multidimensional ethical paradigms and jurisprudential constructs among qualitative data* (Appendix C). The high incidence of the ethic of care among the qualitative data is comparable to the quantitative data results. Respondents articulate repeatedly an emphasis on relationships, dialogue and integrity of the student or stakeholder involved.

Likewise manners of thinking consistent with the ethic of justice and critique also prevailed in the data analysis. Data analysis of the responses suggests respondents' made considerations of equity and fairness, as well as,

attention to voice and social justice, in their deliberations and perceptions of best interest.

Minimal references were made to specific codes and responsibilities of in-school administrators within specific provincial and district regions that guided best interests. Rather, analysis suggested a widespread recognition or universal acceptance of general, philosophical standards of the profession and of educators in general - that is the purpose and heart of best interests are the student and students.

While analysis of the quantitative data indicated respondents ranked considerations of the ethic of community low among other ethical considerations, analysis of the qualitative data revealed a higher and more significant role for this ethic. A prevalent theme among respondent data was an attention to communal and methodological manners of thinking and behaving consistent with Gail Furman's (2004) ethic of community that of communication, collaboration, dialogue and stakeholder involvement.

The jurisprudential constructs of responsibility, respect and rights consistent with Stefkovich's (2006) model of best interests were also prevalent in the data analysis. An underlying assumption of Stefkovich's (2006) model of best interests is the reliance on context, student voice, active inquiry and self-reflection (p. 27). These and other modes of thinking were evident among the respondents' perceptions of best interests. Among the definitions of best interests provided by the respondents were suggestions of moral and social

duties, a sense of community and an attention to relationships; modes of thinking included in Stefkovich's (2006) construct of *responsibility*. Likewise, respondents' perceptions of best interests included recognition of equality, mutual interaction and a balancing of interests; modes of thinking included in Stefkovich's (2006) construct of *respect*. Data analysis revealed evidence of Stefkovich's (2006) final construct *rights*, as respondents' perceptions included suggestions of voice and stakeholder interests. Although Stefkovich's *rights* construct included recognition of the importance of universal and fundamental freedoms and rights, data analysis revealed few references to those ideas on the respondents' perceptions of best interests.

Conclusions and Discussion

A review of the research findings in light of the research questions and in accordance of the ethical and jurisprudential literature on best interests are presented in this section.

A Modified Professional Ethic and Best Interests Model

Data analysis revealed Canadian in-school administrators conceived the principle *in best interests of the student(s)* in manners somewhat consistent with the professional ethic and best interests model as proposed by Shapiro and Stefkovich (2001) and Stefkovich (2006). Furthermore, data analysis also supported a conception of best interests that moved beyond the current models and literature. Major themes of this study's conception of best interests among Canadian in-school administrators was a modified professional ethic and best

interests model that includes best interests as moral imperative, a reaffirmation of the multidimensional ethical framework (ethics of justice, care and critique) and an emerging role of the ethic of community as process agent.

Moral Imperative – Best Interests Student(s)

This study affirmed the importance of moral and ethical considerations in educational administration. The findings supported Foster's (1986) observation that "each administrative decision carries with it a restructuring of human life: that is why administration at its heart is the resolution of moral dilemmas" (cited in Stefkovich & Shapiro, 2003, p. 91). As one respondent wrote:

The information one has regarding each situation must come into play for each decision made. "In the best interest of the student" is a phrase used by people who believe that their decisions and actions can affect the lives of the student(s) in their care. Example Why did not you tell Johnny his cat died? I thought it would hurt him too much because of everything that has happened to him before. Decisions are based on information: the better the information the better the decision and how it will affect people.

The data were consistent with Stefkovich's (2006) contention that "...adults possess a great deal of power in determining students best interests and realizing how easy it is to ignore the voices of those who literally have the most to lose, "it is incumbent on school leaders to make ethical decisions that truly reflect the needs of the students and not their own self interests"...it requires a great deal

of self reflection, open-mindedness, and an understanding that making ethically sound decision profoundly influence others' lives" (p. 21). As one respondent wrote, "we always need to think about how our actions affect the students. We need to see to their needs ahead of our own." These findings supported the Saskatchewan Teachers Federation's (2001) belief that members of the teaching profession are guided by the expectation that their actions will serve the *best interests of their students* (p. 19).

The overall findings of defining best interests revealed a dichotomy of conceiving best interests. Whereas defining best interests as the ethical foundation or core of educational decision making was evident among the data, the data also suggests that interests were simultaneously narrowly and broadly defined, such as pedagogical and holistic definitions. Respondents conveyed the impact of the clash of interests on educational decision making by identifying the possible limitations. As one respondent wrote "decisions are made from the perspective of providing the best possible outcome..., all decisions must take into account what is possible and what limitations are involved... [and as such] weighing all these factors, the decision needs to focus on the child." Data analysis revealed that while many respondents concurred that identifying best interests was a complicated and difficult task, adherence to the principle was still just and right despite those challenges. Data analysis affirmed Begley's (2004) observation of the "...contested nature of educational problem-solving" (p. 653). As Vojak (2003) contended even if one acknowledges that best interests are not

always discernable, it should not keep one from striving toward best interests as an ideal (p. 414). In this respect the data analysis indicated that the best interests principle plays a significant role in directing the reasoning, judgment and deliberation of in-school administrators.

This conception of the best interests principle echoed what is consistent in the literature that of best interests as an *ideal*. The respondents in this study consistently identified in their definitions of best interests that the principle of best interests was the guiding purpose of educational administration and as such the core good of sound decision making. Additionally, social and moral duties which underpin the jurisprudential construct of responsibility were also evident within the data. Kopelman (1997) wrote in his article, entitled *The Best Interests Standard as a Threshold, Ideal, and Standard of Reasonableness*, that the “best-interests standard makes little sense unless it is understood not as an absolute duty, but as a prima facie duty or an ideal that should guide choices” (p. 277). Best interests as an ideal, is as Kopelman (1997) described it, a lighthouse when we are at sea, giving us perspective and helping us steer our course (p. 278). Both data analysis and current literature supported the conception of best interests as an ideal or guiding principle for educational administrative decision making.

Multidimensional Ethical Framework (Ethics of justice, care and critique, professional code of ethics)

Current literature continues to emphasize the significance of the ethics of justice, care and critique on ethical leadership among in-school administrators (Shapiro & Stefkovich, 2001; Starratt, 2003; Furman, 2004; Stefkovich, 2006). Starratt (2003) described the interconnections among the ethics of justice, care and critique in the following manner:

Each ethic needs the very strong connections embedded in the other; the ethic of justice needs the profound commitment to the dignity of the individual person [and the profound social analysis of the ethic of critique]; the ethic of caring needs the larger attention to social order and fairness...; the ethic of critique requires an ethic of caring if it is to avoid the cynical and depressing ravings of the habitual malcontent....

(Stefkovich 2006, p. 21)

This study reinforced the interconnectedness of the three ethics within the ethical decision making of in-school administrators. Incidences of thinking consistent with the three ethics were prevalent amongst the data. In many cases the responses of the in-school administrators exhibited the complexity and layering of ethical interconnectedness. In the following response the in-school administrator balanced the students' right to learning (ethic of justice), the holistic needs of the student (ethic of caring), students' self interests (ethic of

justice/caring) and the impact on current/future student relationships (ethic of critique).

To me, "in the best interests of the student(s)" is: a) making sure that the students' learning will not be adversely affected by the decision, b) taking into account the concerns of the student's intellectual, emotional, and behavioral needs, c) the ability of the student to cope with the situation that is being done in their best interest, and d) how the relationships that student or students has with the people around them will be affected.

Shapiro and Stefkovich (2001) added the professional ethic to the previous paradigms which they describe as "moral aspects unique to the profession and the questions that arises as in-school administrators become more aware of their own personal and professional codes of ethics" (p. 21).

Shapiro and Stefkovich (2001) insisted that the development of this new professional ethic is achieved by *grappling* with issues of justice, critique, and care related to the education of children and youth, and though this process, have gained a sense of who they are and what they believe personally and professionally.

This sense of self as an administrator and its connection to best interests was evident in data. As one respondent wrote, "all of what we do and who we are in the school setting centers on what is best for students – our demeanor, the classroom setting, etc. all need to work towards that (I need a few more pages for that)." Likewise, another respondent wrote that best interests are best

defined and achieved by “putting one’s own biases, prejudices and preconceptions aside and dealing with the student(s) as an individual – a student-centered approach where the dignity of the individual must remain intact – where the adult must act in a reasonable way and with common sense.” Data analysis revealed that despite the difficult work of determining best interests, educational administrators embrace the challenge and grapple, as Stefkovich suggested, with conflicting ethical paradigms.

Role of the Ethic of Community

This study affirmed the significance of the ethic of community within a conception of best interests. Shapiro and Stefkovich (2001) and Stefkovich (2006) place the ethic of community within the larger context of the multidimensional ethical framework and their proposed professional ethic, whereas Furman (2003, 2004) advocated for a wholly distinct and separate conception. Furman’s approach was very different from scholars who view community as an entity and/or see it in relation to the individual (Beck, 1999; Purpel, 1989; Sergiovanni, 1994; Shapiro & Stefkovich, 2005). As Stefkovich observed, many of these scholars do not discuss community as a separate ethic, but join it with another paradigm (p. 15).

In Gail Furman’s (2004) depiction of the ethic of community, emphasis was placed on the communal and methodological manners of thinking including that of communication, collaboration, dialogue, stakeholder involvement (p. 4). Acknowledgment of these behaviors was evident among the data. The

significance of stakeholder involvement was denoted by the respondents as one of the three major influences on decisions of best interests, whereas the importance of communication, dialogue and relationship building was evident among all three of the broad categories of thought defining best interests.

The best interest of a student does not mean meeting all demands from a student or the students in general. By looking out for their best interests, I will listen to students before making decisions that affect them. I will not blindly support teachers in settling all disputes, but I generally feel that by supporting teachers, I do support the students. (Of course, the issue of trust is paramount in this approach - I trust the teachers all have the best interests of their students at the forefront of their own decision-making).

The best interest of students is met by dialogue with all stakeholders before, during and after the emergence of issues, controversies and disputes/conflicts.

