Research Issues in Contemporary Education

SPRING/SUMMER 2020 | Volume 5, Issue 2

A publication of the Louisiana Education Research Association

RESEARCH ISSUES IN CONTEMPORARY EDUCATION

Vol. 5, No. 2 SPRING/SUMMER 2020

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ISSN: 2690-9251

Can the "Magic City" Really Be Magical with Convict Leasing? A Qualitative Study

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Abstract

Social studies teachers have to design classroom instruction to prepare students to be future democratic citizens. This means that middle school students need learning opportunities to grapple with issues of racism in our country's past and present. In this article, I discuss a six-day research project implemented in a sixth-grade U.S. history classroom in the Birmingham metropolitan area. These sixth-grade students explored the convict-leasing system that was constructed to fill the need for workers at Birmingham's founding that played upon existing racial prejudices. Findings from this qualitative study are discussed that show how these sixth graders articulated the racism present within Birmingham's convict-leasing system at the end of the 19th century and beginning of the 20th century. Data were collected from coding students' completed graphic organizers with analyzing primary sources about the convict-leasing system. Additionally, students' writing prompts designed to take civic action against the convict-leasing system were coded for themes of how they discussed racism present at Birmingham's founding. Through examining emergent themes from this study and exploring racism present at Birmingham's founding, this study presents an approach that can be duplicated for students to explore racism in U.S. history that is still faced in contemporary American society.

Keywords: convict-leasing system, Birmingham's history, racial literacy, C3 Framework, civic education

Introduction

The United States has been a democracy in theory as opposed to reality. The democratic principles and values espoused in the U.S. Constitution have not been the reality throughout U.S. history for oft-marginalize groups (Hubbard, 2019). In his famous *I Have a Dream* speech, Dr. King articulated the contradiction of American democracy with the violation of oft-marginalized groups' rights in the following way:

> When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. (King, 1963)

Sadly, Dr. King's words ring true for African Americans' experiences throughout U.S. history. The conclusion of the U.S. Civil War and disintegration of the slavery system did not end racial discrimination that African Americans faced. In the wake of the U.S. Civil War, new forms of racial discrimination were created with economic, social, cultural, and political factors that perpetuated African Americans' second-class status in the United States (Blackmon, 2008; Boles, 1983; Cohen, 1991; Woodward, 1951). One of the lesser-known forms of racial discrimination in the aftermath of the U.S. Civil War was the convict-leasing system found in Birmingham, Alabama.

In this article, I discuss a six-day project on the convict-leasing system done in a sixth grade U.S. history classroom in the Birmingham metropolitan area. This project was driven by the following two research questions.

1. How did students, through their graphic organizers and writing prompts, articulate the racial discrimination present in Birmingham's convict-leasing system?
2. In what ways, if any, could students, through their writing, articulate the connections between the convict-leasing system in Birmingham after the U.S. Civil War to the slavery system prior to the U.S. Civil War?

First, a brief overview of the convict-leasing system is given. Then, a brief literature review of racial literacy is provided. Next, I describe how the principles of inquiry-based teaching outlined in the *College, Career, and Civic Life (C3) Framework for Social Studies State Standards: Guidance for Enhancing the Rigor of K-12 Civics, Economics, Geography, and History* by the National Council for the Social Studies (NCSS) (NCSS, 2013a) helped frame this project. Then, the steps of this intervention are discussed. Next, the findings from student work are examined. Students' graphic organizers and writing prompts were coded to answer the research questions of this study. Finally, a discussion section is provided to unpack the meaning of these findings and

give potential recommendations for next steps with future research. The steps and resources needed to implement this research project are provided.

Brief Overview of Convict Leasing

The U.S. Civil War ripped asunder the fabric of Southern society. While the "New South" did contain many novel elements, there were still some remnants from the past that were reborn through new methods. The racial discrimination that African Americans faced was still present in Southern society through new methods. The most well-known methods of racial discrimination that African Americans faced were the Jim Crow segregation laws designed to segregate Blacks in Southern society (Caro, 2002; Ezra, 2013; Woodward, 1951). Jim Crow segregation laws were not the only form of racial discrimination, as the case of the convict-leasing system in Birmingham, Alabama demonstrates.

Birmingham was established based on the ability through the Second Industrial Revolution to extract the needed resources found in abundance through central Alabama to make steel. Steel was in high demand in the late 1800s at the inception of modern industrial America (Lewis, 1994). Unfortunately, steel companies struggled to have the necessary workforce. In Birmingham, the racial prejudices of the past were applied to meet a workforce shortage created by the need for steel (Bickford & Clabough, 2019; Clabough & Bickford, 2018).

The convict-leasing system was established to meet the need for industrial workers with steel companies in the Birmingham area. Under the convict-leasing system, companies paid local governments to use their convicts as laborers (Blackmon, 2008; Lichtenstein, 1996; Mancini, 1996). People might argue that the convict-leasing system does not have a component of racism until they dig beneath the surface. Convicts used were over 90% African American (Douglass, 1893). Charges in many cases contained dubious evidence at best. Their sentences were indefinite with no chance of reprieve, which is a mockery of how the U.S. court system is supposed to protect an individual's rights and civil liberties (Lichenstein, 1996). The work in mines and factories was dangerous and led to many deaths (Mancini, 1996). In all but name, the convict-leasing system was slavery by another name (Blackmon, 2008; Lichtenstein, 1996; Mancini, 1996). The large source of labor provided through the convict-leasing system enabled Birmingham to grow at such a rate that the city was nicknamed "The Magic City" (Clabough & Bickford, 2018).

Brief Literature Review on Racial Literacy

Race issues are an important part of the U.S. history classroom. The lingering effects of America's racist past from the Jim Crow era continues to impact many of our middle school students (Bolgatz, 2005a; Howard & Navarro, 2016). Discussing historical and contemporary race issues prepares our students to successfully interact within a pluralistic democracy that contains diverse ethnic, racial, religious, and cultural groups (Bolgatz, 2005b). However, many middle school U.S. history teachers are hesitant to discuss racial issues. They feel unprepared to discuss racial issues and are also worried about a lack of parental and administrative support for discussing such controversial topics (Bolgatz, 2005b; Hess & McAvoy, 2015; Journell, 2016). There is also the fear that discussing controversial issues may upset and offend some students. However, controversial issues cannot be avoided in middle school U.S. history classrooms. Many controversial issues are deeply integrated into some of the most central topics of a U.S. history curriculum (Hess, 2018). Some examples of controversial issues include slavery in U.S. democracy, the Holocaust, and Jim Crow segregation laws. Middle school U.S. history classrooms are some of the few safe spaces that our students have to examine and discuss controversial issues (Kawashima-Ginsberg & Junco, 2018). The examination of racial issues allows students to see the numerous ways that oft-marginalized groups' rights have been violated due to racial prejudices (Leonardo, 2004). One educational tool that middle school U.S. history teachers can utilize to explore racism in the U.S. is the racial literacy framework advocated for by King, Vickery, and Caffrey (2018).

Racial issues have been an enduring challenge because many have failed to realize and discuss the continued existence of white hegemony in the United States. For example, the enforcement of Jim Crow segregation laws for almost a century created generational poverty in much of the African American community that political gains in the 1960s could not completely address. Therefore, it is challenging to discuss racial issues in the past that continue to impact and shape students' daily lives (King, Vickery, & Caffrey, 2018). U.S. history teachers need to help students realize and study different groups' lived experiences. These learning experiences help students to empathize with different groups (Banks, 2014). Students can also grasp how systemic racism impacts every facet of oft-marginalized groups' daily lives (Freire, 1970).

U.S. history teachers can more openly discuss race issues through implementing the racial literacy approaches advocated for by King and colleagues (2018). They stress that racism in the

United States is a result of institutional factors through social, economic, and political policies that resulted in the systematic exclusion and suppression of oft-marginalized groups' rights and civil liberties (King et al., 2018). Racial literacy is defined by these scholars to have five elements:

1. Understanding the intersections of power and race.
2. Being able to locate and analyze racial systems.
3. Possessing the grammar and vocabulary terms associated with racial discourse.
4. Differentiating among terms that connect to concepts of race and racism.
5. The ability to analyze and take civic action with racial situations and issues (King et al., 2018).

These five elements of racial literacy help students research many topics in U.S. history with the type of social studies instruction advocated for in the C3 Framework (NCSS, 2013a).

Theoretical Framework

This project was based upon the best teaching practices advocated for in the C3 Framework (NCSS, 2013a). The C3 Framework stresses that students research open-ended questions, analyze primary and secondary sources, and use evidence from their research to take civic action (Lee & Swan, 2013; Levinson & Levine, 2013; NCSS, 2013a). The various steps involved with teaching practices advocated for in the C3 Framework alter the dynamics of the U.S. history classroom to be student centered and driven by inquiry-based activities (NCSS, 2013a).

Inquiry-based teaching practices are focused on the idea that students do research and construct their own solutions to questions and issues based on evidence. With inquiry-based teaching, the teacher becomes a guide to help facilitate students' research. Students are applying background knowledge to construct new knowledge gained from researching an open-ended question about content material being explored (Kohlmeier & Saye, 2019; Van Hover & Hicks, 2017). All of the processes involved in inquiry-based teaching alter the dynamics of the U.S. history classroom. Students move from being passive observers to active participants that are having meaningful dialogues with each other and the authors of primary sources to construct knowledge about a topic (Nokes, 2019; Wineburg, 2018). U.S. history classrooms that integrate inquiry-based activities create meaningful learning opportunities for students that help them to critically analyze the past and make connections with how previous historical eras impact and influence the present. These learning experiences play a pivotal role in preparing students to be future democratic citizens (NCSS, 2013b; Nokes, 2019).

This project was the first unit that this teacher taught at the beginning of the school year. Therefore, her students had very limited to no experience in inquiry-based teaching practices. According to the teacher, most of her students had primarily been taught social studies with direct instruction prior to this project. This reality informed how the teacher and I designed this project. We provided the students with the primary and secondary sources to examine and discuss in groups as opposed to students searching for their own sources online. The students did not possess the research skills at the beginning of the school year to engage in very open-ended inquiry where they searched online for primary and secondary sources to answer research questions. The teacher had to work to build her students' historical research skills over the course of the academic year. Our hope with this project was to start the students on exploring social studies content in the ways espoused in the C3 Framework. Specifically, our goal was for the students to analyze primary sources to explore the research question of how the convict-leasing system in Birmingham was a continuation of racial discrimination that African Americans faced after the U.S. Civil War (NCSS, 2013a). This means that the inquiry-based activities were designed to meet the students' learning needs at the beginning of the school year, so they could be successful in this project.

Methods

I received administrative approval to conduct this project as well as obtained parental consent and student assent to use students' graphic organizers and writing prompts for this study. Students' graphic organizers and writing prompts were used to answer the following two research questions.

1. How did students, through their graphic organizers and writing prompts, articulate the racial discrimination present in Birmingham's convict-leasing system?
2. In what ways, if any, could students through their writing articulate the connections between convict-leasing system in Birmingham after the U.S. Civil War to the slavery system prior to the U.S. Civil War?

These two research questions framed my project about the convict-leasing system in Birmingham and were designed to help students grasp how the racial discrimination that African Americans faced prior to the U.S. Civil War carried over through new methods.

Participants

This project on the convict-leasing system took place in a sixth grade U.S. history classroom in the Birmingham metropolitan area. It was implemented with one of the teacher's U.S.

history classes as a convenience sample. Her U.S. history class had 8 boys and 19 girls for a total sample size of 27 (n=27). There were two Asian American students and one African American student in this class. The rest of the students were Caucasian students. While the school would be labeled as a suburban middle school based on economic factors within the local community, it has a relatively diverse student population with students that still struggle with reading comprehension skills. The teacher has over 10 years of teaching experience.

Instrumentation

There were two instruments that were created to answer the two research questions for this study: convict leasing-system graphic organizer and students' writing prompts. More information about each of these instruments is presented in the following sections.

Convict-Leasing System Graphic Organizer

After building students' background knowledge about Birmingham's industrial origins and the racial discrimination that African Americans faced through Jim Crow segregation laws and in the convict-leasing system in the first three days of the project, students read and analyzed primary sources about the convict-leasing system on day four (Figure 1). In groups, students selected one of the three following primary sources about the convict-leasing system to read.

Figure 1

Primary Source Documents About Convict-leasing

Letter from a Federal Judge in Alabama to the U.S. Attorney General

> **Sir**: Some witnesses before the Grand Jury here have developed the fact that in Shelby County [Alabama] in this District, and in this Coosa County in the Middle district, a systematic scheme of depriving negroes of their liberty, and hiring them out, has been practiced for some time. The plan is to accuse the negro of some petty offense, and then require him, in order to escape conviction, to enter into an agreement to pay his accuser so much money, and sign a contract, under the terms of which his bondsmen can hire him out until he pays a certain sum. The negro is made to believe he is a convict, and treated as such. It is said that thirty negroes were in the stockade at one time. Thursday, a negro witness who had been summoned here, and testified before the Grand Jury, was taken from the train by force, and imprisoned on account of his testimony; but finally his captors became frightened and turned him loose. The grand jury found indictments against nine of the parties. I deemed it essential to the safety of the negro that a deputy marshal should

protect him while in that county, and while here giving testimony; and that the accused parties should be promptly arrested and held to bail, in order to deter them, at least, from further violence to the negro.…

Excerpt of a Letter from a Convict Laborer to the Alabama Board of Inspectors of Convicts

"[Our living quarters are] filled with filth and vermin. … [Gunpowder cans were used to hold human waste that periodically] would fill up and runover on bed [where some prisoners were shackled in place at night]. … Every Day some one of us were carried to our last resting, the grave. Day after day we looked Death in the face & was afraid to speak. … Fate seems to curse a convict. Death seems to summon us hence. … Comer is a hard man. I have seen men come to him with their shirts a solid scab on their back and beg him to help them and he would say [']let the hide grow back and take it off again.['] I have seen him hit men 100 and 160 [times] with a ten prong strop [sic], then say they was not whiped [sic]. He would go off after an escape man come one day with him and dig his grave the same day. We go to cell wet, go to bed wet and arise wet the following morning and evry [sic] guard knocking[,] beating[,] yelling[,] Keep [sic] in line Jumping Ditches [sic]."

<u>Reading Prompt</u>:

This is an excerpt from a book Frederick Douglass wrote over a 100 years ago. Douglass was born a slave, escaped, and spent his life working to first free and then inspire African Americans.

Chapter III – The Convict Lease System

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, South Carolina, Tennessee and Washington claim to be too poor to maintain state convicts within prison walls. Hence the convicts are leased out to work for railway contractors, mining companies and those who farm large plantations. These companies assume charge of the convicts, work them as cheap labor and pay the states a handsome revenue for their labor. Nine-tenths of these convicts are Negroes. There are two reasons for this.

(1) The religious, moral and philanthropic forces of the country — all the agencies which tend to uplift and reclaim the degraded and ignorant, are in the hands of the Anglo-Saxon [white]. … The white Christian and moral influences have not only done little to prevent the Negro becoming a criminal, but they have deliberately shut him out of everything which

tends to make for good citizenship. … The Negro is shut out and ignored, left to grow up in ignorance and vice. Only in the gambling dens and saloons does he meet any sort of welcome. What wonder that he falls into crime?

(2) The second reason our race furnishes so large a share of the convicts is that the judges, juries and other officials of the courts are white men who share these prejudices. They also make the laws. … The *People's Advocate*, a Negro journal, of Atlanta, Georgia, has the following observation on the prison showing of that state for 1892. "It is an astounding fact that 90 per cent of the state's convicts are colored; 194 white males and 2 white females; 1,710 colored males and 44 colored females. Is it possible that Georgia is so color prejudiced that she won't convict her white law-breakers? Yes, it is just so, but we hope for a better day." …

Every Negro so sentenced not only means able-bodied men to swell the state's number of slaves, but every Negro so convicted is thereby ***disfranchised*** [unable to vote].