Additionally, the notion of a community of educators with a common vision was supported by data analysis. The qualitative data were littered with references to the collective nature of best interests. The data echoed the African proverb that it takes a village to raise a child and thus views the child not as a product of individual effort, but of interaction (Zdenek, 2005, p.6). However, Noddings (1992) issued a warning that communities can act like bloated individuals (as cited in Stefkovich, 2006). To offset this possibility of bloatedness

or group think, Noddings suggested that individuals acquire the ability to accept the ideas and commitments of the community while resisting community pressures for conformity or orthodoxy (Stefokovich, 2006). To accomplish this vision, one must have self-knowledge but also a knowledge of others that is gained through ongoing communication (Stefokovich, 2006, p. 16).

However, despite the occurrence of communication, collaboration, dialogue and stakeholder involvement in the data, incidences among the data of expressions of the ethic of community occurred in relation to other ethical positions and not in isolation. That is to say, the ethic of community was not conceived discretely but in unison with other ethical paradigms, justice, care, critique and profession. The data's inclusion of the ethic of community among the other ethics extends the interconnectedness and complexity of ethical decision making alluded to by Starratt (2003), Shapiro and Stefkovich (2001) and Stefkovich (2006). Embedding the methodological manners of thinking with various ethical paradigms supported the thinking of professional organizations such as the Saskatchewan Teachers Federation (2008). In the *Brief to the Minister of Education*, the STF (2008) emphasized the significance of relationship building and communication (ethic of community), attitudes of care (ethic of care) and professional responsibilities (ethic of professional).

If teaching and learning are to be effective, there must be positive relationships among the individuals involved, including attitudes of acceptance and trust towards one another. For teachers one of the

implications is that they must apply an ethic of care towards students. This means that, in carrying out their professional responsibilities, teachers will strive to act in the best interests of students at all times (p. 17).

In conclusion, the study affirmed many of the manners of thinking inherent in the professional ethic and best interests models as proposed by Shapiro and Stefkovich (2001) and Stefkovich (2006). However, the study also supported a conception of best interests beyond the current models and literature (see Figure 5.1).

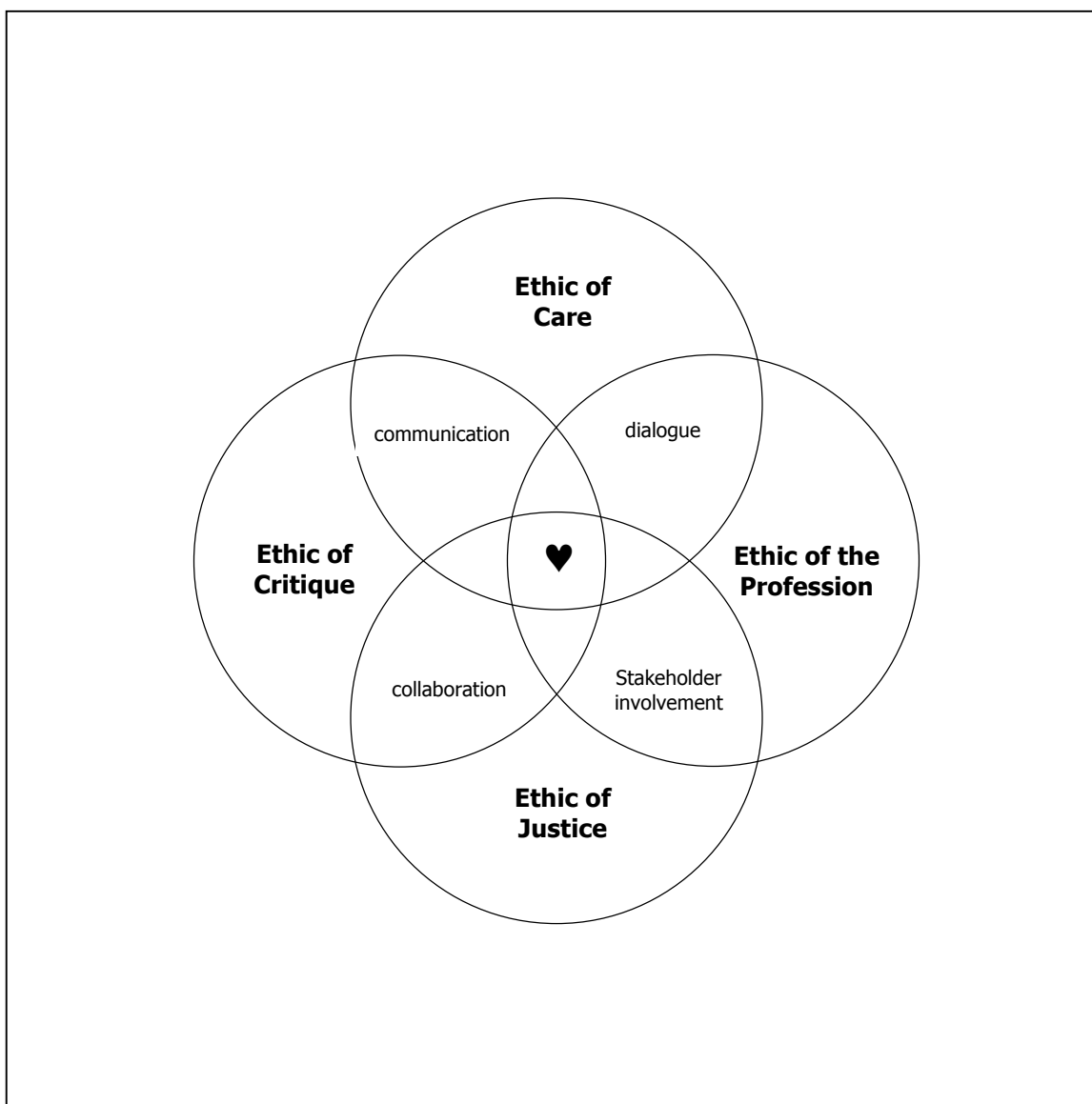


Figure 5.1 *A Modified Professional Ethic and Best Interests Model*

The *a modified professional ethic and best interests model* included best interests as moral imperative, a reaffirmation of the multidimensional ethical framework (ethics of justice, care and critique) and the significant influence of manners of thinking such as communication, dialogue, collaboration and stakeholder involvement consistent with the ethic of community. The best

interests principle in this modified model is in the center or heart of the work of in-school administrators. The interconnectedness of the four ethics of care, justice, critique and profession was honoured in this model. Additionally, the model weaved the communal practices of communication, dialogue, collaboration and stakeholder involvement to bear on decision of best interests. However, the modified model must be interpreted in conjunction with the implications for theory such as the study's conclusions regarding individual v. collective and subjective v. objective interpretations of best interests.

Implications for Theory

Two central dichotomies emerged within interpretations of the best interests principle in the ethical and jurisprudential literature forming a matrix of best interests: individual v. collective and subjective v. objective (see Figure 5.2). The literature supported that movement along the continuum of subjectivity and objectivity was influenced by competing conceptions of *single mindedness* and *communal mindedness* and it resulted in balancing Starratt's (1994) notion of the ethical person with Furman's (2004) conception of community. This study responded to Walker's contention (1998b) that "where the subjective and objective elaborations, sensitivities, interpretations, and applications meet" will we see the best interest of children and child (p. 323). Data analysis revealed a central position of in-school administrators vis a vie best interests on the matrix such that a tension between balancing the individual and the collective and the subjective and the objective was identified.

Best interests theorists such as Smith (1998), Capron (1982), Walker (1998) and Stefkovich and Shapiro (2001) are accordingly represented in Figure 5.2 along the intersecting continuums of the matrix. Smith (1998), like the judiciary, was similarly concerned with the “child” in his critique of best interests per the educational leader. Likewise, Shapiro and Stefkovich (2001) and Stefkovich (2006) centered their research on assisting those in “better positions” – in-school administrators – make ethical decisions in the best interests of the *student*. The underlying assumption is that if the individual is treated with fairness, justice, and caring, then a strong message is sent to all students that they will be afforded justice and caring and that they should treat others similarly (Stefkovich, 2006, pp. 17-18). However, unlike Smith’s assessment, Shapiro and Stefkovich’s appeared to hold the position of whose interests, individual or collective, in a balance. Although, Smith (1998), Shapiro and Stefkovich (2001) and Stefkovich (2006) conferred an individualistic notion of best interest that of child or student, Smith advocates a singularly subjective standard. Shapiro and Stefkovich’s models conversely advance a blended approach by proposing a subjective, case by case analysis and an objective assessment of multidimensional ethical paradigms and jurisprudential concepts.

Capron (1982) identified the subjective and objective tension inherent in instances of child custody disputes and identified that the judiciary and related doctrine “seems to rest on an “objective” standard of what a reasonable person would find appropriate for the ordinary child” (p. 126). In application Capron

(1982) identified that this standard may amount to a highly *subjective* decision, but only subjective in the sense that it reflected the values and beliefs of the judiciary, not those of its individual wards (p. 126). Walker (1998b) echoed the tension between subjective and objective determinations of best interest in his writings on best interests. While he acknowledged the limited influence of subjective perspectives on decision of best interests, he insisted on reserving the capacity for “community, parents and professional magistrates to adjudicate these perspectives by independent and external criteria when conflict arise” (Walker, 1998b, p. 323).

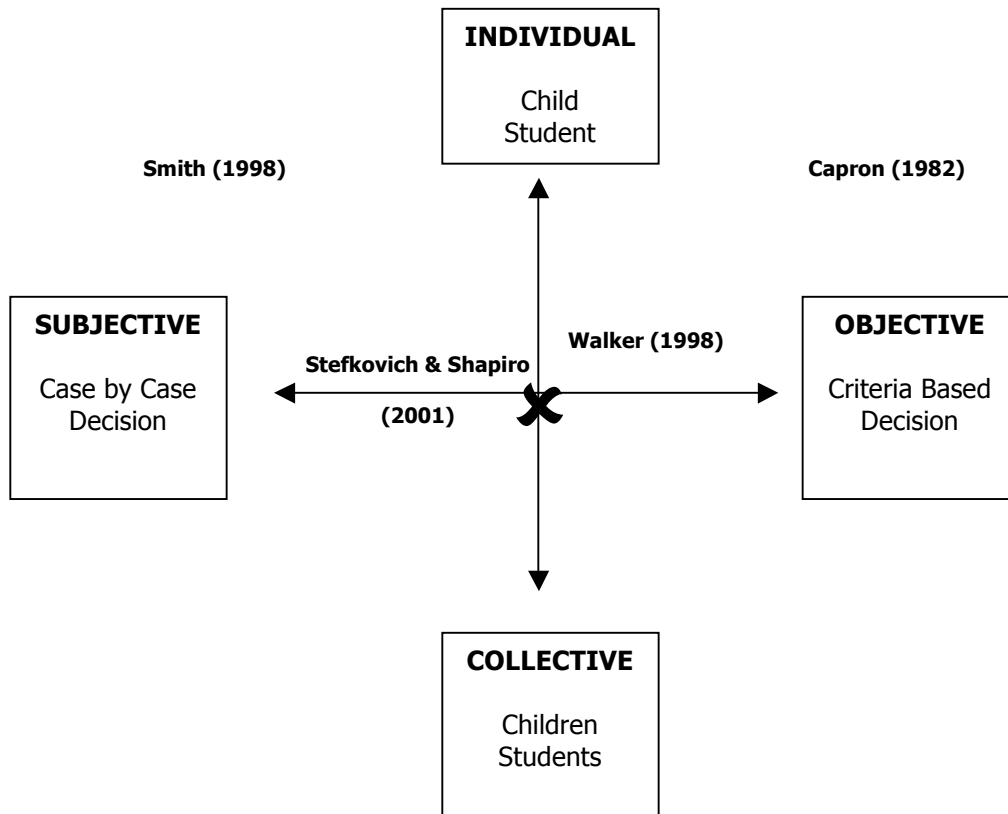
Foremost in the data analysis was the affirmation of the constructs of the professional ethic and best interests models as proposed by Shapiro and Stefkovich (2001) and Stefkovich (2006) such as the significance of the multi-ethical paradigms and jurisprudential constructs of responsibility, respect and rights in educational administrative decision making. Analysis of this body of data revealed that the respondents had not envisioned best interests in discrete terms, but rather in complex, multi layered, multi-dimensional manners consisting of multiple ethical paradigms and jurisprudential constructs. Data analysis supported a modified professional ethic and best interests model that balanced the ethical paradigms of care, critique and justice with the ethic of community’s manners of thinking: communication, dialogue, collaboration and stakeholder involvement. The results of this study placed in-school administrators vis a vie best interests in the center of the matrix on the

intersection between the continuums of individual and communal and subjective and objective.

The modified best interests model revealed in this study was premised on a balanced resolution of best interests utilizing both a subjective and an objective consideration. Among the best interests conceptualizations - the definitions, usage, methodological factors, and how best interests decisions were made - both objective and subjective considerations were evident in respondents thinking. Despite the occurrence of objective criteria such as pedagogical and holistic considerations (academic, social, behavioral, emotional, spiritual and intellectual) in defining best interests, subjective considerations such as *stakeholders' influence, contextual considerations, and relational aspects* influenced the position of this study on the matrix.

Despite a stronger preference in the quantitative data to consider the needs of all students rather than the individual student, analysis of the qualitative data revealed a slight preference to consider the needs of the individual. Respondents identified a range of contextual considerations including situational factors, weighing the interests of the greater good and the individual student as well as recognizing a balance therein. Analysis of both qualitative and quantitative data suggest a *mutually inclusivity* between the two conceptions of individual and collective interests. Additionally, the respondents emphasis on respect, relationships, voice and dialogue in resolving matters of best interest

articulated a tension between exclusively defining best interests in either individual or collective terms.



* = Bishop-Yong (2010) *The Best Interests Principle in Administrative Practice*

Figure 5.2 Revised Matrix of Best Interests

The study's results supported Gathercoal's (1991) metaphor that "having your cake and eating it too requires the ingredients of law, education, and ethics, mixed and stirred judiciously with firsthand experience and baked at a public school setting until it rises to the occasion (p. 122). The complexity of the context under which outcomes and decisions of best interests are determined

was articulated by the respondents and is reflected in their balancing the two intersecting continuums of the matrix. These findings lend hope to the creation of more effective *educative communities* among in-school administrators (Walker, 1995, p. 4).

Implications for Practice

The findings of this study indicated that continued best practices in ethical decision making pedagogy and professional development would serve to augment and extend the findings of this study.

- i. Colleges of Education across the country should ensure that classes on educational law and ethical decision making are offered to current and prospective administration students. This would be in support Denig's (2001) contention that a recommended component of every administrative leadership program should be collaborative decision-making, in which future administrators are trained to analyze the ethical dimensions of problem situations and are prepared to work together to make decisions that are moral (cited in Beck & Murphy, 1994).
- ii. The Canadian Association of Principals (CAP) should continue and expand its efforts to educate its members on legal and ethical issues in educational administration. Their website, publications and conferences should always endeavor to encourage continued

discussions of the role of ethical and jurisprudential decision making in educational administration.

- iii. The Saskatchewan Teachers Federation's Ad Hoc Committee on the Principalship should be encouraged to expand their workshops on the implementation of the Code of Professional Ethics (2008).
- iv. The Saskatchewan School Based Administrators (SSBA) professional development program and Saskatchewan Educational Leaders Unit's (SELU) Principals' Short Course should continue to encourage frequent opportunities for in-school administrators to formally and informally collaborate on case studies involving the implementation and use of the best interests principle.
- v. Provincial School Administration Associations in all provinces and Departments of Educational Administration should encourage more formal and informal mentorship programs that would allow for collaborative and authentic opportunities to debrief educational administration. As Tirri (2001) discovered in her research, we should also ask if schools could be settings conducive to the learning of teachers who teach in them for no amount of time spent in college classes can develop perfect skills in moral discourse practices; moral fluency is attained only through the experience of working in schools (p. 374).

Implications for Further Research

Continued research in the area of ethical leadership and ethical decision making among in-school administrators would serve to augment and extend the findings of this study.

- i. A qualitative study of Canadian in-school administrators could be conducted to explore more fully decision making during the application of the best interests principle. Utilizing in-depth interviews may allow for the researcher to identify barriers and obstacles in the application of the best interests models.
- ii. As this study did not include an analysis of variance among the sample, this could be a focus for further investigation. A study with a sufficient sample size and demographic data could allow further examinations of variance (gender, age, geography or context - elementary and secondary schools) and its impact on the incidence of ethical dispositions and definitions of best interests.
- iii. A study could be conducted to determine the perception of the best interests principle in other stakeholder groups such as parents, School Community Councils and wider community members.
- iv. A study could be conducted to further explore the role of the ethic of community within educational administration decision making.
- v. A study could be conducted to explore how in-school administrators define themselves, their work, their relationships and their

stakeholders. This exploration would address Walker and Donlevy's (2005) concern that of the tendency when discussing ethical decision making to focus on the nature the ethical challenge or conflict, the content of the ethical thinking, the outcomes desired and the context within which a decision must be made (p. 16).

- vi. A study could be conducted to explore the efficacy of the Shapiro and Stefkovich (2001) and Stefkovich (2006) texts in educational law and educational decision making masters classes.
- vii. This study affirmed the importance of moral and ethical considerations in educational administration. The overall findings revealed a dichotomy of conceiving best interests. While the best interests principle was viewed as the ethical foundation or core of educational decision making, the data also suggested that interests were simultaneously narrowly and broadly defined, such as pedagogical and holistic definitions. A subsequent study could further explore the connection between the moral and pedagogical purposes of in-school administrations' perceptions of best interests and its bearing on instructional leadership and theory.
- viii. Educational theorists, policy makers and in-school administrators should be mindful of decisions that are based on the justification "what is best for the student(s)" and be cognizant of the absence of "interests" in these determinations. A further study could explore the

impact and significance on the efficacy of decisions made in the absence of “interests” based considerations.

- ix. A study could be conducted to further explore the efficacy of collaborative research such as the model of research that this study represents. Embedding the *best interests* questionnaire in the larger study entitled *Moral Agency and Trust Brokering: Challenges of the Principal*, represented a unique opportunity in mixed methodology research. The collaboration afforded more benefits (such as national distribution and professional collegiality) than challenges (timelines). Further study would help to investigate the viability of collaborative research.

Concluding Comment

The purpose of this research was to examine the *best interest(s)* principle as applied to in-school administrators through an investigation of theory, practice and professional praxis. The intent of the investigation was to identify the common use and understanding of the best interests principle in Canadian in-school administrative practice.

The findings revealed a compelling image of the best interests principle in educational administrative practice, a modified professional ethic and best interests model and a revised matrix of best interests that balances the ethical paradigms of care, critique, justice and community with the jurisprudential constructs of responsibility, respect and rights. Two central dichotomies

emerged within interpretations of the best interests principle in the ethical and jurisprudential literature forming a matrix of best interests: individual v. collective and subjective v. objective. This study placed the respondents centered on the continuum between individual and communal and subjective and objective.

Additionally, analyses of the data revealed two categories of thought: (a) broad conceptualizations and general perspectives toward defining best interests and (b) general methodological considerations or approaches to applying best interests' principle. The best interests of the student(s) was broadly conceptualized and defined as three major categories of thought: *best interests as core good*, *best interests as good pedagogy*, and *best interests as holistic*. Furthermore, three methodological considerations or approaches were identified as contributing toward applying in the best interests of student(s): *stakeholders' influence*, *contextual considerations* and *relational aspects*.

There was a clear indication from this study that the *best interests principle* was a vital aspect within the moral leadership and ethical decision making of Canadian in-school administrators. This study affirmed Hodgkinson's (1991) contention that "values, morals and ethics are the very stuff of leadership and administration" (p. 11). Hence this study on the *best interest* principle within administrative practice represented a significant nexus between ethical and jurisprudential perspectives and the subsequent impact on decision making and educational leadership.

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Appendix A:
Application to Ethics Committee

Application for Approval of Research Protocol
To
University of Saskatchewan
Advisory Committee on Ethics in Behavioural Science Research

1a. Professor Keith Walker, PhD

Department of Educational Administration

1b. Phase I: Anticipated start date of research study:

January 2007

2. Title of Study:

Perceptions of Best Interests Principle Among Educational Leaders

3. Abstract

Funding: Self –funded

4. Participants:

Participants will be school principals from three Saskatchewan school divisions, urban and rural. Letters will be sent to the Directors of Education of the respondents' schools, seeking permissions to interview the principals of the selected schools (See Appendix B). Following the Directors' approval, the researcher will send letters and consent forms to selected principals (See Appendix B), requesting their participation in the study.