Then, the groups of students completed the questions in the graphic organizer below for their selected source (Figure 2).

Figure 2

Graphic Organizer

Source	**What do we know about the author of this primary source? Who is the audience? How do we know the author's audience based on evidence from his source?**	**What did you learn from this primary source? Why is this information important? Use evidence from the source to support your arguments.**	**How is this primary source similar to or different from the other two primary sources? Use evidence from the source to support your arguments.**
Letter from Judge			

Letter from Convict Laborer			
Excerpt from Frederick Douglass book			

Regardless of the source selected, students were able to grasp how the convict-leasing system in Birmingham violated African Americans' rights and civil liberties. They also gained experience constructing arguments by using evidence from primary and secondary sources (Wineburg, Martin, & Monte-Sano, 2013).

Students' Writing Prompts

Days five and six of the project were dedicated to students individually completing the following writing prompt.

Figure 3

Writing Prompt

> Imagine that you were an activist against the convict-leasing system because of its violations of African Americans' rights and freedoms. Write a letter to a Birmingham

newspaper detailing why the convict-leasing system should be ended. Your letter should also include information about the false charges brought against prisoners and their living and working conditions. Draw on evidence from the sources examined in this project.

First, students outlined their writing prompt. Then, they started their essay on day five. Students made progress differently on their essay during day five. On day six, they finished their essay and edited the content. The teacher walked around to help students and provided individual writing conferences as needed to help the students throughout the processes of crafting their essays. This writing prompt allowed students to apply knowledge from the unit to articulate how people could take civic action to protest the social injustices inherent within the convict-leasing system in Birmingham (Levinson & Levine, 2013; Nokes, 2019; Teitelbaum, 2011).

Data Analysis

Students' graphic organizers and writing prompts were coded using qualitative content analysis with inductive and deductive elements (Elo & Kyngas, 2007; Kline, 2008; Krippendorff, 2013; Maxwell, 2010; Zhang & Wildemuth, 2009). During open coding, observations of and outliers to patterns that emerged during open coding were created and synthesized into testable codes for axial coding. During axial coding, or deductive analysis, all students' graphic organizers and writing prompts were used to focus on the presence, absence, and frequency of the codes. Data were compiled and analyzed. Patterns are reported, and their significance is extrapolated in the following sections. The following sections contain samples from student writing that illustrate examples of emergent themes from their completed graphic organizers and writing prompts. Pseudonyms are used for all students to keep confidentiality with writing samples shared in the following sections.

Findings

Analysis of Students' Graphic Organizers

There were several themes that emerged from analyzing the sixth-grade students' graphic organizers. First, the majority of the students accurately conveyed the content material within the primary sources examined. In other words, students were able to analyze the short excerpts from the three sources and accurately convey this information in their responses. However, the benefits of completing this graphic organizer went deeper than accurately analyzing the excerpts from these three sources about the convict-leasing system in Birmingham. Pseudonyms are used throughout the findings section to maintain student anonymity.

Students Displaying Empathy for Convict Laborers

Students' responses to the second question about the convict laborer's letter shows that they accurately conveyed the brutality of the convict-leasing system. Students often used negative words and phrases to describe the life of convict laborers as "being unfairly treated," "being abused," "having a hard life," and "having bad living and working conditions." Students' responses to convicts' lives were very descriptive. Their responses also show that the students were able to empathize with the poor quality of life that convicts endured because of this racist system. William said, "I learned how bad it was to live as a convict laborer." It is important for the U.S. history teacher to design meaningful instruction for students to grasp how racist systems negatively impact people's daily lives (Endacott & Brooks, 2013; Hawkman, 2017).

Students Articulate the Social Injustices within the Convict Leasing System

Students' responses on the graphic organizer also discussed the social injustices within the convict-leasing system. Luke said, "the Frederick Douglas excerpt points out that 90% of the convicts were African Americans and were simply arrested for being a different race." Several students pointed out that the convict-leasing system mainly targeted African American males. Elizabeth builds on Luke's argument by saying, "I learned that convict leasing denied African Americans' their liberties and freedoms." A couple of students were struck by how the convict-leasing system created inequality for African Americans, which is best captured by Mena's comment. "I learned that convicts were treated horribly. This is important because everyone should be treated equally." Mena's comment and several students' arguments demonstrate that they grasped how the convict-leasing system violated African Americans' rights.

Students' Thematic Connections with Racial Discrimination that African Americans Faced

There were a few students that were able to connect the convict-leasing system on day four to slavery in their responses to questions of the graphic organizer. Al'Leah said, "I learned that blacks would get basically re-enslaved by the convict-leasing system." Al'Leah's comment shows that she could see the parallels between the institution of slavery and the convict-leasing system. Similarly, Anna made connections between slavery and the convict-leasing system. "The primary source tells us about what happened after the Civil War and how African Americans still didn't have rights." Anna's statement shows that she was able to see the continuation with the violation of African Americans' rights before and after the U.S. Civil War. There were a couple of students through their graphic organizers that made this connection that the convict-leasing system

perpetuated the violation of African Americans' rights and civil liberties. It is important for students to be able to make connections among related events across different time periods. This allows students to see the interconnections among events as well as how some issues are not always resolved in one historical era (Metro, 2017; Oliver & Shaver, 1966).

Area for Improvement with Graphic Organizer

One weakness of this graphic organizer was the sixth graders' responses to the third column. The students struggled in discussing how the three sources were connected. In other words, they did not consistently explain how the arguments in the sources corroborated each other. This shows that students need more modeling by the teacher on how to engage in the process of corroboration. After all, corroboration is one of the higher cognitive levels of critical analysis that historians engage in, so it should not be surprising that sixth graders that mainly think in concrete terms would struggle with more abstract thinking (Bickford, Clabough, & Taylor, 2020; Nokes, 2017).

Analysis of Students' Writing Prompts

There were several themes that emerged from reviewing and coding students' writing prompts from days five and six. First, students consistently applied content from primary and secondary sources examined throughout the project. In other words, students made evidence-based arguments with their persuasive letter to try and end the convict-leasing system. The teacher emphasized that students should draw on arguments from their graphic organizer, which is apparent from reviewing students' writing prompts.

Students' Define Social Injustices of Convict Leasing in Concrete Terms

The most common arguments found in the students' writing prompts are about the unfairness in the convict-leasing system. Carson said, "Convict leasing should end because African Americans should get the same freedoms and rights as white people." Students discussed the second-class treatment of African Americans in concrete terms. For example, Luke echoed a sentiment found in many students' essays when he said, "I also think it is wrong that African Americans can be arrested without reason." Luke's comment demonstrates how these middle school students articulated social injustices in concrete terms.

The other common response found in students' essays was best summed up by Zac. "The convict-leasing system was unfair, and African Americans had bad living and working conditions." Many students used adjectives like "cruelty" and "suffering" to describe African

Americans' living and working conditions in the convict-leasing system. Again, this shows that this perspective-writing activity helped these sixth graders to empathize to some degree with the plight of African Americans working in the convict-leasing system (Brooks, 2008; Endacott, 2010).

Students Articulate How Convict Leasing Violates U.S. Democratic Principles

A few students in their writing prompt discussed the unfairness of the convict-leasing system in more abstract political terms based on the ideas embodied in the U.S. Constitution and Declaration of Independence. Jayanti made the following argument. "There is no reason to falsely accuse a Negro. That is a big issue. To treat anyone different because of race will never be okay." Jayanti's statement shows how she articulated a difference in the ways that African Americans were treated under U.S. law. Daniel also argued that the convict-leasing system should be ended because "African Americans did not have rights and freedoms." In a similar vein, Nola said, "I thinking convict leasing should be ended. Just because African Americans have a different skin color than whites does not mean that African Americans should have fewer rights than white people." Mary argued how convict-leasing altered the dynamics of justice in the United States. "Guilty until proven innocent is changed to guilty even though they are innocent." Alex also mentioned how the convict-leasing system prevents the U.S. from actualizing its political promises to her citizens. "If America is trying to move to being a free country where people of all races have a voice and rights, convict leasing is not how we are going to get there." These students' comments demonstrated that they grasped how the convict-leasing system stood in contradiction to the democratic values and principles espoused in U.S. law. When social injustices like the convict-leasing system take hold in a city or country, we fail to live up to the promises guaranteed to all citizens as Jayanti's comment suggests. "In the U.S. Constitution it said, 'All men are created equal.' I don't see that here in Birmingham." Jayanti's comment shows how important it is to set up learning activities for students to examine social injustices in order for them to take civic action to challenge and protest racial discrimination (Agarwal-Rangnath, 2013; Teitelbaum, 2011).

Student Response to the Social Injustices of the Convict-Leasing System in Economic Terms

There was one student in his writing prompt that discussed the unfairness of the convict-leasing system in economic terms. Luke said, "People can't just force black people to work for whites to profit and African Americans don't earn a penny." Luke's example is the only student writing prompt that discusses the unfairness of the convict-leasing system in economic terms. This

may be in part to the more abstract thinking that it takes to view the convict-leasing system in economic terms, which is more difficult for sixth graders as concrete thinkers to do.

Students' Writing that Made Thematic Connections

There were also two students in their writing prompts that made arguments connecting the convict-leasing system to the institution of slavery. Eleanor said, "I believe we should end convict leasing. Convict leasing is just a modern form of slavery." Mary also said that "the convict-leasing system is just a replacement for slavery which is illegal." These two students show that the teacher with careful instructional supports can help students make connections with related events occurring across multiple historical eras (Metro, 2017). However, the fact that only two students were able to articulate these connections about racial discrimination that African Americans faced demonstrates the need for the teacher to do more scaffolding with how to examine thematic connections with issues across time.

Discussion

Initial Steps Taken for Inquiry-Based Teaching

There were several encouraging outcomes and needed next steps that came from this six-day research study. First, these sixth-grade students were able to successfully engage in the type of historical analysis and inquiry-based activities outlined in the C3 Framework (NCSS, 2013a). They utilized evidence from primary and secondary sources to take civic action against the convict-leasing system in Birmingham, Alabama through their writing prompt. The students' writing prompts discussed the social injustices and racial discrimination present within the convict-leasing system in Birmingham. All of these are notable outcomes to show that students as young as sixth graders can have a critical dialogue about controversial issues in Birmingham's past.

Sixth Grade Students Articulate Social Injustices in Concrete Terms

When these sixth graders talked about social injustices of the convict-leasing system, they did so mainly in concrete terms. The most frequently used argument in the sixth graders' writing prompts was that African Americans should not be arrested without reason. These students also often looped in fairness in terms of living and working conditions with the convict-leasing system. Most of these students' arguments were done in concrete terms, which reflects their cognitive level of development as middle schoolers. The challenge is that racial discrimination impacts every facet of African Americans' daily lives (Hawkman, 2017; King et al., 2018).

Students Struggled in Their Writing to Connect the Convict-Leasing System to Slavery

There were only two students that connected the institution of slavery to the convict-leasing system in their writing prompt. These students' comments are provided above in the findings section on student writing. This shows that students need more support from their teacher to make these types of historical connections among a series of related events.

Using Interdisciplinary Practices to Teach the Convict-Leasing System

Only one student discussed the convict-leasing system in abstract terms with the economic component that exploited African Americans for white business owners in the Birmingham area to prosper. These findings show that U.S. history teachers need to focus on utilizing more interdisciplinary teaching practices for students to grasp how economic, political, social, cultural, religious, and geographic factors are interconnected (Lintner, 2013). Interdisciplinary teaching practices are especially important when examining the racial discrimination that African Americans faced in the century after the U.S. Civil War because racism pervaded every aspect of their daily lives (Hawkman, 2017; King et al., 2018). U.S. history teachers need to design classroom activities for their students to explore the economic, political, social, and cultural aspects of racial discrimination present in the convict-leasing system.

Missing Economic Component of the Convict-Leasing System in Student Writing

There was another noticeable gap from coding students' work. These sixth graders failed to articulate arguments about Birmingham's culpability for economic profit from the convict-leasing system. The only comment by students in their essays that alluded to Birmingham's role in the convict-leasing system was the one statement by a student that white businessmen prospered from African Americans' labor. This lack of discussion by these sixth graders illustrates a continuing issue within the South. Many whites in the White South have failed to come to terms with its racist legacy. This can be seen in recent controversies with arguments about whether to remove Confederate monuments because of their continued endorsement of white hegemony (Gibson & Reich, 2017; Nunez, 2018). Racism within the convict-leasing system and that African Americans experienced throughout U.S. history is clearly connected to how constructs of race impact people's daily lives (Castro, 2014; Bery, 2014; King & Chandler, 2016). However, these sixth graders did not discuss these issues of critical race theories in their essays.

Limitations and Future Areas of Research

Inability to Generalize Findings

There were several limitations for this study. First, the study had a small sample size with only 27 students in one sixth grade U.S. history class. Therefore, the results from this study are not generalizable. Future studies might expand the student population to multiple school sites in the South with a larger sample size to make the results generalizable.

Building Students' Ability to Make Thematic Connections

The findings from this study set up potential areas for research on the convict-leasing system. First, this study could be replicated with the addition of analysis prompts to help the sixth graders make thematic connections. For example, the teacher could ask students on day three after introducing them to the convict-leasing system in Birmingham the following analysis prompt. Why do you think a historian would make connections between slavery and the convict-leasing system? Strategic analysis prompts in lesson plans like the example in my last sentence help students make connections among related historical events and engage in the type of thematic teaching advocated for in Metro's work (2017).

The U.S. history teacher could implement the research study discussed in this article and modify the writing prompt used on days five and six to ask students to make connections between slavery and the convict-leasing system. With the emphasis on content coverage, it is easy to miss valuable learning opportunities presented by the potentials for thematic teaching, especially with the Civil Rights Movement. It is important for students to remember that the Civil Rights Movement was not confined to the 1950s and 1960s. The Civil Rights Movement has been and continues to be a struggle throughout U.S. history to address the social, economic, and political inequalities that the African American community faces (King, Warren, Bender, & Finley, 2016).

Birmingham's History of Racial Discrimination

After a teacher implements the project discussed in this study, he or she could address the controversial aspect of Birmingham's history presented by the convict-leasing system by exploring the city's nickname as the "Magic City." Young students often struggle to see how certain racist actions can have ripple effects on a city or state (Gibson & Reich, 2017; Harshman & Darby, 2018; Nunez, 2018). Social studies teachers need to create learning opportunities to have these critical dialogues. One analysis prompt that this teacher could use as a follow-up project is the following:

> Based on the convict-leasing system serving as an instrumental reason for Birmingham's economic growth, should the city have the nickname of the "Magic City"? Use evidence from sources examined to support your arguments.

This writing prompt will spark discussion and divergent student views. This discussion and writing activity help students have critical dialogues with Birmingham's past (Harshman & Darby, 2018). Students are able to confront Birmingham's spotty record at its founding with racial discrimination that has unfortunately been an ever-present part of the city's history (McWhorter, 2013).

Conclusion

In this article, I discussed a six-day project in a sixth grade U.S. history classroom about the convict-leasing system in Birmingham. These students demonstrated an ability to analyze primary and secondary sources and articulate the social injustices and racial discrimination present in the convict-leasing system. They mainly conveyed their arguments against the convict-leasing system in concrete terms, which is consistent with their level of cognitive development. It is important to create learning opportunities for students in the U.S. history classroom to set them up to discuss controversial issues like the convict-leasing system that are still relevant. U.S. history teachers can build on the research project discussed in this article to explore contemporary issues connected to the convict-leasing system. After all, abuses of civil liberties through prison facilities are not relegated only to the late 19th century and early 20th century.