5. Consent

a) A copy of the letter seeking the Director's permission to interview some principals in their school division is attached to this application.

b) A copy of the correspondence requesting selected principals to participate in the study is attached to this application.

c) A copy of the form soliciting participant consent for the study is attached to this application.

Each consent form:

- (i) Outlines in detail the purpose, length of time, potential risks, and benefits of participating in the study;
- (ii) Informs participants about the procedures involved in the study, the storage of data, the confidentiality of the study, and the volunteer nature of the study;
- (iii) Explains readiness of researcher to entertain questions at any point in the study at the contact information provided, and that the research has received _____ on ethical grounds on _____ by the University of Saskatchewan Behavioural Sciences Research Ethics Board to whom questions may be addressed at (306) 966–2084, and that interviewing principals of designated schools have been approved by corresponding directors.
- (iv) Provides space for the signatures of participants in the event they agree to participate.

6. Methods and Procedures:

The researcher will send correspondence to the Directors of Education of the principals, asking permission to interview the latter. Following the Director's approval, the researcher will send correspondence and consent forms to the designated principals requesting to interview them.

The data collection will be done through semi-structured interviews with the principals. The researcher will be the exclusive interviewer for all interviews. There will be two interviews. The first one (designed to introduce the study and

related ideas) will last between 15 – 20 minutes. The second will last approximately 90 minutes, and will be tape recorded and transcribed. In the event there is a need to clarify some findings or more information is needed, the researcher will request respondents to be available for possible follow-up interviews.

7. Storage of Data:

On completion of the study the interview questions and all data will be securely stored by the researchers' supervisor, Dr. Keith Walker at the Department of Educational Administration in the College of Education at the University of Saskatchewan for a period of five years, and then destroyed.

8. Dissemination of Results:

The data collected from this study will be used to partially complete the requirements for the Degree of Master of Education in Educational Administration and will be shared with the faculty of Educational Administration at the University of Saskatchewan, and possibly in published articles, seminars and/or conferences. In respect of anonymity, pseudonyms will be used when referring to the school division, schools and principals.

9. Risk or deception:

At the beginning of the study, participants will be fully informed regarding the purpose and nature of the research. There are no risks or deceptions involved in agreeing to participate in the study. Participation in the study will be voluntary, and so participants will be free to withdraw from the study at anytime as there will be no penalty that accrues or perceived to accrue as a consequence of refusing to participate or not. Direct quotations from the interviews will be reported but identities of participants, their schools, and school division will be kept anonymous. This will be ensured through the use of pseudonyms.

10. Confidentiality:

Participants for this study will be principals from Saskatchewan urban and rural school divisions. To avoid the risk of participants getting known to each other, pseudonyms will be assigned to direct quotations. References that may identify a particular school or individual principal will be deleted from quotations. To ensure anonymity of participants, pseudonyms will be employed in reference to the school division, schools, and particular principals. In course of the study, every caution will be employed in respect of the rights and professional careers of the participants. All data and interview tapes will be securely stored for a minimum of five years at the University of Saskatchewan in accordance with the University of Saskatchewan guidelines.

11. Data / Transcript Release:

When the data collection is completed transcripts will be discussed with each participant in a conversation. Each participant will be well informed from the beginning to the end of this research. The researcher will engage each participant in a conversation about his/her transcripts. The researcher will make use of email, fax and correspondence to acquire the consent of each participant with regard to the summary report on his/her transcript. Participants will be free to change or delete responses which they feel do not agree with the purpose of the interview. Each participant will be asked to sign a Transcript Release Form. This indicates that they agree with what was said in the transcript or what they intended to say.

12. Debriefing and Feedback:

Participants will be informed that the completed thesis will be available at the University of Saskatchewan's College of Education Library and the Department of Educational Administration, and that upon request, participants will be furnished with a summary of the report.

13. This research Project has been reviewed and is recommended for approval.

Dr. Keith Walker, Faculty Advisor

Date

Signature of Student Researcher

Date

Department Head

Date

14. Contact Name and Information:

Nicola Bishop-Yong
6 Harvard Crescent
Saskatoon, SK
S7H 3R1
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December 1, 2006

Dear Director,

I am a teacher and vice principal who is currently on leave from the Saskatoon Public School Division to pursue graduate studies in Educational Administration at the University of Saskatchewan. My work at the University and the study I would like to introduce to you, afford me the opportunity to enhance shared learnings and understandings regarding effective decision-making and ethical leadership practices in educational administration.

In fulfillment of my masters work I have studied the ethical and jurisprudential perspectives on the *best interests* principle. The purpose of my research is to better understand ethical leadership and ethical decision-making and in particular to understand how, when and why educational leaders evoke the principle "*in the best interests of the student(s) or child(ren)*". As such I have prepared a survey study on the perceptions of the best interests principle among educational leaders. My research is multifaceted and consists of both quantitative research, a questionnaire which is part of a larger national project on moral brokering and trust among principals and, qualitative research, a semi-structured interview.

It is my intent to seek your permission to contact principals from your school division to participate as interview candidates in the qualitative portion of my study. Confidentiality will be maintained and pseudonyms will be used throughout the study to prevent identification of participants, schools or school divisions.

For your perusal, I have included the interview guide and participant consent forms so as to provide you a greater context for the study. In the event that you have any concerns or would like additional information, you may contact Dr. Keith Walker my advisor at 966-7623 or me at 955-9964. You may also contact me by letter or email through 6 Harvard Crescent, Saskatoon, Saskatchewan, SK, S7H 3R1, and bishopn@spsd.sk.ca respectively.

I would welcome the opportunity to listen to the principals' thoughts, observations and experiences on making decisions in the best interests of students. Thank you for considering my request.

Sincerely,

Nicola Bishop-Yong

Nicola Bishop-Yong
6 Harvard Crescent
Saskatoon, Saskatchewan
S7H 3R1
Telephone 955 – 9964 (home)
221 – 6665 (cell)
Email: bishopn@spsd.sk.ca

December 1, 2006

Dear Educational Leader,

I am a teacher and vice principal who is currently on leave from the Saskatoon Public School Division to pursue graduate studies in Educational Administration at the University of Saskatchewan. My work at the University and the study I would like to introduce to you, afford me the opportunity to enhance shared learnings and understandings regarding effective decision-making and ethical leadership practices in educational administration.

In fulfillment of my masters work I have studied the ethical and jurisprudential perspectives on the *best interests* principle. The purpose of my research is to better understand ethical leadership and ethical decision-making and in particular to understand how, when and why educational leaders evoke the principle "*in the best interests of the student(s) or child(ren)*". As such I have prepared a survey study on the perceptions of the best interests principle among educational leaders. My research is multifaceted and consists of both quantitative research, a questionnaire which is part of a larger national project on moral brokering and trust among principals and, qualitative research, a semi-structured interview.

It is my sincere hope that you will consider participating in my study as an interview candidate. I would welcome the opportunity to listen to your thoughts, observations and experiences on making decisions in the best interests of students.

I have included the interview guide for your perusal so as to give you an idea of what to expect in the interview process. A consent form has also been included in this package. It includes details about the procedures and expectations of the study. If you agree to be interviewed please complete the consent form and return it to me in the self addressed-stamped envelop not later than _____. In the event that you have any concerns or would like additional information, you may contact Dr. Keith Walker my advisor at 966-7623 or me at 955-9964. You may also contact me by letter or email through 6 Harvard Crescent, Saskatoon, Saskatchewan, SK, S7H 3R1, and bishopn@spsd.sk.ca respectively.

Thank you for considering participating in this study.

Sincerely,

Nicola Bishop-Yong

LETTER OF CONSENT FOR PARTICIPATION IN STUDY

You are invited to participate in a study entitled "**Principals' Perceptions of the Best Interests Principle.**" Please read this form carefully, and feel free to pose any questions that may arise from the document.

Supervisor: Dr. Keith Walker, Department of Educational Administration, University of Saskatchewan; phone: 966-7623

Researcher: Nicola Bishop-Yong, Department of Educational Administration, University of Saskatchewan; phone: 955-9964 or 221-6665.

Purpose and procedure: The purpose of this study is to examine the perceptions of the educational leaders of the *best interests* principle. The procedure employed to generate information will be through semi-structured interviews with participants. You will be interviewed twice. At the first interview, a consent form will be signed. The first interview will last between 15 – 20 minutes, and the second one will last approximately 90 minutes. Interviews will be audio-taped and transcribed later by the researcher for analysis. The researcher may request a follow up interview with you in case additional information or clarification is needed. The interview will be transcribed and analyzed to discover the patterns and themes discussed. You will be given a smoothed narrative version of the transcripts with false starts, repetitions, and paralinguistic utterances removed to make it more readable. Subsequent to the interview, I will share with you a transcription of the interview via email. You will have the opportunity to review the transcript and discuss any thoughts, add, alter and delete information from transcripts as appropriate. You can also express concerns and reactions you have towards the researchers' analysis. During the period of study, the researcher will keep contact with you for clarification and additional information.

Potential Risks: There are no foreseeable risks and there will be no deception associated with this research. Direct quotations from the interview will be reported. Confidentiality and anonymity will be ensured by the use of pseudonyms in respect of participants, their schools and school divisions. The greatest care will be taken to protect the anonymity of participants but there may be the possibility that because the sampling is from a small, closed group of people (principals), respondents may be identifiable to others on the basis of what they have said.

Potential Benefits: The study has implications for both educational leaders, school divisions and policy makers interested in ethical leadership, understanding and strengthening accountable decision-making practices and enhancing ethical and jurisprudential literacy.

Storage of Data: Throughout the interview and the study period, the researcher will keep all tapes and transcripts in a safe and secure place. At the end of the study, the data will be kept in a secure place at the office of Dr. Keith Walker, Department of Educational Administration for five years and in consonance with the University of Saskatchewan guidelines.

Withdrawal: Participants are free to withdraw for any reason without penalty. In the event of withdrawal, the data collected from the interview with you and tape recordings will be destroyed.