Contemporary American society still has issues connected to convict-leasing system such as deregulated private prisons, prison profiteering, and unjust arrest and sentencing (Alexander, 2012; Domonske, 2018; Lafayette Parish Sheriff's Office, 2019; Pettit, 2012; Pfaff, 2017; Rothstein, 2017). Prisoners have certain legal protections. These protections are not followed as closely in private prisons, which have far less oversight. Private state and federal prisons began in Texas in 1985 and are found elsewhere to address the expanding prison population. Investors exploit the number of incarcerated prisoners and length of incarceration for economic benefit. Further, multiple studies demonstrate unequal, arrest and sentencing patterns that have strong correlations with race and ethnicity (Alexander, 2012; Pettit, 2012; Pfaff, 2017; Rothstein, 2017).

Public issues connected to racial discrimination will not solve themselves. Instead, it takes an active democratic citizenry to challenge these public issues (King et al., 2018). U.S. history teachers need to construct projects that examine lingering public issues. These learning opportunities allow students to gain background knowledge about the reasons for a public issue,

so they can apply that knowledge to address modern corollaries of that issue. After all, the purpose of the social studies is to prepare future democratic citizens. U.S. history teachers have not successfully achieved this goal if their students are not equipped with the knowledge and ability to address issues connected to racial discrimination.

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Conceptualization and Application of a Model for Flipped Instruction: A Design Case within Teacher Education

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Abstract

Amidst the significant optimism for blended learning and flipped classrooms, there is a need for a model to guide the systematic design of flipped instruction. An effective flipped model could potentially improve learning outcomes and provide guidelines for designing future blended instruction. This paper presents a model for designing flipped instruction that integrates the First Principles of Instruction and Bloom's Revised Taxonomy. Application of the model is examined through a design case conducted in a technology integration course in a teacher preparation program. This context was selected as the growth of blended learning in K-12 schools has made increasingly evident the gap in preservice teachers' technology integration development related to inadequate preparation for these emerging environments. The model's applicability to flipped design in broader contexts is made clear through the analysis of the underlying principles and lessons learned from the design case. Recommendations for future research include studying the model's influence on specific learning outcomes and applying it to the design of instruction in varying contexts.

Keywords: flipped model development; instructional design; teacher preparation; educational technology

Introduction

In response to the rapid growth of online learning in K-12 education (Watson et al., 2014), the Office of Educational Technology implored institutions of higher education to prepare teachers for online and blended instruction (Office of Educational Technology, 2016). Online and blended learning have clearly contributed to shifts in K-12 education (Molnar et al., 2019), yet their influence is perhaps even more evident in higher education. Blended approaches were predicted to be highly impactful strategies in higher education and their increased prevalence has been well documented (Johnson et al., 2015), yet there has been a gap in robust models for designing blended learning and the empirical evidence to support their impact (Means et al., 2013; O'Flaherty &

Phillips, 2015). Highlighting the importance of higher education's effective implementation of blended approaches, the New Media Consortium concluded that institutions lacking strategies for integrating blended learning may not be sustainable (Adams Becker et al., 2017). The purpose of this paper, then, is to propose a model for designing a blended approach, commonly referred to as flipped instruction, that may be applied by faculty and instructional designers in higher education. To illustrate the model's application, this paper will detail how it guided the design of a flipped course intended to develop preservice teachers' technology integration knowledge and skills (Hall, 2018).

Review of Literature

Blended instruction is the integration of face-to-face and online pedagogical approaches that merge the affordances of technology- and instructor-mediated environments (Hall, 2018; Margulieux et al., 2016). In their Mixed Instructional eXperience (MIX) taxonomy, Margulieux et al. (2016) categorize *flipped* as a type of blended instruction. They acknowledge that while this categorization is common (Christensen et al., 2013), scholars tend to define *blended* by how instruction is delivered while defining *flipped* by instructional location. The creation of the MIX taxonomy, therefore, is intended to clarify three commonly used blended approaches: flipped blend, supplemental blend, and replacement blend. All these approaches mix instructor-transmitted and technology-mediated methods for receiving and interacting with content, but the flipped blend transmits a majority of content online and provides instructor feedback for student application in class (Margulieux et al., 2016).

Flipped, inverted, or flipped blend instruction places the traditionally lectured content online before class and prioritizes active learning activities in an instructor-mediated environment during the face-to-face class time (Margulieux et al., 2016). While flipped classrooms represent a significant factor in the rise of blended learning in higher education, gaps in the pedagogical integrity, empirical support, and instructional design of flipped courses have been noted (Lundin et al., 2018). In their review of flipped courses in higher education, O'Flaherty and Phillips (2015) found that only three of the twenty-eight studies in their analysis discussed how the results related to flipped design principles. They also noted the dearth of studies that investigated robust educational outcomes such as critical thinking and problem solving and documented the need for stronger conceptual frameworks and course design that better integrates the pre- and in-class course components.

Additionally, higher education instructors, when interviewed about their experiences with flipped instruction, expressed the importance of course organization and attention to instructional design (Long et al., 2016). Researchers have responded by proposing and validating an instructional systems model for flipped course design (Lee et al., 2017), but flipped design could yet be informed by a model based on a problem-centered approach (Merrill, 2012). Furthermore, the model proposed by Lee et al. (2017) assumes there is a team of instructional designers, teacher, teaching assistants, and technology staff working together to design the course and develop the materials. It also assumes the course being designed with the model is a 10 to 15-week course. As this model does not make these assumptions, it may present a leaner and possibly more flexible approach to flipped course design.

To further address this design gap, this paper will present a model for flipped instruction through a design case in the context of teacher preparation. Boling defines a design case as "a description of a real artifact or experience that has been intentionally designed" (2010, p. 2). In this manner, design cases are used as precedent for future designs. This precedent, while concrete and situated within the context of the design case, is fluid in that the knowledge contained in the precedent may vary in its application and usefulness both to the original designer and the reader of the design case. This design case, therefore, intends to explore and describe the conceptualization and application of a model for flipped instruction that is based on the First Principles of Instruction (FPI) and Bloom's Revised Taxonomy (Krathwohl, 2002; Merrill, 2002). From the examination of the intentional design process with this model, this design case will conclude with recommendations for future application of this model by instructors and designers in higher education and potential directions for empirical research.

To begin, we will discuss theories that have informed the flipped approach and its assumptions for teaching and learning. Next, we will describe the context for this case and detail a rationale for implementing this model for flipped instruction within teacher education. While the use of the FPI and Bloom's Revised Taxonomy to design a course in this context may alone have resulted in effective instruction for preservice teachers, a flipped approach held potential for modeling blended instruction and increased time for learning by design. These opportunities will be discussed further below. We will then introduce the model's theoretical foundations, detail its development, and examine its application within the design case. Lastly, we will offer

recommendations based on our experiences with this model for those interested in designing flipped courses and propose ideas for utilizing this model in future empirical studies.

Foundations of Flipped Instruction

The flipped approach has been defined as a model of instruction that presents self-paced instruction to the learner online before the face-to-face class meeting. This online instruction replaces the traditional lecture, and face-to-face class time is spent applying the concepts collaboratively in an active learning environment (Flipped Learning Network, 2014). Noted as one of the greatest assumptions of the flipped classroom is that students learn best when they are actively engaged in the learning process and applying what they know (Svinicki, 2013). While often viewed as a tenet of a flipped approach, active learning is arguably not unique to a flipped approach (Schank et al., 1999).

Carr-Chellman posits that flipped approaches are not new at all, but rather are based on pedagogies espoused by Dewey, Montessori, and Socrates (2016). Dewey (1943) wrote that the natural impulses of a child are to inquire about the world, use language as a means of communication with the world, construct things, and to express feelings and ideas. These natural impulses reveal the active nature of a child and an inclination to learn. The Montessori method also prioritizes the learner's autonomy and impulses to learn. Documentation of a 19th century general who sent materials home to students and utilized class time for collaboration and problem solving is resounding evidence that tenets of flipped instruction have long been practiced (Gross et al., 2015). Still others (Chen et al., 2014) point to many additional theories that inform flipped approaches (i.e. transactional distance theory, cognitive load theory, and self-determination theory). With these in mind, the model for flipped instruction presented through this design case is not assumed to be a novel approach to instruction but rather is meant to detail a means for designing effective flipped instruction based on what has been known for some time (Merrill, 2012).

Situating Flipped Instruction in the Context of Teacher Education

Lack of teaching experience and technology integration practice for preservice teachers is a challenging barrier to technology integration knowledge and skill development, and it continues to reduce the effectiveness of teacher preparation programs (K. S. Lee, 2014; Whitacre & Peña, 2011). Modeling technology integration and effective pedagogies have also been shown to be a critical factor in the learning outcomes for preservice teachers (Bakir, 2016; West & Graham,

2007). However, logistical hurdles and lack of mentor modeling in field placements persist as barriers to preservice teachers technology integration (Nelson, 2017). Preservice teachers also may integrate technology most effectively in teaching models familiar to them but display comparatively low levels of technological pedagogical knowledge in unfamiliar teaching models (K. S. Lee, 2014).

One proposed method for preparing preservice teachers to plan effective technology-integrated lessons is to model technology integration through the flipped classroom approach (Hao & Lee, 2016; Vaughan, 2014). While the flipped approach cannot address all the barriers traditionally experienced by preservice teachers, having preservice teachers experience additional teaching models, such as flipped instruction, allows for them to build mental models for future pedagogical development (Hao & Lee, 2016). Furthermore, authentic learning experiences with technology, such as learning by design, may promote preservice teachers' technology integration development (Banas & York, 2014; Johnson, 2012). Since the flipped approach moves information delivery to the online space, more time can be allocated for these hands-on design activities.

A flipped classroom may provide more face-to-face class time for in depth authentic learning experiences and could be an effective way to model technology integration practices for preservice teachers. While these components are not unique nor requisite to the flipped approach, it may support them via its reallocation of time, space, and learning activities to promote active learning environments in class and information delivery prior to class, often through the affordances of emerging technologies (Lage et al., 2000). This restructuring may enhance authentic learning experiences by allocating more class time to these activities, and the modeling of technology integration can now occur in face-to-face and online spaces (Vaughan, 2014).

Although modeling technology integration has been used in face-to-face teacher preparation (Brenner & Brill, 2016; West & Graham, 2007), modeling online or blended pedagogies has yet to become commonplace (Hao & Lee, 2016). Modeling has typically been relegated to the face-to-face classroom in teacher preparation (Archambault & Kennedy, 2014), but this modeling may not be adequate for the changing landscape of K-12 education. Vaughan states, "The flipped classroom creates alignment between what the teacher educator models and what the teacher educator expects preservice teachers to be able to do" (2014, p. 28). Thus, modeling via a flipped approach can better prepare preservice teachers by demonstrating effective technology integration in multiple environments (Hao & Lee, 2016).

In a flipped classroom, time that is typically devoted to lecture can be allocated to authentic learning experiences (Baepler et al., 2014). Students can prepare for the authentic exercises prior to coming to class in a way that is measurable (Li et al., 2015). The preparation and activities done prior to class occur online in the design case outlined in this article and in the remaining sections will be referred to as "pre-class" activities. Once arriving to class, more time can potentially be focused on facilitating authentic learning in a collaborative setting (Zainuddin & Halili, 2016). The learning events that take place during the face-to-face portion of the course in this design case will be referred to hereafter as "in-class" activities. Authentic learning experiences in teacher preparation may consist of designing lessons, creating digital artifacts, presenting lessons, reflecting on experiences, and peer critique (Banas & York, 2014; C.-J. Lee & Kim, 2014). It is not that authentic learning is unique to the flipped model, but rather it can be enhanced by the reorganization of content and the affordances of technology for information delivery, engagement, and assessment.

This paper aims to explain a model for flipped instruction and explore its application within a course for preservice teachers. The course's learning outcomes emphasized pre-service teachers' development of technology integration knowledge and skills. It was believed that the flipped approach, based on the aforementioned affordances, presented a valid instructional method. The course participants, however, were not expected to apply the model themselves nor design a flipped lesson. Through the ensuing discussion of this model, the course will be presented as context for illustrating the model's application and the lessons learned from the design iteration. We will first discuss the FPI, Bloom's Revised Taxonomy, and their role in the flipped model of instruction (Krathwohl, 2002; Merrill, 2002). Next, we will present how these guided the design of the flipped course in this case and further discuss the rationale for this design. Finally, we offer suggestions for practice with the flipped model and recommendations for future research.

Framework for Course Design: A Flipped Model

Within this inversion of class time and space, the FPI (Merrill, 2002) guided the flipped design of this technology integration course for pre-service teachers. The founding premise of the FPI is that they are applicable regardless of context or instructional program and necessary for effective, efficient, and engaging instruction. Merrill's goal was to identify principles of instruction that were fundamental to the majority of instructional design theories and models. According to Merrill (2002), a principle is a "relationship that is always true under appropriate conditions

regardless of program or practice" (p. 43). Briefly stated, the five FPI that resulted from his synthesis are that learning is promoted when: (1) learners solve real world problems, (2) prior knowledge is activated to serve as a foundation for new knowledge, and new knowledge is (3) demonstrated, (4) applied, and (5) integrated.

Founding the course on these principles aligns with scholars' observations that the effectiveness of a flipped classroom relates directly to the pedagogical strategies used (Bull et al., 2012). There are many ways to design a flipped classroom, just as there are innumerable ways to structure online and face-to-face courses (Waldrop & Bowdon, 2015). Merrill's (2012) principles provide a well-grounded model, and their focus on problem-centered instruction aligned with the primary learning outcomes of the course being discussed. The FPI have been widely accepted by the field and have been identified as foundational knowledge for the training of instructional designers (Donaldson, 2017). They have been applied to empirical research in various settings (S. Lee, 2013; Tiruneh et al., 2016) and used to conceptually frame instruction as well (Gardner & Belland, 2012; Nelson, 2015).

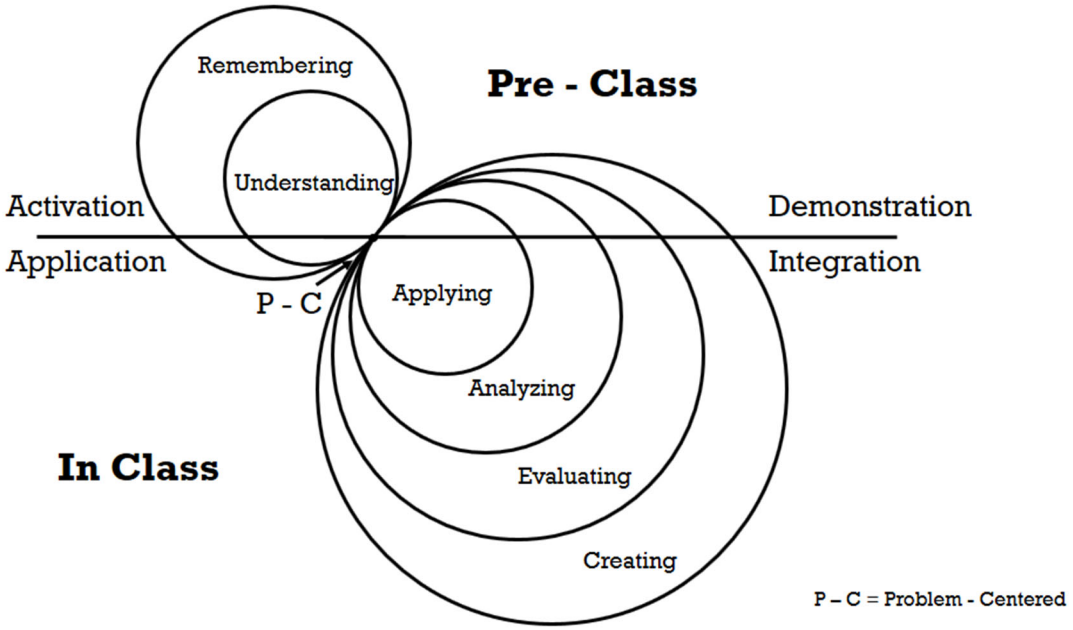
Bloom's Revised Taxonomy was another critical dimension of the design of this course. This framework helps to provide a common language for statements of what students are intended to learn (Krathwohl, 2002). A key component in this design case was determining how and when each learning outcome would be targeted in phases of instruction, and the revised taxonomy framed this decision process. The content sequencing and delivery decisions were based on Bloom's Revised Taxonomy's cognitive learning domain. This approach has often been used and is argued as the hallmark of the flipped model (Little, 2015; Touchton, 2015). The lower levels of the cognitive dimension (Remembering and Understanding) were the foci of the pre-class activities. The higher order thinking levels of the domain (Applying, Analyzing, Evaluating, and Creating) were the foci of the in-class activities. These outcomes were then situated in the problem-centered strategy and addressed by the FPI (Merrill, 2012).