Confidentiality: Data obtained from interviews with you will be used as part of a Master thesis in partial completion for a Masters Degree in Education Administration. The thesis is a public document. The research may also be used in papers submitted to scholarly journals and/or presented at conferences. In the thesis and in all documents participants will be referred to by a pseudonym in order to protect confidentiality.

Questions: In you have questions regarding your participation or your rights as a participant in this study, please fell free to ask at any point. You may contact the Office of Research Services at the University of Saskatchewan (966-2084) or the researcher, Nicola Bishop-Yong at 955-9964, or email me at bishopn@spsd.sk.ca or my supervisor, Dr. Keith Walker at 966-7623. The research has been approved by the University of Saskatchewan Behavioural Science Research Ethics Board on _____.

Consent to participate: I have read and understood the description above. I have been accorded the opportunity to ask questions and my questions have been satisfactorily answered. I am aware of the nature of the study and understand what is expected of me and also understand that I am fee to withdraw at anytime in course of the study. A consent form has been given to me for my records.

(Participant signature)

(Date)

(Researcher's signature)

(Date)

LETTER OF CONSENT FOR RELEASE OF TRANSCRIPTS

I appreciate your participation in the study on the *perceptions of the best interests principle by educational leaders*. I am returning the transcript of your interview for your perusal and the release of confidential information. I will adhere to the following guidelines which are designed to protect your anonymity, confidentiality and interests in the study.

1. Please read and recheck the transcripts for accuracy of information. You may add or clarify the transcripts to say what you intended to mean or include additional comments that will be your words. You may also delete any information that you may not want to be quoted in the study.

2. The interpretations from this study will be used in the preparation of the thesis of the same name. Except for the researcher in the study, your participation has remained confidential. Your name or any identifying descriptors will not be used in the final report or in any scholarly articles or presentations.

3. In accordance with the University of Saskatchewan Behavioural Research Ethics Board, the tape recordings, writing samples, and transcriptions made during the study will be kept with the instructor in a locked file until the study is finished. After completion of the study, the tapes and other data will be kept for five years at the University of Saskatchewan and then destroyed.

4. Participation in the study is voluntary, and you may withdraw at any time without penalty. If this happens, the interview data will be destroyed.

I, _____ understand the guidelines above and agree to release the revised transcripts to the researcher. A copy of the transcript release form is provided for your records.

Date _____ Researcher's Signature _____

As a research participant in this study, you may contact the Office of Research Services at the University of Saskatchewan (966-2084) if you have any questions about the study or you can reach me at 955-9964 or 221-6665 or my supervisor, Dr. Keith Walker, Department of Educational Administration at 966-7623 .

Appendix B:
Data Instruments

Distribution of best interests questions within *Moral Agency and Trust Brokering: Challenges of the Principal Survey* and Focus Group Survey

(The numbers correspond to the actual question number as it appeared in the surveys.)

	Moral Agency & Trust Survey:				Focus Group Survey
	Mailed A	Mailed B	Online B	Online C	
Best Interests Questions					
<i>Closed Attitudinal Questions (Likert scale)</i>					
1. I am familiar with the principle in the best interests of the student(s).		18a		24	8
2. I routinely use the criteria of the best interests of the student(s) in my administrative decision-making.		18b		25	9
3. The principle of in the best interests of the student(s) is an effective means of resolving ethical challenges in administrative decision-making.		34f		26	10
4. The optimal test of a difficult decision is does it support the best interests of all the students.		30d			11
5. The optimal test of a difficult decision is does it support the best interests of the individual student.		30e			12
6. I routinely mediate conflicting public and private interests that involve children.				37	13
7. Dilemmas concerning the best interests of the student(s) should be resolved using policy and the law.	15a		36		14
8. Dilemmas concerning the best interests of the student(s) should be resolved by considering the care and well being of all involved.	15b		37		15
9. Dilemmas concerning the best interests of student(s) should be resolved by avoiding the marginalization of those directly or indirectly involved.	15c		38		16
10. Dilemmas concerning the best interests of student(s) should be resolved by considering the expectations and responsibilities of the teaching profession.	15d		39		17
11. Dilemmas concerning the best interests of student(s) should be resolved by considering the interests of the community.	15e		40		18
<i>Open Ended Questions</i>					
12. How do you prefer to define in the best interests of the student(s)?				4	19
13. How would you explain "in the best interests of the student(s)" to a new staff member?		32			
14. Describe a time when you used the principle in the best interests of the student(s) to justify a decision.	20		11		20

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Saskatoon, Saskatchewan
S7H 3R1
Telephone: 955 – 9964 (home)
221 – 6665 (cell)
Email: bishopn@spsd.sk.ca

July 2, 2007

Dear Colleague,

I am a teacher and vice principal from the Saskatoon Public School Division pursuing graduate studies in Educational Administration at the University of Saskatchewan. My work at the University and the **survey study** I would like to introduce to you, afford me the opportunity to enhance shared learnings and understandings regarding effective decision-making and ethical leadership practices in educational administration.

In fulfillment of my masters work I have studied the ethical and jurisprudential perspectives on the *best interests* principle. The purpose of my research is to better understand how, when and why educational leaders evoke the principle "*in the best interests of the student(s) or child(ren)*". As such I have prepared a survey study on the perceptions of the best interests principle among educational leaders. My research is multifaceted and consists of both quantitative and qualitative research. My quantitative questionnaire was administered as part of a larger national survey on *Moral Brokering & Trust* among principals headed by Dr. Keith Walker. Currently I am facilitating my qualitative research, a **focus group**.

It is my sincere hope that you will consider participating in my study by participating in the **focus group** comprised of 8 – 10 participants of the Saskatchewan Principals' Short Course. Confidentiality will be maintained and pseudonyms will be used throughout the study to prevent identification of participants, schools or school divisions.

The focus group will meet on **July 3rd** from **4:15 – 5:15 p.m.** at a Travelodge location yet to be determined. I would welcome the opportunity to listen to your thoughts, observations and experiences on making decisions in the best interests of students. I have included the focus group guide for your perusal so as to give you an idea of what to expect should you consider participating in the focus group. Should you consider participating additional information regarding the focus group will be forwarded.

A consent form contains details about the procedures and expectations of the study. In the event that you have any concerns or would like additional information, you may contact Dr. Keith Walker my advisor at 966-7623 or me at 955-9964. You may also contact me by letter or email through 6 Harvard Crescent, Saskatoon, Saskatchewan, SK, S7H 3R1, and bishopn@spsd.sk.ca respectively.

Thank you for considering participating in this study.

Sincerely,

Nicola Bishop-Yong

LETTER OF CONSENT FOR PARTICIPATION IN FOCUS GROUP

You are invited to participate in a study entitled "**Principals' Perceptions of the Best Interests Principle.**" Please read this form carefully, and feel free to pose any questions that may arise from the document.

Supervisor: Dr. Keith Walker, Department of Educational Administration, University of Saskatchewan; phone: 966-7623

Researcher: Nicola Bishop-Yong, Department of Educational Administration, University of Saskatchewan; phone: 955-9964 or 221-6665.

Purpose and procedure: The purpose of this study is to examine the perceptions of the educational leaders of the *best interests* principle and to better understand how, when and why educational leaders evoke the principle "*in the best interests of the student(s) or child(ren)*". The study is multifaceted and consists of both quantitative and qualitative research. The quantitative questionnaire will be administered as part of a larger national survey on *Moral Brokering & Trust* among principals headed by Dr. Keith Walker. The qualitative portion of the study consists of a focus group of Saskatchewan elementary and secondary principals and administrative candidates. The focus group will be convened after the collection of the quantitative data should the data require further clarification and interrogation.

At the preliminary focus group consent forms will be collected. The focus group session will last approximately 60 - 90 minutes. The focus group will be audio-taped and transcribed later by the researcher for analysis. The focus group will be transcribed and analyzed to discover the patterns and themes discussed. Subsequent to the focus group, a transcription of the focus group will be shared with you via email. You will have the opportunity to review the transcript and discuss any thoughts, add, alter and delete information from transcripts as appropriate. You can also express concerns and reactions you have towards the researchers' analysis. During the period of study, the researcher will keep contact with you for clarification and additional information.

Potential Risks: There are no foreseeable risks and there will be no deception associated with this research. Direct quotations from the focus group will be reported. Confidentiality and anonymity will be ensured by the use of pseudonyms in respect of participants, their schools and school divisions. The greatest care will be taken to protect the anonymity of the participants in the written thesis document but there may be the possibility that because the sampling is from a small, closed group of people (principals), respondents may be identifiable to others on the basis of what they have said. Should it occur that a participant and the researcher be employed by the same school board, all efforts will be made to minimize any perceived conflicts of interest. However, a shared board employee should present no barrier to either decline participation or accept involvement in the study.

Potential Benefits: The study has implications for both educational leaders, school divisions and policy makers interested in ethical leadership, understanding and

strengthening accountable decision-making practices and enhancing ethical and jurisprudential literacy.

Storage of Data: Throughout the study, the researcher will keep all tapes and transcripts in a safe and secure place. At the end of the study, the data will be kept in a secure place at the office of Dr. Keith Walker, Department of Educational Administration for five years and in consonance with the University of Saskatchewan guidelines.

Withdrawal: Participants are free to withdraw for any reason without penalty. In the event of withdrawal, the data collected from the participant portion of the focus group will be destroyed.

Confidentiality: The researcher will ensure at the outset of the focus group that each participant's contributions will be shared with the group and as such participants need to be encouraged to keep confidential what they hear during the meeting. Data obtained from the focus group will be used as part of a Master thesis in partial completion for a Masters Degree in Education Administration. The thesis is a public document. The research may also be used in papers submitted to scholarly journals and/or presented at conferences. In the thesis and in all documents participants will be referred to by a pseudonym in order to protect confidentiality.

Questions: If you have questions regarding your participation or your rights as a participant in this study, please feel free to ask at any point. You may contact the Ethics Office at the University of Saskatchewan (966-2084) or the researcher, Nicola Bishop-Yong at 955-9964, or email me at bishopn@spsd.sk.ca or my supervisor, Dr. Keith Walker at 966-7623. The research has been approved by the University of Saskatchewan Behavioural Science Research Ethics Board on February 6th, 2007.

Consent to participate: I have read and understood the description above. I have been accorded the opportunity to ask questions and my questions have been satisfactorily answered. I am aware of the nature of the study and understand what is expected of me and also understand that I am free to withdraw at anytime in course of the study. A consent form has been given to me for my records.

(Participant signature)

(Date)

(Researcher's signature)

(Date)

Focus Group Questions – Participant Guide

1. In what ways do you consider your work as an educational leader to be an ethical enterprise?
2. What kinds of ethical challenges do you face in your administration practice? How often?
3. What kinds of legal challenges do you face in your administration practice? How often?
4. What does the best interests principle mean to you? How would you define it?
5. Do you distinguish between the best interests of the child, children, student, and students? If so, how?
6. Do these differences challenge your ability to resolve conflicts or make professional decisions? Is there a preferable position?
7. Which conception – child, children, student, and students – do you consider to be the prevailing usage in current educational administration?
8. Is this usage the most appropriate for educational administrative practice?
9. Which conception – child, children, student, and students – do you consider to be the prevailing usage among stakeholders in education? Teachers? Parents? Community? Is this usage appropriate?
10. Educational leaders are often called upon to mediate public and private interests that involve children (Walker, 1998, p. 303). What competing interests do you see impacting decisions involving children that are most problematic?
11. When do you use the principle in your administrative practice?
12. Can you tell me a time when you considered the best interests of the student(s) in resolving a conflict or making a decision
13. What competing *interests* were present in your dilemma?
14. How did you resolve those conflicts?
15. What process did you employ in making a determination in the best interests of the child(ren) or student(s)?
16. Do these types of ethics (justice, care, critique and community) influence your determination of best interests? Do you have a rank, preference? Limitations, challenges with respect to determining best interests of student(s).
17. How does the profession impact your decisions of best interests? Have you ever experienced a 'clash of codes'?
18. Do legal principles like these influence your determination of best interests? Do you have a rank, preference? Limitations, challenges with respect to determining best interests of student(s).
19. Are you aware of any trends in the types of ethical decisions administrators are asked to make? Do you recognize any future hot spots?
20. Would you consider the best interests principle as a decision-making tool to be effective for resolving these trends?



Focus Group Questionnaire

Perceptions of the Best Interests Principle by In-school Administrators

Thank you for conducting this questionnaire on the perceptions of in-school administrators concerning the “*best interests*” principle. The intent of the questionnaire is to identify the context of “in the best interests of the student(s)” in administrative practice.

- ☞ Your participation is **voluntary** and **confidential**. Should you have any questions regarding this questionnaire please contact _____.
- ☞ **Once receipt of the questionnaire is in the hands of the researcher consent is implied.**

Part I: Professional and School Demographics

Please respond to each of the following statements with a ✓ check mark.

1. Gender
 - Male
 - Female

2. Position you Currently Hold
 - Principal Other
 - Assistant Principal / Vice Principal

3. Years of Administrative Experience (including current year)
 - Less than 3 4 to 6 years
 - 7 to 9 years More than 10 years

4. Type of School in Which You Currently Work
 - Elementary (K – 8) High School (9 – 12)
 - Other (please specify) _____

5. Location of Your School
 - Rural Urban
 - Mixture of Rural & Urban Setting

6. Present Enrollment in Your School
 - Less than 250 students 250 to 500 students
 - 500 to 750 students Over 750 students

7. Highest Level of Education
 - Bachelors of Education PhD
 - Masters of Education or related field

Part II: Best Interests & Educational Leaders

Scale Responses

We would like to know about your perceptions of "in the best interests of the student(s)". Please respond to each of the following statements with a ✓ check mark. Please only use one rating per statement. As you consider your responses please think about your educational administration practice.

	Strongly Disagree	Disagree	Agree	Strongly Agree	No Opinion / Don't Know
8. I believe that behaving ethically is a central component of my duties as an educational leader.					
9. My work requires that I am routinely challenged with resolving ethical dilemmas.					
10. I am familiar with the principle <i>in the best interests of the student(s)</i> .					
11. I routinely use <i>in the best interests of the student(s)</i> in my administrative decision-making.					
12. The optimal choice to a difficult decision is that which supports <i>the best interests of the all students</i> .					
13. The optimal choice to a difficult decision is that which supports <i>the best interests of the individual student</i> .					
14. I consider policy and the law as significant considerations for resolving matters in the best interests of the student(s).					
15. I consider the well being of others as a significant consideration for resolving matters in the best interests of the student(s).					
16. I consider issues of marginalization as a significant consideration for resolving matters in the best interests of the student(s).					
17. I consider the expectations of my profession as a significant consideration for resolving matters in the best interests of the student(s).					

Descriptive Answers

Please complete the following questions. Your efforts in providing a thorough explanation will contribute significantly to the inquiry of this survey.

18. How do you define *in the best interests of the student(s)*?

19. Under what circumstances would you use *in the best interests of the student(s)*?

20. Educational leaders are often called upon to mediate public and private interests that involve children ¹. What competing interests do you see impacting decisions involving children that are most problematic?

¹ Walker, K. (1998). *Jurisprudential and ethical perspectives on "the best interests of children."* *Interchange*, 29(3), 287 - 308.



Semi-Structured Interview Questions – Researcher Guide

1. In what ways do you consider your work as an educational leader to be an ethical enterprise? (*Probe: Organizational v. Individual*)
2. What kinds of ethical challenges do you face in your administration practice? How often? Frick (2006)
3. What kinds of legal challenges do you face in your administration practice? How often? Frick (2006)
4. What does the best interests principle mean to you? How would you define it?
5. Do you distinguish between the best interests of the child, children, student, students? If so, how? (*Probe: individualistic v. collective*)
6. Do these differences challenge your ability to resolve conflicts or make professional decisions? Is there a preferable position?
7. Which conception – child, children, student, students – do you consider to be the prevailing usage in current educational administration?
8. Is this usage the most appropriate for educational administrative practice?
9. Which conception – child, children, student, students – do you consider to be the prevailing usage among stakeholders in education? Teachers? Parents? Community? Is this usage appropriate?
10. Educational leaders are often called upon to mediate public and private interests that involve children (Walker, 1998, p. 303). What competing interests do you see impacting decisions involving children that are most problematic?

I would like to hear more about how you use the best interests principle in your administration practice.

11. When do you use the principle in your administrative practice? (*Probe: Begley v. Stefkovich – “deal breaker” or guide*)
12. Can you tell me a time when you considered the best interests of the student(s) in resolving a conflict or making a decision
13. What competing *interests* were present in your dilemma?
14. How did you resolve those conflicts? (*Probe: subjective v. objective*)
15. What process did you employ in making a determination in the best interests of the child(ren) or student(s)? (*Probe: communal considerations*)

Scholars Stefkovich and Shapiro (2001) and Stefkovich (2006) have written extensively on ethical decision making, drawing on ethical and jurisprudential perspectives and their influence on decision making. I would like to explore more deeply the concepts that influence your decision making.

Define ethic of justice, care, critique, community for participant.

16. Do these types of ethics influence your determination of best interests? Do you have a rank, preference? Limitations, challenges with respect to determining best interests of student(s).

Define ethic of profession for the participant. Share visual.

17. How does the profession impact your decisions of best interests? Have you ever experienced a 'clash of codes'?

Define rights, responsibility and respect according to Stefkovich (2006) for the participant. Share visual.

18. Do legal principles like these influence your determination of best interests? Do you have a rank, preference? Limitations, challenges with respect to determining best interests of student(s).

Future Considerations

19. Are you aware of any trends in the types of ethical decisions administrators are asked to make? Do you recognize any future hot spots?
20. Would you consider the best interests principle as a decision-making tool to be effective for resolving these trends?

**Appendix C:
Qualitative Data – Coding & Transcripts**

Thematic Analysis – How do you define best interests?

THEMES	
<p>Best Outcome (16)</p> <p>Purpose, Why, Center, Heart (15)</p>	<ul style="list-style-type: none"> • Doing what we believe furthers the success of students in school. If it is in the best interest of students, it must be something that gives them an advantage or encourages them to achieve some form of success. • That phrase means, to me, that decisions are made from the perspective of providing the best possible outcome for that child. That being said, all decisions must take into account what is possible and what limitations are involved. Weighing all these factors, the decision needs to focus on the child, not best for staff, best for funding, etc. • THAT WHICH LEADS TO THEIR SUCCESS • in the interest of their growth toward "moral educated citizenship" • All of what we do and who we are in the school setting centers on what is best for students – our demeanor, the classroom setting, etc. all need to work towards that (I need a few more pages for that); • What does the student benefit from the decision made? • Need to agree on our control purpose – to serve students; • That is our client. We leave a responsibility to our students; • We always need to think about how our actions affect the students. We need to see to their needs ahead of our own; • You are here for students – character education, curriculum, extra-curricular – this students wants the same respect you would give your own children; • What is the best for students....; • I would ask staff members to always remember why we teach – to educate students. They are our priority. When not sure of something/decision to make – think of 'the best interest of the students'; • 'This facility campus is here because of the students in it....it is not here to create a job for us....let's deliver to our students as is expected; • All decisions must be made with the students' best interests at heart; • Why are we here and why did we go into teaching;
<p>Learning (13)</p>	<ul style="list-style-type: none"> • To me, a decision made, "in the best interests of the student(s)," means that it is one that will enable the student(s) to flourish in an environment that is safe and productive to learning. n.b. My answer is not meant to discount the importance of acting in the best interest of staff members either. • That which supports student learning, achievement in a safe and caring learning environment. • Our central purpose is student learning. I prefer to define "best interests" in the context of good pedagogy. • I define it as interests that lead to growth through learning opportunities. They are going to help students become better, more mature intellectually, emotionally... etc. • To me, "in the best interests of the student(s)" is: a) making sure that the students' learning will not be adversely affected by the decision, b) taking into account the concerns of the student's intellectual, emotional, and behavioral needs, c) the ability of the student to cope with the situation that is being done in their best interest, and d) how the relationships that student or students has with the people around them will be affected. • The best interests of students I would consider to be the things that allow all students to learn and live in safety. • Every student will learn, succeed, be safe and happy; • If we do this, will the students achieve at a higher level; • Helps student to learn and/or be a better person – no negative aspect or harm for the student; • I would explain it by saying that the paramount reason we are in business is to advance student learning. If the decision advances student learning then it is in the best interest of the student;
<p>Whole Child (11)</p>	<ul style="list-style-type: none"> • When a decision takes into consideration all of their needs - whether they can see it at the time or not, balanced by parental wishes. • What will benefit students the most, academically, in character, and in relationships. • The "best interests of the students" has to embrace academic, social, emotional, spiritual and intellectual criteria. The entire student has to be safeguarded. • That which best serves the needs of the student - for reasons of academic or social, or personal, or physical or psychological health. One 'errs' on the side of safety, relative to student needs and safety - thus, something might be done in the best interest of the students - which may cause one to consider 'bending' other rules to facilitate what must be done. • What is best for the social, emotional, physical and intellectual growth and development of the student(s). • Safety, growth/progressive, love of learning, self concept/success, trust, respect; • Safety, physical, mental, emotional health and well being, acting to ensure academic success, making a wide range of program (course) opportunities available, making a wide range of extra curricular opportunities available;