Figure 1 (below) demonstrates how Bloom's Taxonomy and the FPI informed the design of this flipped course. First note the circles embedded within one another. The increasing size connotes the increased emphasis each level of the taxonomy was given during the pre- and in-class portions of the course. Most instruction designed for pre-class activities is focused on the lowest level of the taxonomy, while instruction for in-class learning targeted increasingly higher levels of thinking. The delineation of pre- and in-class is seen by the horizontal line cutting across the figure.

Note that while the Understanding and Remembering circles are mostly above this line, and Applying, Analyzing, Evaluating, and Creating are mostly below, parts of all circles cross the line. This represents that while designing a flipped course using this model, one would focus a majority of learning outcomes for the pre- or in- class portions on the levels of the taxonomy most represented in that section; these levels of thinking would not be entirely relegated to that portion of class time. Doing so would not allow for the flexibility that the design of effective instruction often necessitates (Morrison et al., 2012).

Figure 1

Flipped Model Based on Bloom's Revised Taxonomy and First Principles of Instruction



Next, the framing of the FPI is seen in their placement in the figure on each side of the horizontal line, denoting pre- and in-class portions. Activation and demonstration strategies occur primarily online to prepare students for the application and integration phases of instruction. This, again, does not mean these principles and their corollaries must be placed in either the pre- or in-class portions. It is that the affordances of technology leveraged by the flipped approach may be best utilized for those phases. However, the premature ending of the horizontal line is intended to communicate the potential fluidity of dividing these phases into pre- and in-class. As will be seen

in this paper, other factors, such as the instructional goal, need to be considered when designing instruction and implementing these principles.

Finally, the P-C visible near the center of the figure stands for problem-centered. Basing a flipped approach on the FPI means that the instruction should situate learning within authentic problems (Merrill, 2002). Showing the whole problem to the learners provides the context for learning and can be motivational (Keller, 1987). Merrill (2012) argues that learning outcomes devoid of context may not be comprehensible to learners. A problem progression also helps relate learning outcomes to one another. The learning outcomes define the learning that occurs within each component of the problem, and each component subsequently scaffolds learners toward mastery of the whole problem. The following sections will describe in more detail the course design decisions in the context of teacher preparation.

Applying the Model: A Design Case

The context for this design case was a one-credit integrating technology into instruction course in a teacher preparation program in a School of Education at a Northeastern University. The course met six times over the course of a semester as the students spent approximately half of the semester completing their field placements in local elementary classrooms. The culminating activity for the course coincided with their field placement. Students designed and implemented a lesson that integrated the technology available in their assigned classroom. Students had already completed a prerequisite introductory to teaching with technology course. The prerequisite course was not designed as a flipped course and was delivered face-to-face with enhancements on the university's web-based learning management system.

Problem-Centered

In this case, preservice teachers were engaged in solving real-world problems through the iterative design of increasingly complex, technology-integrated, lesson plans and digital artifacts. Merrill's problem-centered principle states that, "Learning is promoted when learners are engaged in solving real-world problems" (2002, p. 45). As indicated in the model, a significant portion of class time was dedicated to the Creating level of thinking per Bloom's Revised Taxonomy (Krathwohl, 2002). Students were expected to synthesize their knowledge for each module, and eventually the course, by constructing technology-integrated lessons. The problem of designing the lesson plan was broken into five distinct phases. The number of phases was based partly on contextual factors, such as the number of class meetings and when the students would be in their

field placements, but it was also related to components of a traditional lesson. The phases were content and technology standards, learning objectives, learning activities, assessment, and context. Each module focused on a technology tool and a specific component of the whole problem.

In each module, the students were taught a component of the lesson planning process. For example, in the standards phase, the students analyzed the International Society for Technology in Education (ISTE) standards for students and compared them with standards for a selected content area. They looked for areas of synergy, and had a discussion concentrated on what certain ISTE standards meant and how they might be evidenced in practice.

Following a lesson on the module's new component skill, an entire problem or instructional scenario was presented to the students. This aligns with the show task corollary. Learning is promoted when the task or problem that students should be able to complete as a result of the instruction is shown to them (Merrill, 2002). An example of the show task corollary can be seen in the first module when the focus component skill was assessment. All parts of the problem were provided for students except for the assessment component. They designed an assessment to measure the provided learning objective, fit within the given context, and align with the standards and learning activities. Additionally, there were requirements for integrating the technology focus of the module, which was creating digital rubrics and using Google Forms to create quizzes.

In each module, the problem shifted to a different context, and the complexity of the problem increased as students applied more component skills. The increased complexity of subsequent problems and provision of multiple problems was intended to increase learning based on the problem progression corollary (Merrill, 2002). It holds that learners' skills improve as they complete simpler tasks. Gradually, their skills build until they can master the whole problem (Merriënboer et al., 2002). Since module one's component skill was assessment, the students planned an assessment during this module and each subsequent one. Module two's component skill, writing learning objectives, was provided to students in module one, but required of students in module two and remaining modules. In this way, students could develop mastery of isolated component skills as they navigated toward the final module when they completed the whole problem and all its component skills. This was still a scaffold for their final project, when they were expected to plan an entire technology-integrated lesson plan for implementation in their field placement.

Activation

During the pre-class activities in this design case, structural frameworks were presented and discussion of student experiences with the content were facilitated in an attempt to activate prior knowledge. The Remembering and Understanding levels of Bloom's Taxonomy defined the learning outcomes during this phase of instruction. Students were tasked with recalling (Remembering) what they already knew about the topic, discussing (Understanding) prior experiences with peers, and organizing (Understanding) new ideas according to a structural framework. The following examples were selected to display how the activation principle was considered in this design case.

To begin, a mnemonic is a form of a structural framework that is shown to aid learners in remembering procedures and components (Merrill, 2012). In this case, Mager's Audience, Behavior, Condition, and Degree (ABCD) mnemonic for writing learning objectives provided structure for students during a module focused on writing learning objectives (1997). Many students had prior experience with learning objectives but had not utilized Mager's mnemonic. The focus of this activity prior to class was to connect these components of writing an objective with prior experiences and to have knowledge of this specific structure when arriving to class.

Having peers share about previous related experiences is another way to activate prior knowledge (Merrill, 2012). The Universal Design for Learning (UDL) activity facilitated virtual peer sharing about students' prior knowledge and experiences. It challenged them to think about the role of technology in designing instruction based on UDL principles. As inclusive education majors, students in this course customarily have prior knowledge of UDL. Using Google Slides, the instructor created a shared presentation that served as a virtual, multimodal gallery walk of pre-service teachers' prior knowledge of UDL. To organize the virtual UDL gallery, each slide was assigned a letter of the alphabet, and the slides were arranged alphabetically. Students were asked to incorporate the letter that had been assigned to their slide. For example, the student with the *R* slide may have demonstrated their prior UDL knowledge of multiple means of "Representation". Thus, students displayed what they knew about UDL by creating a poster slide for their letter of choice and observing peers' slides. Optional resources were available in the learning management system for students to review the UDL principles.

This activity involved the students in a low risk activity that seamlessly integrated technology. It modeled UDL and technology integration through multiple means of expression

(e.g. images, text, video, color, and layout on the slides) and engaged students further with the content as they browsed their peers' work. Elaborating on this phase's activation of prior knowledge, the demonstration phase ensued to provide clear portrayals of new information.

Demonstration

Although demonstration occurred throughout the pre- and in-class portions of the design case being described, it constituted the bulk of the pre-class activities. Relevant media and multiple representations of the content provided various portrayals of the information for the learners. Multimedia for the pre- and in-class activities were evaluated for their relevance, to diminish the distraction of competing modalities, and to align with the learning goals (Mayer et al., 2001; Mayer & Morena, 2003).

The demonstration consistency corollary posits that there should be alignment between the type of demonstration and the intended learning (Merrill, 2002). In this design case, there were varying types of demonstration incorporated that were intended to match the specific learning outcomes as framed by Bloom's Revised Taxonomy (Krathwohl, 2002). For example, students were given information about the concepts and portrayals of the concept when they were being expected to relate these concepts to one another (Understanding), define a given concept (Remembering), recognize its properties (Remembering), or illustrate the idea (Understanding). Additionally, they were provided with several examples and non-examples when tasked with categorizing the concept based on its components (Analyzing).

Consider the learning objectives module described previously. Each aspect of the ABCD structure was defined to the students, and examples of correctly written objectives were shown. Students were then given examples of objectives written according to the ABCD framework and examples of inadequately written objectives. This type of demonstration was consistent with the goal of remembering and understanding concepts prior to class. Modeling was used in both pre- and in-class activities to prepare students for planning their technology-integrated lessons.

Modeling was identified as the type of demonstration to be used when a change in behavior is the intended learning outcome. These behaviors were most often framed by Bloom's Revised higher order levels of thinking and were subsequently elicited during class. Students were assigned to write their own learning objectives (Applying), break down scenarios and standards during the planning process (Analyzing), justify decisions made during the lesson design (Evaluating), and

develop activities and assessments consistent with the learning objectives (Creating). Discussed next are times when modeling was used to demonstrate the desired behavior.

After working through the module's foundational concepts before class, it was anticipated that students would be more prepared to observe a model of how these concepts related to technology integration planning. The instructor made his thinking explicit as he taught a model lesson using an ABCD learning objective. When Web 2.0 was the focus digital tool, the model lesson incorporated a wiki. During the model lesson, preservice teachers were assigned the role of a third grader and built a single page on the wiki to meet the modeled learning objective. After the model lesson, the application phase of instruction took place, and preservice teachers were tasked with developing their own wiki as an instructional tool for an assigned instructional problem scenario. During each class, the instructor modeled a targeted component skill prior to requiring students to exhibit the skill during the application phase.

Application

In class, preservice teachers applied their knowledge of each component skill needed to effectively plan a technology-integrated lesson. Referred to as the "let-me" phase of instruction, it encourages the practice of a new skill or application of knowledge (Merrill, 2002). As such, this phase can incorporate practice for a learning outcome at any level of Bloom's Revised Taxonomy. It is most important that the type of practice is consistent with the objective (Merrill, 2012). Although there were some opportunities to practice with new knowledge at the Remembering and Understanding levels during the pre-class activities, most of the application occurring in class targeted the Applying and Creating levels of the taxonomy.

After a modeled lesson, students created digital artifacts and lesson plans to apply their technological, pedagogical, and content knowledge (TPACK; Koehler & Mishra, 2009). Applying this knowledge to increasingly complex tasks also evidenced students' progression toward mastery of the whole problem: designing and implementing a technology-integrated lesson for their field placement. Coaching and feedback were incorporated into the course design as critical elements for learning (Shute, 2008). Formative feedback was provided in the form of completed rubrics for each lesson designed, annotated assignments, and verbal conversations with individuals and groups. Coaching was incorporated by working with groups during the design of their lessons and gradually removed as the semester progressed. The instructor offered suggestions for a lesson component or think aloud about how a piece could be designed.

Similar to the consistency corollary for demonstration, the application phase should be consistent with the intended skill (Merrill, 2012). An example of a how-to application activity in this case was when students designed a lesson and incorporated a multimodal presentation. The goal of this activity was two-fold. First, preservice teachers would design a technology-integrated lesson that met the assigned content standard. The content standard of the lesson to be planned was for first graders to be able to distinguish between defining and non-defining attributes of shapes. Secondly, they would create a presentation utilizing multiple modalities to support student learning.

Creating a multimodal presentation did not merely necessitate students to splash pictures and text on the screen with background narration. The critical interdependence of TPACK domains would frame this presentation as a negotiation of the preservice teacher's depth of content understanding, their understanding of best teaching practices, and the multiple technological decisions that would impact the quality of the presentation and the effectiveness of the delivery (Kimmons et al., 2015). The next phase regularly occurred in conjunction with application as students were often asked to justify their planning and design decisions.

Integration

Integration occurred at various intervals throughout this design case. In class, students were challenged to reflect, discuss, defend, explore, and create. Students also kept a reflection journal online to document their learning experiences throughout the semester and to consider how they could integrate this learning into their future teaching. Learning outcomes during this phase of instruction primarily aimed to meet the Creating and Evaluating levels of Bloom's Revised Taxonomy as students assessed their peers' lesson designs (Evaluating), revised their own lessons (Creating), and devised ways to use what was learned in class during their field placements (Creating) (Krathwohl, 2002).

Merrill's three integration corollaries are that learners should be given opportunities to (1) show their learning publicly, (2) "reflect on, discuss, and defend their new knowledge or skill… (3) create, invent, and explore new and personal ways to use their new knowledge or skill" (2002, p. 50). To encourage students to explore new ways to use their knowledge and skills, they were provided a new technology tool or resource to engage in each module and were challenged to consider how it could be incorporated into their teaching toolbox. They often shared these ideas with peers through class discussions or during group design projects.

Another illustrative component of integration occurred during the design projects. Students collaboratively created a technology-integrated lesson plan intended to demonstrate what they had learned about pedagogy, technology, and content during the corresponding module. Following the lesson design, groups presented their plan, the resources they had created, and their rationales for design decisions. Peer groups offered feedback and posed questions about design decisions. The presenting group responded to the feedback by further explaining the decision, providing additional support for their decision, and by using the feedback to improve their lesson.

An example of how the reflection corollary was applied in this case was how students individually reflected after each module on what they had learned about designing the technology-integrated lesson plan. Reflection prompts were provided to facilitate students' thinking about critical aspects of the design process. Prompts asked about what instructional strategies and tools were used to support learning and often probed for deeper explanation by requiring rationales. They were also prompted to think about what lesson modifications would better exemplify TPACK in their upcoming lessons, field placements, and future classrooms.

All these principles functioned to develop preservice teachers' TPACK and their mastery of component skills. The whole problem, a technology-integrated lesson to be implemented during their field placement, was then completed, reflected upon, and shared with the class. During the design, development, and implementation of these phases of instruction in a flipped course, lessons were learned that will shape future course iterations and may benefit others considering similar course designs.

Methodology

Research Setting

Participants in this study were preservice teachers completing a required technology integration course as part of their teacher preparation program. Per the IRB protocol, preservice teachers in the two course sections offered to inclusive elementary and early childhood majors were informed of the study and recruited at the end of the course by a researcher who was not the course instructor. Of the 24 preservice teachers enrolled in the two course sections during the 2016 Spring semester, all agreed to participate.

The course was the second in a series of three one-credit courses that were created at a Northeastern University to develop preservice teachers' technological, pedagogical, content knowledge. The course series must be taken in sequence, and all sections met in a lab containing

seventeen Mac computers along two rows with an interactive whiteboard at both ends of the room. An iPad and PC cart were available for check out when needed. Each course met six times for two hours and fifteen minutes. Typically, students complete the first course during their first year, the third course during their senior year, and the middle course is completed sometime in between.

The course in which this design case is situated was the second course in the series. As a cohort, students concurrently completed courses on math methods, social studies methods, inclusive teaching, and creative movement. Additionally, students spent approximately half of the semester completing their field placements in a local elementary classroom. Therefore, the six class meetings were interspersed throughout the semester. The first three classes occurred during the first month of the semester, the next two classes occurred in the middle, and the final class met during the last week.

Data Collection

The primary source of data was prompted reflections written by students throughout the 2016 Spring semester, although the instructor's memos from implementing the course in the previous semester are referenced as background for issues this design iteration sought to address. Students' reflections intended to document their learning and course experiences and were incorporated into the course design. Reflection is an instructional principle articulated in Merrill's (2012) integration phase and a critical aspect of preservice teacher development (National Commission on Teaching & America's Future, 2016). Students wrote five total reflections. Four reflections responded to prompts about course activities, and a final reflection was written about their lesson design, implementation, and experience in the field. The researcher as instructor also documented field notes in a journal after the class meetings.

Data Analysis

All reflections were first imported into MAXQDA as this computer assisted qualitative data analysis software was used to organize, manage, code, and categorize the data. Following a grounded theory approach, the constant comparative method was used to analyze themes as they emerged from the data (Glaser, 1965; Kolb, 2012). Memos were written throughout the process to define codes (Saldana, 2009), elaborate on themes (Jang, 2019), highlight relationships, and minimize researcher bias in the analysis. Codes were first checked by a second researcher, then organized into categories, analyzed alongside the memos, and presented with illustrative cases as themes.

Findings and Discussion

While the design model offered a guide to our process, the implementation did not go entirely as planned. Several valuable lessons were drawn from each iteration of this design. The first issue faced when designing this flipped course with the FPI was segmenting the whole problem into component skills in a logical and instructionally effective way. A second challenge presented itself in prior iterations of the course, because students were not clear how all aspects of the pre- and in-class activities fit together. These issues were accounted for in this design iteration and recommendations are discussed in the following paragraphs.

Segmenting the Whole Problem

During prior iterations of this course, the component skills appeared too complex, and we realized they still contained multiple component skills. Student reflections illustrated the need to segment the whole problem, "In the beginning of the class, we were not ready to create lesson objectives and to plan full activities for the class. However, now that we have learned more about these topics…we can begin to take more of these responsibilities" (P11). For example, one module had students learning to write objectives and design a corresponding assessment. This task was really two component skills that were being required of students simultaneously. This appeared to overwhelm students and did not provide as much depth or time to develop mastery.

Based on the problem progression corollary from the FPI (Merrill, 2002), the aforementioned component skills in the current design iteration were separated and each given more attention. Further, the problem was segmented into five distinct component skills, and each given their own module. Students commented on the benefits of this strategy in their reflections:

> By practicing the technology integrated lesson plans I feel like I am growing in my abilities. We've built on each week and the practice is helping me to become more confiden[t] in lesson planning. The difference from the first week of class to the third week of class is noticeable to me already. (P5)

This participant noted the importance of practicing the planning process and the increased sense of confidence that came from "building on". Many participants used the term "scaffolding" to describe the process they were experiencing and discussed how this type of scaffolding could be applied in their own teaching practice:

> We are being scaffolded and so each week, I feel more comfortable with the sections I have done in the past, so I am able to take more onto my plate. This really prepares me for when

> I have to do my lessons by myself in the field. It is nice to know that I have done it a few times in our class and I know I am able to do it. (P3)

The comfort this student felt from mastering previous skills is noted as enabling them to address more parts of the whole problem. P3 recognizes this as beneficial for succeeding both in class and when this authentic problem is presented in their field placements. Segmenting promoted confidence by allowing students to focus on achieving mastery of distinct skills, practice skills multiple times, and link subtasks together as their comfort increased. Determining the order for these subtasks and skill progression was yet another important design decision.

Sequencing Component Skills

Sequencing the component skills was another critical lesson learned. The current problem-centered course with the flipped model differed from the course's formerly topic-centered design. While course topics were supportive of the component skills, they were not actually the component skills. We had to rethink the sequencing of our course, and this became a messy process due to its rippling effect. Moving a component skill to a different place in the course meant the worked examples had to be revised, because each worked example needed to include component skills that had not been mastered. Since our students were part of a cohort, another factor we had to consider was what students were learning in concurrent courses that would support the skill development in this course.

Finally, an unanticipated but equally important sequencing consideration based on the problem progression corollary was that the first component skill introduced to the learners received the most practice. Since all component skills were provided as worked examples until taught, this meant that the earlier in the semester a skill was taught as part of the progression, the more learners practiced applying this skill. In the third reflection, P6 described how he experienced the additional practice:

> This process allows us to work on different aspects of technology-based instruction while reinforcing the ideas already learned. It gives us practice and the ability to improve our work on areas that we may have deficits in. I personally have been able to work with and improve on my assessment strategies and tools. (P6)

One may consider having students first learn the most difficult skills and thereby practice these skills the most, but this decision has students learning the most difficult component skills at the beginning of the semester when they may be least prepared. Determining the best sequence for

the problem progression must account for learners' prior knowledge and opportunities for varying interactions with the subtasks.

For selecting the sequence of our first component skill, we based the decision on degree of importance for our learners and opportunity for variation. Discussion with other teacher education faculty revealed that our students needed to practice the skill of assessing student learning with digital tools. Students' reflections supported the efficacy of this decision:

> I have never been responsible for typing and making a rubric or creating digital assessments…I particularly liked how we used Google Forms for an assessment because I had only ever used it for surveys, so it was intriguing to see it being used in this new light…But beyond the tools themselves is the practice. I get to see how they work, if I like them, and how I need to improve on my abilities in the future. In that sense it is very helpful and beneficial for my future classroom and myself. (P6)

As indicated by mention of rubrics and Google Forms, there were many variations of technology tools for assessment integrated and extended throughout the semester. Yet it was more than tools that were introduced, as P6 noted, but skills and strategies were developed as well. Strategically segmenting the problem progression corollary can provide more opportunities for students to engage and practice specific subskills as they build fluency with the whole problem. As we move forward with implementing this problem-centered model, we plan to continue improving the variations of problems experienced throughout the sequence as a means of improving the overall effectiveness (Merrill, 2012).

Framing Instruction with the Whole Problem

Contextualizing each component skill and topic in the larger problem was essential as well. In the first iteration, students learned the skills as separate entities. While their relationship to certain other component skills was discussed, it was not until the last half of the semester that students were regularly shown all component skills as part of the whole problem. At this late point in the semester, students expressed confusion about how each skill fit within the problem, how they were supposed to coordinate all the skills, and they appeared frustrated.

In the current design iteration, students were shown a different version of the completed problem each week. The problem's degree of completion varied as the component skill(s) students were responsible to execute were not provided. However, they began to see how each skill fit

within the context of the larger problem. Students responded positively to this strategy in their reflections:

> It helps us master each step of the planning process before moving onto the next step and eventually completing a full lesson. Also, as the lessons get harder and more extensive, we have prior knowledge from our previous lessons to include in the current lesson we are planning. It is helpful to draw upon prior knowledge because it makes the level of complexity seem not as hard and challenging. (P2)
>
> I believe that once we understand the basics of the lesson, we are able to take everything a step forward to make it more complex. We are then able to build from the knowledge that we learned in our previous lessons and use it to our advantage and think of ways that we can help all the students. (P20)

Continually displaying diverse versions of the whole problem served as a model and scaffold for the students. Gradually removing components of the model and requiring more of students urged them to become more independent and engaged them in increasingly complex problem solving.

Although we acknowledge the benefit of showing the learners the problem early and often, the implementation of this corollary in a flipped approach was more challenging than anticipated. In this iteration, the whole problem was first shown to learners and explained in the initial face-to-face class meeting. It was in this same class meeting that they were first engaged in applying a component skill when completing a partially worked version of the whole problem.

As additional problems were introduced to learners in subsequent modules, the instructional events became more complex, and it was difficult to decide when to introduce learners to the module's whole problem in this flipped approach (Merrill, 2012). As the online portion of each module initiated the instructional sequence, it may have been advantageous to introduce the problem in the learning management system. While responding to the problem in the face-to-face class engaged learners in higher order thinking, displaying the problem online may have helped frame the lower-order learning objectives and shown learners where they were heading.

Implications for Design

Situating Flipped Design within an Authentic Problem

Creating authentic problems as models and varied examples for students to solve is an essential component of the problem-centered principle (Merrill, 2012). In this design case, the overarching problem was the design, development, and implementation of a technology-integrated lesson. The challenge faced during the course design then was to chunk this larger problem into component skills, sequence the skills in an effective way, and plan the phases of instruction to develop mastery.

Designers of flipped courses should consider the benefits of situating instruction in a problem and showing learners varying examples of the problem throughout the course. Researchers have noted the potential disconnect that may occur between assessments and course activities in flipped courses (Bristol, 2014). They have also pointed out the potential disconnect learners may sense in traditional pedagogical models that do not incorporate students' preferred learning methods, technology, or relate the learning outcomes to students' lives (Vaughan, 2014). Displaying relevant variations of a problem early and often has potential to increase learner motivation (Keller, 1987). The problem can help learners see the relevance of instruction. Multiple interactions with the problem throughout the semester with opportunities for revision can increase their confidence (Merrill, 2012). Finally, a flipped design framed by a problem-centered progression may afford increased face-to-face, timely feedback that is informative, helpful, and motivating (Keller, 1987a). This in turn can increase the learners' satisfaction from the course learning experiences. Therefore, repetition and variations of the problems should be characteristic of flipped course design.

Strategically Sequencing Learning Experiences

When integrating a problem-centered strategy, it is essential to intentionally segment and sequence the component skills. This helps learners build competency as they are expected to undertake more of the whole problem. It also provides more opportunities for feedback than a traditional topic-centered structure, and the feedback can be targeted to the specific skill being learned (Merrill, 2012). Participants consistently related how the segmenting and sequencing in this design helped them, such as in the following statement, "Each section was easier to understand and fully learn because we did not have a bunch of new information getting taught to us at once" (P24). Further, in strategically selecting the sequence of skills to be learned, the instructor can

demonstrate significant relationships among the skills. These relationships can be further highlighted by displaying the whole problem regularly throughout the course. Designers of flipped courses should also consider whether to introduce the problem online or in the face-to-face class.

Transitioning between Online and Face-to-Face Spaces

Although this design introduced learners to a new problem each week and required them to apply component skills within the problem, it became clear that problems were more often introduced as an assignment to be completed versus an anchor for contextualizing the learning (van den Berg et al., 2008). Emphasizing the whole problem as a vehicle for higher order thinking contributed to the design decision to introduce the problem in the face-to-face class. As the whole problem was told or shown to learners in class, therefore, they were simultaneously introduced to what they would do (Merrill, 2012). This singular perspective of the problem may have limited its potential for instruction and may not have fully leveraged the flipped model.

More consistent with the FPI and anchored instruction, the whole problem can be a meaningful context that sets the stage for higher order thinking and may situate future learning (van den Berg et al., 2008). Emphasizing this aspect of the problem-centered principle in a flipped approach would have led to a design that introduced learners to the whole problem in the online class space. While a whole problem was shown to learners during the first face-to-face class meeting, this case's design would have likely improved had each module shown learners the subsequent problems as a context for learning. Designers of flipped courses should consider how this introduction to the problem online may differ from how it is discussed in the face-to-face meeting prior to application and integration of the skills.

Traditionally, our students have had several questions about the problem during its introduction. In our course experiences, these questions have been more effectively handled in a face-to-face setting where we could promptly address problems and clarify misconceptions for the whole group. Many of these student inquiries, however, were about requirements for responding to the problem and not the components of the problem. Therefore, presenting the problem online before the face-to-face meeting as an anchor for instruction, independent of assignment requirements, may contribute to learning while inducing less confusion and anxiety.

As we have developed new problems and made significant adaptations to the older problems, it seems many of the problems are still being piloted. We wanted to observe learners' initial reactions to the problems and address any confusion before expecting the items to hold up

independently as a framework for pre-class activities. This, however, may have illuminated another limitation of our online design. Providing multiple venues for student questions and feedback has been noted as an important online design component (Welker & Berardino, 2012), yet there were limited avenues for student questions and feedback. Designers of flipped courses should consider multiple means, both in face-to-face and online spaces, for expressing questions and concerns (CAST, 2018).

While this model for flipped instruction does not directly address this limitation, it may be considered as an underlying component of connecting the pre- and in-class instruction. To address this limitation, we have begun integrating a community question and answer page on a class Google Doc. We have also incorporated online discussion boards and periodic surveys to facilitate student questions and feedback. Designers of flipped courses typically discuss how the approach facilitates interaction, peer support, and instructor coaching in the face-to-face environment (DeLozier & Rhodes, 2017), but an additional discussion of how to leverage online tools for pre-class support may be needed as well.

Implications for Research

As this model is intended for flipped design beyond the teacher preparation context, it would be beneficial for research to study the efficacy of designing with it and the impact it may have on learning outcomes. Does the premise of its applicability to diverse contexts hold true? There has been ineffective implementation (Cargile & Karkness, 2015), inadequately conceptualized designs (O'Flaherty & Phillips, 2015), and struggles with designing flipped courses (Bech Lukassen et al., 2014) reported throughout the literature. Following this model in designing a flipped course could be a valuable approach for skilled designers and novices alike. It affords a flexible approach to design, provides supportive prescriptions, and offers a conceptual framework for bridging pre- and in-class activities (O'Flaherty & Phillips, 2015).

Research may focus on the impact of modifying aspects of model implementation when designing for specific contexts. For example, what might be the influence of varying amounts of time given to each principle of instruction in the pre- and in-class portions of the course? While the model prescribes a greater focus on activation and demonstration of concepts prior to class in conjunction with Understanding and Remembering level learning outcomes, what additional factors may influence this and other design decisions? Finally, it would be valuable for design

research to utilize the model and report results as it could improve future educational outcomes and offer additional perspectives for further model and theory development.

Conclusion

Flipping the classroom is one proposed approach for maximizing technology's affordances in education (Hall, 2018). Grounding this approach in widely validated principles further augments its potential for impacting learning. There is a need to develop design models for flipped instruction that clearly link pre- and in-class activities (O'Flaherty & Phillips, 2015). This article has presented a design case that integrated the FPI and Bloom's Revised Taxonomy within a flipped approach. We have detailed how the model was implemented in a technology integration course in teacher preparation and have laid out the process for applying the model. The process revealed areas of strength and lessons learned for improvements in successive iterations. Segmenting and sequencing the component tasks, and framing instruction with the whole problem were potentially valuable lessons for designing with this model in other contexts as well.

This design case is limited by its focus on a single context and implementation process. Future studies may contribute by examining the efficacy of this model and exploring the implementation process in other contexts. While this case applied the model to a pre-existing one-credit course, the process is likely to be considerably different when applying the model to a new course or a course bearing additional credits.

This model is not an answer for flipped design, but it may serve to further the discussion of how to structure a course, its learning outcomes, and instructional activities. While flipped approaches have had mixed results (Heyborne & Perrett, 2016; Naccarato & Karakok, 2015), it is anticipated that the use of this model will lead to more consistent positive outcomes due to its strong instructional design foundations (Krathwohl, 2002; Merrill, 2012).