	<ul style="list-style-type: none"> I would talk about consideration of all dimensions of a student (emotional, physical, spiritual, etc.) and use the point of view of parent and teacher;
Consider influences (stakeholders) (7)	<ul style="list-style-type: none"> Consider multiple stake holders are their needs/future;
Override influences if necessary (9)	<ul style="list-style-type: none"> Whether the students/parents agree or not, is there a purpose that educates the child in curriculum or acceptable societal life lessons. What serves the student best short term and long term. This does not always mean it is what the student or other individual may think is the best interest;
Situational (4)	<ul style="list-style-type: none"> The information one has regarding each situation must come into play for each decision made. "In the best interest of the student" is a phrase used by people who believe that their decisions and actions can affect the lives of the student(s) in their care. Example Why did not you tell Johnny his cat died? I thought it would hurt him too much because of everything that has happened to him before. Decisions are based on information: the better the information the better the decision and how it will affect people
Greater Good (7)	<ul style="list-style-type: none"> Greatest good for the greatest number while considering the position of the minority. "In the best interests of students' has always meant, to me, the decisions and initiatives that are being considered/implemented/discussed are selected because they serve the needs of the greater part of the students body OR a select group of the student body with specific needs. what is good for the collective community We are here for one purpose, to educate children. We must take their lack of knowledge and experience into account when power struggles occur. In the event of conflict we must make decisions that benefit all students. Doing the right thing is not always easy. If teaching was easy, everyone could do it;
Individual Student (5)	<ul style="list-style-type: none"> I would define that as such that the student will have the opportunity to present the best that they are able to. It must be to address the student - not what the staff member feels or thinks is the best for them (ie. because it is the best for others, or was the best for them). Must be highly individually based. That is putting one's own biases, prejudices and preconceptions aside and dealing with the student(s) as an individual – a student-centered approach where the dignity of the individual must remain intact – where the adult must act in a reasonable way and with common sense;
Balance Student/Students (5)	<ul style="list-style-type: none"> Decisions that will further a student's learning, not necessarily what they want. A student will define "their best interest" to do what they want. This applies individually as well a for the student body in general. Both must be considered. Keeping in mind the student's welfare (physical, intellectual, emotional), including the balancing of individual and common needs when making decisions is where "best interests" are met. We always need to do what is in the best interest of individual students, however, we must be aware of the message decisions send for the collective learning community we serve; Is your action/decision beneficial to all students/student in your class? (increasing learning opportunities); It is very complicated. If I could state it simply it would be to always be student centered when considering difficult decisions but remembering that what is best for one student may not be for the entire student population;
Respect (2)	
How / Decision Making (3)	<ul style="list-style-type: none"> Just like it sounds, 'in the end, are the students best interests' how your decisions are made;
Dialogue (2)	<ul style="list-style-type: none"> The best interest of a student does not mean meeting all demands from a student or the students in general. By looking out for their best interests, I will listen to students before making decisions that affect them. I will not blindly support teachers in settling all disputes, but I generally feel that by supporting teachers, I do support the students. (Of course, the issue of trust is paramount in this approach - I trust the teachers all have the best interests of their students at the forefront of their own decision-making). The best interest of students is met by dialogue with all stakeholders before, during
Voice (2)	

	<p>and after the emergence of issues, controversies and disputes/conflicts.</p> <ul style="list-style-type: none"> • Be willing to admit mistakes. Communicate – actually address the situation positively;
Relationships (4)	<ul style="list-style-type: none"> • Be honest, respectful and open. Tend to relationships – be patient – it takes time; • Get to know the student(s) on a personal level. Understand who they are as people;
Own Children test (6)	<ul style="list-style-type: none"> • I place my daughter in the situation and I ask whether or not I am acting in her best interest. The students are like my children. • I prefer to define "in the best interests of the student(s) is basically doing what is right for the child regardless of whether it is popular or not. I often get fall out for doing the right thing not the popular thing; but, at least I am able to sleep at night. The bottom line is a lookout for the best interests of my students as I do for the best interests of my own children. • I have always asked myself "If this were my own child, what would I like to see done?" • Think of the student as your son or daughter. What would you expect and how would you treat them; • How would you want your own child to be treated. Are we allowing for individual strengths and needs;'
Safety (9)	<ul style="list-style-type: none"> • That which helps the student to grow; in knowledge, in confidence, in safety. • If a decision is going to negatively affect a child with regards to student safety, then it should not be made;

Thematic Analysis – When do you use best interests?

THEMES	
Discipline	<ul style="list-style-type: none"> • Giving a student coaching and extra chances based on his background and recent behavior. It is what the students needed he didn't need consequences but support. • Students were out at recess and one student got upset with another and punched the student, then removed himself from the situation on his own accord. I decided not to follow through on a suspension for the student, as he had made a conscious decision to stop and get out of the situation. Teacher wanted me to suspend, but I felt that the student would learn more by working the situation through and working with the student he had trouble with. • A young, pregnant student, whose hormones and emotions are extremely out of sync right now has been having issues with a particular teacher. He wanted her to be suspended for her attitude towards him and her "clinging" behaviours towards her boyfriend (the father of her baby). I spoke with her at length, went to her level of fears, frustrations and goals and managed to calm her down. I explained how she is perceived as interrupting the classroom environment and challenging the teacher. She was not suspended but put on a contract and given a "safe place" (a quiet place), to work on her assignments. She saw this a good resolution to her situation as her feelings were legitimized and neither the teacher nor the student need to be around each other for now. • I have a teacher who feels that the least little infraction is office referral material. A child who had had a death in the family and had attended a memorial the night before arrived in school extremely tired and grumpy. He fell asleep in class. The teacher came to me and "demanded" that the child be sent home. I told the teacher to let the child sleep or send him to the library to sleep and then he would be sent back to class when he woke up. The child slept for an hour and a half and then went back to class. The teacher was not pleased but the student had a very productive rest of the day. • -out of school suspensions- there are circumstances when you would shorten a suspension given an individual circumstance even if it does not fit with policy -student retention -informing parents about situations that student involved in when it is occurring outside of school • A student was being held to a higher standard of behaviours than others because of past infractions. I had to insist that he be given the same chances and monitor those as all others. • A student came to school high, he was being verbally abusive to others – it was clearly in the best interest of all other people in the building that he be removed ASAP. He was on probation and reported drug use would have had serious consequences. I gave him an "out" – assured him that he would be sent home because he was not well enough to be at school that morning rather than for substances use prior to school. He left agreeably without any aggression or resistance. • After an incident with a student, because of specific circumstances – family differences, it was decided to deal with it without contacting the parent. • A suspension. I believed one group of students over another; • Almost all the time: suspension from school: security and safety of all need to be consensual first; • When I decided to remove a child from a classroom situation that may have become detrimental to student in question; • Staff wanted to send a student home for misbehavior – I had an in-school suspension instead because home was unsafe; • Keeping a student in school rather than suspending him; • Student's actions warranted a lengthy suspension. A short suspension was issued to keep the student in a structured environment that would allow for a positive adult influence; • Student discipline – not following the 'guidelines'; • The above question #17 the best interests of the students was to not remove one student from the school but let this issue be resolved here; • Sometimes, teachers want a student suspended for a transgression, but, in the interest of the child, I choose other options; • Suspended a student for two days due to internet/cyber bullying; • In disciplining a 'model' student, I lessened the severity of the suspension; • A teacher refers a student for discipline when the details clearly indicate the teacher has been a significant contributing factor; • Almost every consequence for behavior (does punishment fit the crime);
Learning Programming Scheduling	<ul style="list-style-type: none"> • When the former Principal of this school passed away and all of the teachers wanted to leave the building – I let them know that it was not in the best interest of the students who were also grieving and sad. I let the teachers go for the last period but not the whole day or afternoon. • Students were assigned to work as a small group on a cooperative activity; one student really wanted to work alone and had shown us that it was the best way for him to stay on task and produce his best work. He was allowed to work alone and the other two students worked as a pair • Adding, dropping or changing course offerings. The personal preferences of teachers are not necessarily the best choices for learners. • When deciding on what courses we will offer. The teacher didn't want to teach the subject but the kids needed it; • When making the decision to retain a child at grade level; • Passing a student so they could take a course better suited for their ability or ambition; • How we teach reading – the decisions we've made; • Reviewing semester class loads for some senior students; • When discussing views related to assessments, and the changes that are occurring, trying to persuade teachers to challenge their assumptions and use 'assessment for learning' rather than 'assessment of learning'; • Pass or fail a student; • Encouraging staff to do home visits; • Placing students in a class, placing students in the next grade when they have failing marks/poor attendance; • Schedules revisited to benefit program delivery rather than teacher convenience. • I do not believe it is in the best interests of a child to have a rotary schedule in the primary grades (might be easier for teachers, but too many adjustments for little ones - different teachers, styles, routines, etc.) • Changed schedule to include a PAA Survey Course for all grade 9's vs, a bunch of individual students; • Encouraged a lunch program for needy children. • Re-establishing extra-curricular and co-curricular events and activities in a school where adults did not want the building used after hours
Staffing	<ul style="list-style-type: none"> • I hope that I always make decisions with the best interests of the students in mind. I have made staffing changes within the school to match