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The Cognitive Trio:
Backward Design, Formative Assessment, and Differentiated Instruction

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Abstract

In a traditional classroom of mixed ability levels, it is recommended that differentiation is the answer to helping all students achieve success (Heacox, 2012). This necessitates a shift from a "one size fits all" approach to one of greater emphasis on the individual in the learning process. While teachers seek ways to look at teaching, assessing, and learning through this different lens, the issue of successfully implementing differentiated instruction (DI) in the classroom continues to be challenging. This issue will be discussed with a focus on blending two major elements, backward design and formative assessment, as essential components in supporting and incorporating differentiated instruction in classrooms with mixed ability levels.

Keywords: backward design, differentiated instruction, formative assessment, student achievement

Introduction

On a typical day in a typical classroom across the United States, despite old and new teaching and learning theories, teachers remain perplexed about how to help all students successfully meet high academic expectations (Whipple, 2012). Confronted with as many as three different groups of learners in the same classroom, teachers continue to ponder ways to help all students gain maximal success: those who already have it and need to be challenged, those who are beginning to understand and need new instruction to move ahead, and those who don't get it who are in need of immediate attention. Several decades ago, this would not have been a grave concern. The focus was primarily on content, making sure that the material was taught (Hattie & Zierer, 2019). Differences in the audience, the learners, was not the focus. Lessons were taught with the hope that students would understand them; this mindset is no longer acceptable. As explained by curriculum experts, Gregory and Kuzimach (2004), teachers are held accountable for all learners, "not only those who learn in spite of us, but also those who learn because of us" (p.1).

To appreciate the significance of this shift, it is important to reflect on Benjamin Bloom's concept of *mastery learning* promulgated in the 1970s (Bloom & Carroll, 1971). Bloom believed all children can learn and proposed a model to support his beliefs. Mastery learning included an initial assessment, feedback, corrective instruction, and additional assessment (second chance). The corrective instruction was tailored to each individual's needs (Bloom & Carroll, 1971). Bloom's work, then, can be viewed as the precursor to differentiated instruction (DI). While the name, mastery learning, of the 70s is different from that of today, the goal remains the same: maximal student learning. More currently, mastery learning focuses on personalized learning, a progressive student driven model whose defining attributes of personalized learning complement the intention of DI practices. The four attributes - voice, co-creation, social construction, and self-discovery - are integral to the students' individual learning profile (Kallick & Zmuda, 2017). In a DI environment, teachers are attentive to these attributes in helping students achieve maximal success.

As explained by McTighe and Willis (2019), "the most effective teachers … are mindful of, and responsive to the needs of the learners they serve" (p. 128). Addressing diverse learner needs begins with grasping a clear understanding of differentiated instruction, backward design, and formative assessment together with understanding the relationship and interplay among these three powerful constructs. While all three elements of the cognitive trio are not new, considering each in concert with the other is more important than ever before. The literature review in this article revisits differentiated instruction, backward design, and formative assessment as essential components of the cognitive trio's prominence in student achievement. This integrated three-pronged framework for improving learning for all students will be highlighted in the discussion.

Review of Literature

Elements of Differentiated Instruction

Well known author on Differentiated Instruction, Tomlinson (2005), defines differentiated instruction as "teaching with student variance in mind" (p. 9). Differentiated Instruction is predicated on the notion that students learn differently and that, accordingly, if students learn in different ways, they should not all be taught the way. In her early works Tomlinson (2001) describes what differentiation is and is not. She helps clarify differentiations' misconceptions. For example, differentiation is not individualized instruction as promoted in the 70s. DI is not chaotic, nor is it just another way to provide homogeneous grouping. Differentiation is proactive and

student centered. It is rooted in assessment and provides multiple approaches to content, process and product. It is a blend of whole-class, group, and attention to individual learner needs (Tomlinson, 2001).

As defined by Chapman and King (2005), "differentiation is a philosophy that enables teachers to plan strategically in order to reach the needs of diverse learners today" (p. xxii). Expanding her previous work, Tomlinson (2015), describes differentiated instruction as a research-based model of classroom practice that, "stresses the interrelated roles of classroom environment, curriculum, assessment, instruction, and classroom leadership/management" (p. 203). Many Algebra I teachers realize planning a differentiated learning environment is essential in supporting maximal student success. An example of this relationship can be demonstrated in planning a unit of instruction on linear functions in an Algebra I course. First, Algebra 1 teachers define what students should know and be able to do at the end of the new unit on linear functions. Then, they plan pre-assessment opportunities to gauge entry level readiness of students and design activities which respond to differences in student learning profiles and interests. Next, teachers prepare instructional strategies to meet learners at different levels of understanding including informal assessments for monitoring student understanding of key concepts such as slope, intercepts, graphing and applications. Technology resources are included to support learners both independently and collaboratively. Lastly, with end of unit expectations in mind, culminating assessments are designed to determine students' overall understanding of linear functions. Thus, the objective of using a backward design planning process as the gateway to connect instruction and assessment practices in a DI environment is accomplished.

Using Backward Design

Stephen Covey (1989), in his well-acclaimed book, *Seven Habits of Highly Effective People*, explained that effective individuals plan with the end in mind. Backward design is a concept widely used in many professions, including education and healthcare (Daugherty, 2006; Emory, 2014). Its goal may be to maximize profits, improve services, decrease spending, improve productivity, or improve student learning and performance. What the future will look like is articulated and plans are put into place for moving forward. In the field of teaching and learning, McTighe and Wiggins (2012) affirm, "effective curriculum is planned backward from long-term, desired results" (p.1).

With improved performance for all students as the goal of educators, using backward design in the planning process is key (Tomlinson & McTighe, 2006). This approach allows teachers to ensure big ideas communicated in content standards are not overlooked. Using a backward design approach in a standards-based environment compels teachers to set targets, collect evidence, and plan meaningful instruction to help students achieve learning goals. This provides the backdrop for differentiating learning for individual student success.

As described by McMillan (2007), the backward design approach consists of the three stages described below. Each stage is guided by several essential questions. "Essential questions serve as doorways to understanding" (Tomlinson & McTighe, 2006, p. 112). They communicate big ideas and deepen understanding for students. Essential questions take into account students' differences in prior knowledge and skill levels (Tomlinson & McTighe, 2006).

Stage 1: Identify desired results. This requires identifying what students should know, understand, and be able to do. What essential knowledge should be clarified and understood by all students? What are the learning goals? Clarity for teachers and students is essential in stage one.

Stage 2: Determine acceptable evidence. This requires considering in advance the assessment evidence needed to confirm that the objectives or goals have been met. That is, how will we know that the student knows? During this stage, assessment options are explored, with an emphasis on assessment *for* learning and gaining mastery of important content. Assessment *for* learning helps the student demonstrate content knowledge which comes later in the learning cycle.

Stage 3: Plan instructional activities and instruction. What formative strategies, activities, and resources will be used to help students meet the learning goals? How will these resources provide evidence that students are making progress? The intent of this stage is to engage learners in meaningful learning as they move ahead keeping the end in mind.

Teachers are equipped to make good decisions at all stages of the instructional process when they understand backward design and use it consistently. The teacher focuses on essential questions, gathers and analyzes data during instruction, and gains competency in anticipating students' questions and concerns on unit topics. Differentiation permeates the culture benefiting students who are behind, in the middle, and advanced.

Differentiated instruction allows teachers to present a range of learning activities. A variety of assessment strategies are implemented to monitor students' progress and move students forward (Thousand, Villa, & Nevin, 2007). Using backward design in planning instruction and assessment

strategies, teachers make choices regarding what will be taught, *content;* how it will be taught, *process*; and what students will do to demonstrate learning, *product* (Tomlinson & Imbeau, 2010).

Student success is paramount in the learning environment. This major objective requires flexibility from the onset and permeates each component of the cognitive trio. This mindset guides the backward design planning process and continues throughout instruction. Teachers engage students in multiple paths to learning by using a variety of strategies to accommodate learning styles, interests, needs, and readiness levels in a way that is developmentally appropriate, appealing, and meaningful (Taylor, 2015). Incorporating DI strategies is integral in a backward design framework aimed at student interests, readiness, and learning profile (Tomlinson & Imbeau, 2010).

When leaders model the backward design approach, a culture of utilizing this process is created. In particular, supporting personalized learning and creating habits of mind in the school community requires educational leaders to think flexibly, innovatively, and creatively (Kallick & Zmuda, 2017). When leaders demonstrate these qualities, teachers are likely to think broadly and deeply, increasing the potential for success in integrating backward design, an essential component of implementing the cognitive trio.

Formative Assessment and Feedback

The focus of assessment in classrooms throughout the United States has been to measure how much students have learned within a period of time. The emphasis was on the test or project at the end of a unit of instruction, summative assessment. In more recent times, the shift has changed to using assessment to monitor student progress during instruction, formative assessment (Stiggins & Guskey, 2007). In a study of elementary school teachers' perceptions regarding differentiated instruction in the classroom, Davis (2013) explained while teachers value the use of assessment data in helping students improve, many teachers believe a greater understanding of different types of assessments and how to meaningfully use them will contribute to differentiation efforts in the classroom.

Instead of a test at the end of a unit gauging entry level understanding of a topic, educators should plan assessments to inform instruction throughout the unit. In order to determine student knowledge, pre-assessments can be used to determine the baseline data of where the students are in the learning process. Guskey and McTighe (2016) noted potential benefits of using pre-assessments with students which included determining prior knowledge and skills, monitoring

progress, communicating expectations of what is about to be taught, checking for misunderstandings, and identifying students' interests, talents and preferred learning styles.

Formative assessments are usually informal. They are teacher made, provided during instruction, and are key in motivating and guiding students to achieve success in meeting learning goals. It is not a single occurrence, nor is it simply a right or wrong verbal or written comment. It is descriptive and ongoing throughout instruction. Formative assessment provides concrete information to the student on how to improve. These informal formative assessments guide teacher decisions on ways to differentiate instruction to improve student performance (Conderman & Hedin, 2012). The teacher knows before the end of the unit where each student has challenges or some may even be ready to move ahead. Information gathered from students provides feedback to the teacher which allows adjustments in instruction. This deliberate action step demonstrates attentiveness to individual learner needs which bolsters performance of the entire group.

In contrast, formal assessment typically occurs after instruction. It is summative and associated with grading. Its purpose is to provide feedback on how well students have achieved mastery of learning objectives (Bahr & DeGarcia, 2008; Conderman & Hedin, 2012). Instructional adjustments are not made following summative assessment on a unit of instruction. Using the idea inherent in differentiating *product*, it is conceivable that DI can be utilized in providing choice to demonstrate mastery. According to Tomlinson and Imbeau (2010), differentiating product "is a rich culminating assessment that calls on students to apply and extend what they have learned over a period of time" (p. 15). Summative assessment may be in the form of a performance task, a portfolio, a demonstration using technology, open ended questions, or an appropriate assessment aligned with unit objectives.

A review of literature reveals much attention has been given to distinguishing between formal and informal assessment as well as formative and summative assessment. Regardless of the term assigned, at the core of any assessment is providing feedback so students know how to improve their understanding and produce high quality work. It is a reciprocal process which benefits both the student and the teacher (Bartz, 2017; Chappuis & Chappuis, 2008).

In discussing the reciprocal process between teacher and student, Popham (2014) explains formative assessment as a planned process in which evidence of students' progress in gaining mastery of content is used by the teacher to adjust instruction and by students to adjust their learning strategies. Embedded in the formative assessment process is the critical role of the teacher.

Content, assessment criteria for understanding content, and instructional strategies are essential steps in this planning process. Critically important in monitoring progress is collecting information, formative assessment. Formative assessment is any method of providing feedback to students prior to completing a unit of instruction, while there is still time to improve (Vatterott, 2015). While this is beneficial to the student, the teacher also benefits by engaging in an ongoing process of adjusting instruction and instructional strategies to continue to move the student to deeper understanding (Hattie, 2012). Vatterott (2015) describes feedback as a "two-way recurring conversation between teacher and student" (p. 58).

More vividly, Tomlinson (2014) explains the process of feedback as "an ongoing exchange between a teacher and his or her students designed to help students grow as vigorously as possible and to help teachers contribute to that growth as fully as possible" (p. 11). In this context, feedback is generally viewed in several ways: between the teacher and an individual student, between the teacher and a group of students, and peer to peer.

In their discussion of the value of formative assessment, Chappuis and Chappuis (2008) stress the role of the teacher in helping students answer three major questions: Where am I going? Where am I now? And, how do I close the gap? While the student grapples with each question, the teacher shares the responsibility in helping the student find answers to these questions. By gathering data on student understanding, the teacher is able to diagnose misconceptions, identify areas of concern, and suggest what needs to be done to close the gap. By engaging in this collaborative process, the student begins to reflect on his or her own work; self-monitoring is meaningful and setting goals for oneself provides motivation for advancing in learning.

The common thread throughout the research on formative assessment is emphasis on gathering information on what students know and do not know and then providing feedback for improving (Popham, 2011). It is descriptive, timely, and ongoing. It is intended to help the student move to the next level of learning by identifying what the student already understands while offering suggestions for how to improve in areas not yet mastered. Because the intention of this type of assessment is to move the student forward in the learning process, it is commonly referred to as assessment *for* learning (Stiggins, Arter, Chappuis & Chappuis, 2006).

In discussing formative assessment, Popham (2008) explains that formative assessment is a process. Putting it succinctly, he stresses that "Formative assessment is a planned process in which teachers or students use assessment-based evidence to adjust what they're currently doing"

(p. 6). His conception of formative assessment has four attributes: a planned process, assessment-elicited evidence, teachers' instructional adjustments, and students' learning tactic adjustments. Popham consistently uses the phrase "formative assessment process" in his work as a way to stress that it is a process, not a single strategy or test. This idea is sometimes difficult for educators to accept. But herein lies the connection between backward design and formative assessment. When this connection is understood and accepted, differentiated instruction happens in the lives of teachers and students. Backward design incorporates planning, activities, and instructional strategies to address learner needs demonstrated through monitoring student progress using formative assessment tools. Based on information gathered from students, teachers apply DI principles in advancing student performance.

Backward Design, Formative Assessment, and Differentiated Instruction

Now that each component of the cognitive trio has been discussed independently, establishing their interconnectedness is essential in understanding how they work in concert to promote maximal student success. This interconnectedness does not happen automatically. With focused attention on some preliminary steps (backward design), the intended benefits of the trio have the greatest potential of being realized. These steps include building the relationship between objectives and the tenants of DI and designing essential questions aligned with objectives. Another essential step, not to be overlooked, is collecting and analyzing student data. Highlighting these preliminary steps will set the stage for maximizing both teacher and student success.

The first step in designing meaningful assessments, both formative and summative, is to write clear statements of what students should know and be able to do. While this seems very practical in the world of teaching and assessing, this recurring theme is prevalent in the literature on classroom assessment (Brookhart & Nitko, 2014; Stiggens & DuFour, 2009). It is evident in the backward design approach and is particularly important in determining appropriate assessment planning in a differentiated environment. According to Fink (2013), backward design should focus on producing noteworthy learning experiences for students. These experiences include assessment activities to advance learning for all students.

The learning targets as discussed by Chappuis, Chappuis and Stiggins (2009) are directly connected to the tenants of DI. Knowledge targets are *content* driven, reasoning is related to *process*, and performance skill targets and product targets are *product*. Chappuis, Chappuis and Stiggins (2009) list four categories of learning targets with which assessments are to be aligned:

- *Knowledge targets*, students will remember and understand key concepts
- *Reasoning targets*, students will use their knowledge to analyze, evaluate, and problem solve
- *Performance skill targets*, students will apply what they know to demonstrate one or more skills
- *Product targets*, students will create something.

These targets provide a clear picture of what achievement will be measured. They represent clear statements of intended learning. The learning targets aid in selecting the appropriate assessment method to reflect the intended outcomes so that results can be interpreted accurately. Teachers have choices in selecting assessment methods to gauge progress in achieving learning targets.

As learning objectives are constructed describing what students are to know and be able to do, a second step in making connections is reflecting on what data is needed to determine where students are, and specifically, what area of understanding needs attention. Just as students are pushed to reflect on their work as a meaningful step in monitoring their own progress, teachers, too, must engage in an ongoing process of reflection. This is critical in incorporating a backward design approach into instruction and assessment. As validated by Brookhart and Nitko (2015), important decisions must be made by the teacher before, during, and after instruction. These decisions are intricately connected to assessing for learning. These decisions take into account the needs of all learners; they require reviewing data and responding to learners at various stages in grappling with deep understanding of essential concepts. As teachers ponder these questions, they must also think of what assessment methods will provide useful information to inform good decisions. Relying on an essential questions approach provides clarity in the overall teacher decision making process. Brookhart and Nitko (2014) recommend teachers ask questions before, during, and after instruction. Some possibilities include:

Before instruction

- What are the expectations? In what ways will I communicate clear expectations?
- What do I need to know about students' readiness, interests, and abilities?
- What strategies will I use to motivate students to want to learn?
- How do I meaningfully engage all students in learning? In self-assessing? In pre-assessing?

- How will I arrange the learning environment for the lesson?

During instruction

- What feedback will I provide to each student? Or, group of students?
- How will I provide feedback in a timely manner during class, on homework, individual and group projects?
- How will I know what students have learned and what they can do?
- How will I challenge students to move to the next level of mastery?
- In what concrete ways will I connect content to real life applications?
- What opportunities will I give students to revise their work?
- What types of scaffolding do students need in order to provide appropriate support or intervention in learning challenging material?

After instruction

- How well are students achieving objectives?
- What strengths and areas for improvement will I point out to students?
- How effective were strategies I used to help students better understand?
- What should I do differently next time?

These teacher decisions are not intended to be exhaustive. Instead, the focus is to suggest that many pieces of information are needed to make good decisions. Each set of questions is accompanied by a companion assessment method that provides information to the teacher. The type of information needed varies from one group of students to the next. Using this information is a hallmark of an effective teacher in the differentiated classroom. In the earlier example of the Algebra I unit on linear functions, teachers planning the unit will utilize these questions or a subset of these questions in determining what must be done to meet the needs of diverse learners before, during, and after instruction.

As student data is collected and reviewed through this ongoing process of reflection and decision making, the third step, planning and implementing, must begin. Planning and implementing, however, are not enough. On-going monitoring of student progress is critical. This is the only way to know the backward design and the formative assessment planning process are improving learning. As described by Wilson (2016), cognitive processes can be easily monitored, documented, and tracked. When monitored consistently and strategically, all students have optimal opportunities for success and improved learning, the goal of the cognitive trio. This monitoring

process takes into account planning (backward design), formative assessment, and differentiation strategies. It is at this point that teachers experience the inherent benefits of purposefully integrating the dynamic trio into the learning environment.

Conclusion

This discussion established the need to connect backward design, formative assessment, and differentiation to the learning process in a more deliberate and comprehensive way. To achieve this objective, the three concepts were first revisited independently. The three were then considered to formulate a more deliberate and integrated perspective resulting in benefits for both teacher and learner. Achieving desired results necessitate defining non-negotiable elements: establishing and communicating clear expectations, holding all students to high standards and providing high-quality instruction. Utilizing a backward design approach ensures that these elements are in place. Collecting and analyzing student data before, during, and after instruction cannot be neglected in a differentiated classroom environment.

In a differentiated classroom, when scaffolding is incorporated, learner needs are more likely to be met (Tomlinson, 2001). Teachers use scaffolding to provide students help they need in learning a concept or skill in different ways and in smaller increments until they are able move forward on their own (West, Swanson, & Lipscomb, 2017). Differentiation provides a variety of ways to organize learning through content, process, and product, based on students' interests, readiness, and learning profile (Tomlinson & Imbeau, 2010). In essence, scaffolding and differentiation are both focused on meeting learner needs and moving students from where they are in the learning process to where they need to be.

Using a backward design approach is the vehicle for accomplishing the overarching goal in helping students achieve learner goals. From the onset, teachers focus on what students are expected to know and be able to do at the conclusion of a unit of instruction, a semester, or at the end of a course. Once this is decided, the focus changes to helping students reach these goals. Monitoring students' progress requires on-going attention to their understanding and provides feedback for improvement. That is, priority is given to formative assessment which occurs during instruction. In an environment characterized by formative assessment, a culture of success is established for students. Self-confidence is bolstered through feedback on strengths and descriptive feedback for improving. Teachers know how to respond to students who need

immediate attention; they know how to move those in the middle forward, and push those who have met the objectives to new learning heights (Wiggins & McTighe, 2005).

High-stakes learning permeates 21st century teaching and assessing. All students are expected to be college and career ready. Teachers are held accountable for their success; they cannot afford to guess what to do next in the classroom. In designing support systems for 21st century students, learning must be relevant, personalized, and engaging (Battelle, 2019; Gregory & Kuzmich, 2004). The reflective and thoughtful practitioner realizes the power in this responsibility. Differentiation, using backward design and a carefully planned formative assessment process, will help ensure the continuing growth and achievement of all students. The integration of this cognitive trio provides a rich learning environment which supports optimal learning for all students.

To create and maintain actionable momentum requires rethinking and retooling what and how we do what we do. We must first reenergize and revitalize faculty by providing new learning opportunities in how to ground their work with the cognitive trio in the forefront. Incorporate DI strategies by including a variety of real-life classroom scenarios which can be incorporated into courses within the teacher preparation program. To further promote understanding and consistency incorporating the trio, it is recommended that stakeholders including administrators, instructional specialists, teacher mentors, lead teachers, and coaches from schools within the district participate in similar sessions as those conducted for faculty. This invigorating experience will create a fresh mindset and permeate the learning environment throughout the entire district.

Faculty must move candidates from theory to practice bridging the gap between what they learn in courses and what they are able to effectively do before entering the first year of teaching. It is recommended that courses within the teacher preparation program be restructured with greater emphasis on efficiently and effectively implementing differentiation with this comprehensive approach. The goal is to usher in new generations of teachers equipped with the knowledge and skills to grapple with and meaningfully respond to the complexities of diverse learner needs. To accomplish this goal, faculty must provide deliberate and focused instruction, particularly in methods and assessment courses, in designing learning experiences with the end in mind, incorporating formative assessment, and using differentiation strategies with fidelity. By incorporating a problem-solving model (scenarios) using data representative of diverse learners,

teacher candidates gain the competency and confidence to make good decisions as a result of understanding the interconnectedness of the cognitive trio.

It is recommended that research be conducted to determine the impact of integrating the cognitive trio in the learning environment. The overarching focus will be two-fold: to gain insight related to student achievement as well as the overall impact this way of teaching and learning has on school culture; and, to determine the challenges and barriers of integrating the cognitive trio into the learning process.

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The Due Process Clause of the Fifth and Fourteenth Amendments and the Policy-Making Process in Educational Leadership: An Analysis of Relevant Legal Cases

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Abstract

This article discusses the due process clause of the Fifth and Fourteenth Amendments and their application in legal cases related to K-12 and higher education. The Fifth and Fourteenth Amendments are important because, among many things, they declare that before any person can be accused of any crime or wrongdoing, he or she must be allowed due process to prove his or her innocence. Without due process, all decisions related to an individual's innocence or guilt are thus null and void. Using content analysis methodology, this research looked at 11 Supreme Court decisions related to due process in education. It was discovered that decisions mainly related to student classification versus self-identification and wrongful termination of faculty and school personnel. The findings of this study help educational leaders at all levels to better understand the vastness of both amendments and how they work in tandem with drafting equitable, equal, inclusive, and fair policies and procedures for all students, faculty, and staff in educational settings.

Keywords: Due Process, Educational Law, Educational Leadership, Fifth Amendment, Fourteenth Amendment, Higher Education, K-12 Education, Policy Development

Introduction

Schools, colleges, and universities across the United States of America grow and evolve daily to become more multicultural, diverse, and inclusive. One of the many tasks of educational leaders is to constantly create and nourish an empowering school culture (Banks, 2019). In recent years, parents and other stakeholders have started to focus more attention on issues of equity and equality in education as the result of social justice movements such as #BlackLivesMatter and #MeToo. Likewise, teachers have become friendlier to progressive approaches to the teaching and learning process such as culturally relevant teaching and project-based learning in all fields (Parker, 2020). With the new changes enacted in education via COVID19, there is growing interest in equity, equality, and access and what those look like in various areas of educational institutions.

For educational leaders, it is critical to constantly re-evaluate policies and procedures to ensure that all students regardless of race, gender, sexuality, socioeconomic level, religion, or exceptionality are given the proper tools to succeed and not provided with a pathway to poverty or prison. Although they are two separate pillars of society, the intersection of law and education has deep roots in American society. From its inception, government officials have always felt that decisions related to education should be left to the state (Alexander & Alexander, 2007; Essex, 2016). While there do exist certain provisions addressing education such as the Land Ordinances of 1785 and 1787, for centuries law makers at the national level have made it a point to keep a separation between the federal government and the education system.

The United States constitution does not deal directly with issues related to education. The Supreme Court and federal government still however serve as the final mediator of all legal cases brought on behalf of or against schools, colleges, universities, and/or their governing boards and stakeholders (Alexander & Alexander, 2007; Essex, 2016). The Supreme Court's job is not to influence decisions directly, but rather regulate them in the best interest of the nation. This regulation is done via a liberal or conservative interpretation of the constitution.

For educational leaders tasked with drafting policy and making tough decisions, it can be very difficult to understand first, how perspective in the interpretation of law matters and second how certain decisions will affect their students and staff long-term. Before any decisions can be made, educational leaders must first understand the rights of the students and staff and the legal parameters of power for both groups. They must be given their full due process.

Due process rights, policies, and procedures have become a topic of interest in special education and teacher tenure and dismissal within recent years; yet, it reaches well beyond just there (Myrna, 2016). For educational leaders, it is detrimental to understand all areas in which due process rights for students, faculty, and staff may be violated and in what ways such violations are possible. This article seeks to fill gaps in the previous literature as it relates to due process, the Fifth Amendment, and the Fourteenth Amendment.

By understanding the Fifth and Fourteenth Amendments and how they have been used to in relation to due process, educational leaders have a starting point for their decision-making as it pertains to the school, the legal system, policy, and procedure. Through a deeper understanding of due process, leaders will be better equipped with the skills and knowledge to draft sound, equitable,

and equality-based policies and procedures that ensure fairness for all teachers, staff, and students in every way possible.

The Due Process Clause in Education

Due process is a long-standing American tradition. Its worth is so valued that it is the only command of the United States Constitution that is specifically mentioned twice, in the Fifth Amendment and in the Fourteenth Amendment (Strauss, n.d.). While it was originally created under the Fifth Amendment of the constitution, throughout American history due process has been restated in various other forms such as in the Ordinance of 1787 also known as the Northwest Ordinance (Section XIV Article II) (Alexander & Alexander, 2007; Strauss, n.d.; U.S. Constitution).

The Fifth Amendment of the U.S. Constitution states that:

> *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation*. (Fifth Amendment, n.d.)

This amendment guarantees five separate constitutional rights: grand juries for capital crimes, protection against double jeopardy, protection against required self-incrimination, guarantee of a fair trial (due process), and a guarantee that the government will not seize private property without paying market value (just compensation) (Alexander & Alexander, 2007; Fifth Amendment, n.d.). As suggested by Goodwin (1987), invoking the Fifth Amendment in relation to education has been very controversial because many courts consider it to be null and void. There are likewise some courts that consider it to be partially relevant to education-related due process violations. Over the years, due process has become very important in a variety of ways that all connect back to its original intent of fairness. For decades K-12 teachers and university faculty and staff have had to grapple with educational leaders violating their Fifth Amendment rights in lieu of losing their job (Byse, 1954; Taylor 1954; Kahlenburg, 2015).

Section one of the Fourteenth Amendment of the U.S. Constitution is more of interest to education because it addresses state action, privileges & immunities, citizenship, due process, and

equal protection in relation to the state (Fourteenth Amendment, n.d.). Education is a duty of the state (See Appendix for the full amendment text). Simply put, while the Fifth Amendment guarantees due process rights when dealing with the federal government, the Fourteenth Amendment specifically states that "No state shall" and for this reason it is only invoked when dealing with state matters such as education. (Alexander & Alexander, 2007 p. 865; Strauss, n.d.).

For educational leaders, knowledge and understanding of due process rights in relation to both amendments is important because no disciplinary process can start without a student, faculty member, or staff personnel understanding his/her rights and being given due process to establish his/her innocence. Although the original intent of the Fifth Amendment was only to be applied to federal courts, over the years the U.S. Supreme Court has interpreted the Fifth Amendment's provisions as now applying to the states through the due process clause of the Fourteenth Amendment. In other words, it is common practice to use these together in education related cases.

Miranda v. Arizona (1966)

Although it has no relation to education, the seminal case that deals with due process is *Miranda v. Arizona* (1966). Because of this case we now have the famous "Miranda Rights"—*You have the right to remain silent. Anything you say or do can and will be used against you in a court of law*… (Benz, 2012). Currently, because K-12 administrators, faculty, and staff take on the role of surrogate parents (*loco parentis*), if students are under their care, schools reserve the right to determine students' rights to a certain extent. One of these rights includes those awarded by the *Miranda v. Arizona* (1966) decision.

This case is infamous for multiple reasons. It guaranteed Fifth Amendment rights to criminals and those being questioned for a crime. Interrogators must ensure that the subjected understand that he/she has:

1. The right to remain silent; anything that he/she says can and will be used against him/her in a court of law.
2. The right to have legal counsel to be present at the time of interrogation.
3. The right to have legal counsel appointed by the state to represent him/her.
4. The right to stop the interrogation at any moment.

If the accused is not made aware of these rights, then anything that he/she says is not permissible in a court of law. Although students are not specifically awarded all these rights, it is in the best interest of educational leaders to adopt aspects of them when drafting school policies and

procedures dealing with disciplinary decisions. The consideration of this case in policy development allows for a balanced approach to implementation that is fair and rational for all.

This study sought to go beyond the *Miranda* case to understand in what other ways has the due process clause been used by the courts when dealing with matters of education. To do so, previous court opinions were analyzed. The following section will present the research methodology used to conduct this study along with the research question that guided it. Afterward, there is a presentation of the findings and then a discussion of them, which includes the response to the proposed research question. This article concludes with implications for educational leaders as it relates to due process and policy creation.

Methodology

The purpose of this study was to better understand due process rights as established by the Fifth Amendment and Fourteenth Amendment of the United States Constitution. This study was guided by the following research question:

1. In what ways has the due process clause of the Fifth and/or Fourteenth Amendments been enacted in legal cases related to K-12 and higher education?

To respond to the proposed research question, a content analysis of relevant case decisions was done. When conducting research with legal documents, using content analysis as the methodological approach, it is important to keep in mind the case selection process, coding system, and analysis (Hall & Wright, 2008).

The method of choosing cases is important to ensure validity and reliability of the study. Cases included in the sample need to be pertinent only to responding to the proposed research questions. The coding of content is important because improper or inconsistent coding can alter the findings of the study in significant ways. There is the possibility of information being misinterpreted or being unintentionally excluded. Consistent and systematic analysis is also important to ensure the findings are accurate and appropriately respond the research questions.

The sample for this study consisted of court opinions written by the Supreme Court of the United States of America. Case inclusion in the sample was based on relevancy to due process, the Fifth Amendment and/or Fourteenth Amendment, and education. Court opinions were found using the following databases: *Lexus Nexis, Google Scholar, Justia US Law* and *Cornell Law*. In total, 11 cases were found. Seven cases were related to K-12 education and four cases were related to

higher education. The cases were grouped by their relevancy to K-12 education and higher education.