Human Resources	<p>teacher and students.</p> <ul style="list-style-type: none"> • During staffing I have assigned teaching duties to a teacher because he was the best qualified rather than assign the course to a teacher who did not have the qualifications but wanted the course • The needs of students often outweigh the resource allocation at our school and my request for a greater resource allocation was based on the best interests of the students. • When staffing is tight I have to consider what is best for students, not staff. • Reassigning support staff (instructional aide) to a new position because of personal conflict; • Staffing a school; • I had to decide whether I could sacrifice 2.5 teacher associate positions so I could keep a full time teacher. My decision was made upon 'the best interests of my students' • Replacing Literacy Support Teachers when they attend out-of-school meetings. District does not want them replaced; • The most difficult case I encountered was a "bad" vice principal who constantly followed and harassed the disenfranchised students at the high school. After 2 years, I "wrote her up" and filed a letter of warning. She took sick leave, then was transferred to another vp position. I was transferred to another school at the end of the year. This left a "sour" taste in my mouth.
Special Education	<ul style="list-style-type: none"> • Special ed situations in which staff and students resist one or more students having assistive technology are often misunderstood. • When I permitted a "Special Needs" student to accompany his class on a field trip when his teacher was fearful that his behaviours would cause problems. • We started a program for autistic students and decided to embrace an inclusive school model in delivering that program. This was in the best interest of all students and so we moved to support and promote that model. It was hard because we were asking staff to teach and organize in a way that was different from the norm. • Supervision of students with special needs • Grade 7&8 attend an adventure camp up north. It involves rigorous activity. We had a multi-handicapped child going into this division the following year. I made it imperative that he would attend and made arrangements with the camp to make it happen with alternate activities and included a chalet for his parents with separate facilities. Before the mother knew this, she came to meet with me to tell me she did not think her son could go to this camp based on what her daughter had experienced on the grade 8 trips. My response was "nonsense" he is going and arrangements have been made for your family to come with you. We had a great time. • When programming for Special needs students, it is imperative that their interests are first and foremost, especially when parents are not on side. It is a principal's responsibility to give parents all then information they need to make an informed choice regarding their child's programming. When a parent has difficulty accepting their child's exceptionalities, it is imperative that you are empathetic but you fight for what is in that student's best interest.
Safety	<ul style="list-style-type: none"> • I have kept students from going to the adjacent lot owned & equipped by the Community's recreation association during school time as there is not adequate supervision for these students while they are over there. our school board does not provide supervision off property-it's not a risk I am willing to take although the rec. association is adamant that the former principal meant for them to be over there when he wrote a letter of endorsement for upgrades to the facility next door. • We needed to increase the amount of supervision on the playground. Everyone knew it but most were waiting for someone else to make the decision. I made huge increases in the time assigned to staff for supervision, provided fair distributing and clear expectations. Staff has seen the benefits in terms of student behavior and safety. • I'm not sure of the term "principle of best interest" but when I made a decision for a student not to go on a field trip the parent was very upset. The decision was made so that the students would be safe and need not worry about their classmates. • Placing a grade six student at another school in a regular program to ensure success for this student. The student was not 'safe' in our environment, and I had to make this hard decision, for the sake of the student. Fortunately, I had parental support. • The schoolyard was undersupervised at recess in my opinion. We added extra supervisors. It was unpopular with the staff, but the interest of student safety necessitated it. • Safety issues re: unknown visitor wanting to pick up a child. The school had no prior knowledge of this person;
Other	<ul style="list-style-type: none"> • All the time... • The best interest of students is why we do everything we do...it is the foundation for all of our work. Rather than use this phrase as a means of justifying a decision, popular or not, it is a common understanding on staff that if something is not in the best interests of students then it won't be done. I don't use students to justify my decisions. If I have to make an unpopular decision I clearly lay out my train of thought in arriving at the decision point. My staff knows that I don't make rash decisions because student's best interests are always my litmus test. • I use it all the time, not to justify a decision, but to spark discussion about issues related to a decision that might be made; • I would only use it as part of my decision making – student caught with drugs; • Daily;

Distribution of multidimensional ethical paradigms and jurisprudential constructs among qualitative data

	Ethical Paradigms included in Shapiro and Stefkovich (2001) model of best interests					Jurisprudential constructs included in Stefkovich (2006) best interests model		
	Ethic of Care <i>caring, relationships, empathy, compassion</i>	Ethic of Justice <i>Rights, justice, equity, equality</i>	Ethic of Critique <i>voice, challenge status quo, social justice</i>	Ethic of Profession <i>Expectations, responsibilities of profession</i>	Ethic of Community <i>collaboration, dialogue, stakeholder involvement</i>	Responsibility <i>Duty, relationships, justice, care, community</i>	Respect <i>Equality, equity, diversity, balance, inclusion</i>	Rights <i>Dignity, freedom, universal rights and fundamentals rights</i>
Responses to Open Ended Question 12 - <i>How do you prefer to define in the best interests of the student(s)?</i>								
Whether the students/parents agree or not, is there a purpose that educates the child in curriculum or acceptable societal life lessons.	✓			✓	✓	✓		✓
That which helps the student to grow; in knowledge, in confidence, in safety.	✓	✓		✓			✓	
Greatest good for the greatest number while considering the position of the minority.		✓	✓			✓	✓	
To me, "in the best interests of the student(s)" is: a) making sure that the students' learning will not be adversely affected by the decision, b) taking into account the concerns of the student's intellectual, emotional, and behavioral needs, c) the ability of the student to cope with the situation that is being done in their best interest, and d) how the relationships that student or students has with the people around them will be affected.	✓	✓	✓	✓	✓	✓	✓	✓
The best interests of students I would consider to be the things that allow all students to learn and live in safety.	✓	✓		✓				✓
When a decision takes into consideration all of their needs - whether they can see it at the time or not, balanced by parental wishes.	✓	✓			✓	✓	✓	
To me, a decision made, "in the best interests of the student(s)," means that it is one that will enable the student(s) to flourish in an environment that is safe and productive to learning. n.b. My answer is not meant to discount the importance of acting in the best interest of staff members either.	✓	✓		✓		✓		✓
What will benefit students the most, academically, in character, and in relationships.	✓	✓			✓	✓	✓	
That the child is looked after spiritually, emotionally, physically, etc.	✓					✓	✓	
I would define that as such that the student will have the opportunity to present the best that they are able to. It must be to address the student - not what the staff member feels or thinks is the best for them (ie. because it is the best for others, or was the best for them). Must be highly individually based.	✓			✓		✓	✓	✓
Decisions that will further a student's learning, not necessarily what they want. A student will define "their best interest" to do what they want. This applies individually as well as for the student body in general. Both must be considered.	✓	✓		✓		✓		
Doing what we believe furthers the success of students in school. If it is in the best interest of students, it must be something that gives them an advantage or encourages them to achieve some form of success.		✓		✓		✓		
That phrase means, to me, that decisions are made from the perspective of providing the best possible outcome for that child. That being said, all decisions must take into account what is possible and what limitations are involved. Weighing all these factors, the decision needs to focus on the child, not best for staff, best for	✓		✓	✓		✓	✓	✓

funding, etc.								
"In the best interests of students' has always meant, to me, the decisions and initiatives that are being considered/implemented/discussed are selected because they serve the needs of the greater part of the students body OR a select group of the student body with specific needs.		✓	✓	✓		✓	✓	
In looking at the big picture and the small picture, whatever best meets the needs of students in terms of their safety, their learning and their feelings is considered over and above my needs or the needs of staff or parents.	✓	✓	✓	✓	✓	✓	✓	✓
THAT WHICH LEADS TO THEIR SUCCESS	✓			✓		✓		
The information one has regarding each situation must come into play for each decision made. "In the best interest of the student" is a phrase used by people who believe that their decisions and actions can affect the lives of the student(s) in their care. Example Why did not you tell Johnny his cat died? I thought it would hurt him too much because of everything that has happened to him before. Decisions are based on information: the better the information the better the decision and how it will affect people	✓	✓				✓		✓
That which supports student learning, achievement in a safe and caring learning environment.		✓		✓		✓		✓
The "best interests of the students" has to embrace academic, social, emotional, spiritual and intellectual criteria. The entire student has to be safeguarded.	✓		✓			✓	✓	✓
I place my daughter in the situation and I ask whether or not I am acting in her best interest. The students are like my children.	✓					✓		
The best interest of a student does not mean meeting all demands from a student or the students in general. By looking out for their best interests, I will listen to students before making decisions that affect them. I will not blindly support teachers in settling all disputes, but I generally feel that by supporting teachers, I do support the students. (Of course, the issue of trust is paramount in this approach - I trust the teachers all have the best interests of their students at the forefront of their own decision-making). The best interest of students is met by dialogue with all stakeholders before, during and after the emergence of issues, controversies and disputes/conflicts.	✓	✓	✓	✓	✓	✓	✓	
Our central purpose is student learning. I prefer to define "best interests" in the context of good pedagogy.				✓		✓		✓
in the interest of their growth toward "moral educated citizenship"	✓					✓	✓	✓
I prefer to define "in the best interests of the student(s) is basically doing what is right for the child regardless of whether it is popular or not. I often get fall out for doing the right thing not the popular thing; but, at least I am able to sleep at night. The bottom line is a lookout for the best interests of my students as I do for the best interests of my own children.	✓	✓				✓		✓
Keeping in mind the student's welfare (physical, intellectual, emotional), including the balancing of individual and common needs when making decisions is where "best interests" are met.	✓	✓				✓	✓	
That which best serves the needs of the student - for reasons of academic or social, or personal, or physical or psychological health. One 'errs' on the side of safety, relative to student needs and safety - thus, something might be done in the best interest of the students - which may cause	✓	✓				✓	✓	✓

one to consider 'bending' other rules to facilitate what must be done.								
what is good for the collective community					✓		✓	
I have always asked myself "If this were my own child, what would I like to see done?"	✓					✓	✓	
I define it as interests that lead to growth through learning opportunities. They are going to help students become better, more mature intellectually, emotionally... etc.	✓	✓		✓		✓	✓	
What is best for the social, emotional, physical and intellectual growth and development of the student(s).	✓	✓				✓	✓	