The analysis of the cases centered on understanding reoccurring themes among both groups of cases and the sample altogether. Within the K-12 group, themes ranged from political activity, disability, race, immigration status, and freedom of speech. In higher education, themes of political activity, race, and students' rights were observed. Across both groups, the larger themes of self-identification, students' rights, and issues related to termination were evident.

One limitation of this study was that there does not exist a comprehensive list or database of all Supreme Court cases that relate specifically to educational due process rights as argued by the Fifth and/or Fourteenth Amendment. It is possible that other cases exist, and the sample of this study is not truly reflective of all relevant Supreme Court decisions. This study was delimited by its interpretation of the facts of each case. There is no one popular or common approach to analyzing case law in educational research. Methods of analysis vary widely. Likewise, the researcher has a background in educational leadership not law and legal studies. It is therefore possible that errors were made in the interpretation of the court opinions. The interpretation of the findings for this study take the form of a legal brief. The following section presents the finding of the analysis.

Findings

This section presents a summary of the facts of each case that was included in the study along with the remedy and previous cases that were cited, if any. It is broken into two sub-sections. The first sub-section addresses cases that involved the Fifth and/or Fourteenth Amendment in K-12 schools. The second sub-section discusses the findings from cases dealing with both amendments in higher education. The data are organized in chronological order to show the historical development and precedence of previous cases.

K-12 schools

One of the earliest and most important cases in educational law and specifically in relation to due process is *Brown et al v. Board of Education of Topeka et al*, (1954). This was a class-action lawsuit that argued against the validity of separate but equal educational facilities. The plaintiffs sought the racial integration of schools throughout the country. The courts were deciding the question of does the separate but equal clause, as applied in *Plessy V. Ferguson* (1896), also apply to public schools and public-school students? The issue of racial segregation was so widespread

across America that *Brown* was declared a class action lawsuit that comprised four separate but similar cases from Delaware, Kansas, South Carolina, and Virginia.

In the Delaware case, *Gebhart v. Belton* (1952), the plaintiff challenged Del. Const., Art. X, § 2; Del. Rev. Code § 2631 (1935) which enforced segregation in Delaware public schools. The courts ruled the statue to be unconstitutional on the grounds that predominately African American schools were inferior with respect to teacher training, pupil-teacher ratio, extracurricular activities, physical plant, and time and distance involved in travel. The court also ruled that segregation itself results in an inferior education for African American students, but this was not included in the court's decision. The defendants applied for certiorari (an order given by a higher court) from the U.S. Supreme Court.

In the Kansas case (*Brown, v Board of Education of Topeka, Kansas*), the plaintiffs argued against the enforcement of Kansas General Statute § 72-1724 (1949) which permitted cities with more than 15,000 residents to maintain separate but equal schools. Some schools in Kansas did as so, while others did not. The plaintiffs argued that the denial of equal schooling has a detrimental effect on African American students. The Kansas court felt that if the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers then separate but equal facilities were acceptable.

In the South Carolina case, *Briggs v. Elliot* (1952), the plaintiff challenged the enforcement of the state constitution and statutory code S. C. Const., Art. XI, § 7; S. C. Code § 5377 (1942). The court ruled that separate facilities were not equal and thus must be made as such. However, they ruled against the integration of races in schools. The decision was later vacated because the defendants felt that they were not receiving equal facilities per the court's ruling. The appellate court ultimately ruled that there was substantial equality and ruled against the defendants.

In the Virginia case, *Davis v. Country School Board* (1951), African American students residing in Prince Edward County, Virginia challenged the Virginia state constitution and statute code (Va. Const., § 140; Va. Code § 22-221 (1950) which required the segregation of white and African American students. The court denied the request of the plaintiff. The court decided that schools for African American children were inferior in physical plant, curricula, and transportation as well. The judge ordered that the defendants provide substantially equal curricula and transportation and to "proceed with all reasonable diligence and dispatch to remove" the inequality in physical plant.

The Supreme Court's final ruling was that segregation in education was unconstitutional and violated the Fourteenth Amendment. They felt that separate but equal had no place in education because it has a detrimental effect on African American students and denied them the right of life, liberty, and property. This caused the later integration of all schools throughout the United States of America. The decision of this case relied on *Bolling et al. v Sharpe* (1954) which was going through the courts at the exact same time.

It was in the *Bolling* (1954) case that the courts were questioning the constitutional validity of segregation in the District of Columbia. Unlike the other fifty states, Washington D.C. must handle its educational affairs on a federal level. Just as in *Brown*, the plaintiffs were looking for a judgement that would cause the racial integration of Washington D.C. schools. The courts were looking to figure out if students' race should be chosen for them or if they have the right to choose in order to enroll in schools?

In this case, the defendants were African American students attending various public schools throughout the District of Columbia. They were refused admission to the all-white schools only because of their race. They petitioned the district court for the District of Columbia for admission. The court denied their claim. The courts decreed that the Equal Protection Clause of the Fourteenth Amendment does not cover the District of Columbia.

Although the claim was dismissed by the trial courts, the finding of the appellate court was a Writ of Certiorari. In other words, the appellate court ordered the lower, or trial court in this case, to certify the record and send it to them. This means that the appellate court chose to hear this case because of its issues. In the end, the case went to the United States Supreme Court. The final ruling was that racial segregation is a denial of the due process of law guaranteed by the Fifth Amendment of the Constitution. The Supreme Court felt that the constitution prohibited the states from maintaining racially segregated public schools.

Of further interest is also the *Julius W. Hobson v. Carl F. Hansen, Superintendent of Schools of District of Columbia, the Board of Education of the District of Columbia* (1967) case which was also related to racial segregation in schools. The plaintiffs sought the integration of white and African American schools as well. In this case, the courts were debating the issue of if the District of Columbia School System complied with the desegregation order as detailed in *Bolling v. Sharpe* (1954) which ruled that black students were deprived of their Fifth Amendment rights.

Per *Bolling v. Sharpe* (1954), the District of Columbia public schools were supposed to integrate. However, there was still defacto segregation based on various factors such as tracking systems, teacher segregation, and aptitude tests. The courts ruled that the District of Columbia did not do a good enough job following the desegregation order. An injunction against racial and economic discrimination was filed. The tracking system and optional zoning was abolished. Transportation for overcrowded schools was provided. A pupil assignment plan was to be created. Faculty were to be integrated and a teacher assignment plan was to be created. The belief was and still is that racial segregation was detrimental to all students. This was decided in *Brown v. Board* (1954), and *Bolling v. Sharpe* (1954).

Another example of the Fifth Amendment usage of due process can been seen in the policies of the Individuals with Disabilities Education Act (IDEA) (*A short guide,* 2004; Bateman, 2010; Hoagland-Hanson, 2015) which stems from *Peter Mills et al v. Board of Education of the District of Columbia et al.* (1972). This case was pertinent to the due process rights of black students in the District of Columbia that were classified as having exceptionalities related to mental disability. The relief sought was the integration of schools and the admission of the defendants to certain schools as declared in *Brown* (1954) and *Bolling* (1954). However, this time the courts were debating the question of if the plaintiffs were denied their due process rights because they were classified as mentally disabled and/or black rather than self-identifying.

In this case, Peter Mills, Duane Blacksheare, George Liddell, Jr, Steven Gaston, Micheal Willams, Janice King, and Jerome James were all black students living in the District of Columbia. Each student was labeled as having a mental disability which resulted in them being denied admission to a public school. Each student's family was poor and could not afford to send them to a private school. In the trial court, the school board agreed that school administrators were wrong for denying the students an education in the public-school system. The administrators agreed to make adequate changes, but the changes were not satisfactory from the court's perspective.

The court found that per *Brown v. Board* (1954), *Bolling v. Sharpe* (1954), and *Hobson v. Hansen* (1967) no student shall be excluded from a regular public education assignment because of a rule, policy, or practice of the Board of Education of the District of Columbia. Everyone involved with the case had to ensure the enforcement of the court's decision.

The District of Columbia was ordered to provide all school aged children with a free and suitable publicly supported education regardless of the degree of the students' mental, physical or

emotional exceptionality. Additionally, they could not exclude a student because of a lack of resources. Students could not have been suspended for disciplinary reasons for longer than two days. The defendants were to provide publicly supported schooling that suited the needs of the plaintiffs within 30 days and 20 days for any students that were discovered afterward. Various other provisions in relation to staffing and procedures were also given. The courts felt that the plaintiffs were entitled to their reliefs per the constitution.

In *Beilan v. Board of Public Education, School District of Philadelphia* (1958) teacher protection under the Fourteenth Amendment was the focus. The relief sought was the reinstatement of Mr. Beilan. The courts were debating the issue of did the Board of Public Education for the District of Philadelphia, Pennsylvania violate Mr. Beilan's due process rights as awarded under the Fourteenth Amendment.

The facts of the case center around Herman Beilan who was a teacher in Philadelphia Public School System. He was called to meet with the superintendent. At this meeting, the superintendent asked Beilan if he was the Press Director of the Professional Section of the Communist Political Association in 1944. Beilan agreed to answer the question only after speaking to an attorney. Months later, the superintendent asked to speak with Beilan again and asked the same question. Beilan responded by declining to answer the question and stating that he would decline any similar questions of this type or any others related to his political and religious beliefs. The superintendent told Beilan that his response would put his job in jeopardy. The superintendent also made it clear that his real question was about Belain's "fitness" as a teacher and his ability to continue teaching.

Under statute §1127 of the Pennsylvania Public School Code of 1949, Beilan was fired. Specifically, he was fired for his refusal to answer the superintendent's questions and thus constituted incompetency under statute§ 1122 of the code. Beilan was given a board hearing where he did not testify. The board formally dismissed him at this meeting. Beilan appealed to the County Court of Common Pleas. However, at this point he was arguing that he was dismissed under the Pennsylvania Loyalty Act which deals with the dismissal of public employees on grounds of disloyal or subversive conduct. Beilan argued that the proper procedures were not followed. The Pennsylvania Supreme Court felt that the board could have proceeded under more than the Pennsylvania Loyalty Act to lawfully dismiss Beilan. The court held that, because Beilan met with the superintendent multiple times, he was asked more questions than those related to his 1944

activities. For this reason, the board was justified in their reasoning because they based their decision on relevant activities not just his past.

The trial and appellate courts ruled that Beilan's dismissal was justified. However, in citing *Slochower v. Board* (1956) and *Koingsberg v. State Bar of California* (1960), the Supreme Court ruled that Beilan's dismissal was only justified because he was dealing with the school not an outside entity. Their reasoning was that the superintendent asked the necessary questions for the board to find him incompetent to teach. Unlike previous cases, he was under the jurisdiction of the state not the federal government therefore his invoking of his Fifth Amendment rights against self-incrimination was the equivalent to resigning.

Moreover, *Plyler v. Doe*, 457 U.S. 202, (1982) explored that educational rights of undocumented immigrant students. The courts were petitioned to answer the question of does state statute §21.031 violate the Equal Protection Clause of the Fourteenth Amendment by denying undocumented children access to public schools? In this case, a class action lawsuit was filed on behalf of school-age children of Mexican origin that lived in Smith County, Texas. The parents of the children could not establish that they had been legally admitted to the United States. Thus, the children were excluded from attending Tyler Independent School District.

The district court found that the policy nor the district had the intent of keeping "illegal aliens" out of the state of Texas. The courts felt that the statute was more of a financial measure to aid the state. Although the state had seen an increase in the number of undocumented students, they did not feel that this statute would help to improve education.

The trial court ruled that "illegal aliens" were entitled to protection under the Equal Protection Clause of the Fourteenth Amendment and statute §21.031violated that clause. However, the appellate court ruled that district court erred in finding that the Texas statute overreached its authority and it was truly a matter for the federal government. The ruling was overturned. Ultimately, the Supreme Court ruled that the state can only deny children free public education when it is of substantial interest of the state. The state did not prove this. The ruling of the court of appeals was affirmed. It reasoned that denial of education is a matter of the federal government not the state. This case afforded undocumented students' free public education.

Another case related to teachers is *Rendell-Baker v. Kohn*, 1982, the topic of debate was freedom of speech and due process rights. The courts had to answer the question of did Principal Kohn violate Mrs. Rendell-Baker's First, Fifth, and Fourteenth Amendment rights by terminating

her for supporting the idea of a student-staff council that would direct a decision-making process in the school and not providing her a due process hearing?

The events of the case were that Rendell-Baker worked at New Perspectives School as a vocational counselor. Her position was funded by the Committee on Criminal Justice. She supported a petition for a student-staff council that would make hiring decisions at the school. Principal Kohn did not approve and fired her after notifying the Committee on Criminal Justice. Rendell-Baker asked for a hearing or reinstatement because she was fired for invoking her First Amendment right. The school agreed to put together a grievance committee. But, Rendell-Baker did not agree with its member composition and the hearing never convened. Additionally, the committee informed her that she did not have the authority to order a hearing. She then filed suit.

The court of appeals and Supreme Court ruled that her claim was rejected because the committee had the power to ensure the qualifications of faculty and staff, but not over school personnel decisions. In other words, her issues were with the school and the committee, regardless of the committee makeup, could not do anything to help her. She was offered her due process hearing and she did not take it. Her First Amendment rights were therefore not violated because she was dealing with the school not giving her due process which falls under the Fourteenth Amendment.

Higher Education

As it pertains to higher education, a very imperative Fifth Amendment case is *Slochower v. Board of Higher Education of New York City* (1956). This case was related to Professor Slochower's protection under the Fifth Amendment. The court was responding to the question of if the firing of Professor Slochower under the New York Charter Statute § 903 and Brooklyn College was a violation of his Fifth Amendment rights against self-incrimination.

Professor Slochower was an associate professor at Brooklyn College. He was called to testify in front of the Internal Security Subcommittee of the Committee on the Judiciary of the United States Senate. He was to answer questions related to subversive influences in the American educational system. Professor Slochower was once a member of the Communist Party. Thus, he agreed to answer questions about his political beliefs, but only after 1941. He refused to answer questions about his actions between 1940 and 1941 because his answers might incriminate him. The committee felt that his reasoning was fair.

In a previous hearing before the Rapp-Coudent Committee of the New York Legislature, he testified that he was a member of the Communist party during 1940-1941. After the interview with the Security Subcommittee, Professor Slochower was notified that he was suspended from his position. Three days later his position was considered vacant. Brooklyn College interpreted statute 903 to mean that he resigned once he asserted his privilege against self-incrimination per the Fifth Amendment. Professor Slochower felt that he was not given his due process rights of notification, a fair hearing, and the possibility to appeal per the Fifth Amendment.

The trial court found that the statute does violate the Fifth Amendment's due process clause. However, education is a matter of the state and this violation was more related to the Fourteenth Amendment. The appellate court ruled that Professor Slochower's testimony before the subcommittee had no direct relation to his position as a college professor. His dismissal violated due process as awarded by the federal government. The appellate court's decision thus reversed the trial court's decision.

This ultimately went to the Supreme Court where it was ruled that education was a matter of the state. Professor Slochower was not dealing with the state nor Brooklyn College at the time of his interview. The issues argued in this case fell under the Privileges and Immunities Clause of the Fourteenth Amendment. The decision of the appeals court was upheld. The reasoning was that Professor Slochower's interview was not in relation to Brooklyn College therefore he did not violate statute 903 and did not warrant termination.

One of the oldest, but more relevant cases of the Fifth and Fourteenth Amendments in higher education is *Dixon v. Alabama State Board of Education* (1961). In this case, the issue of concern was the due process rights of students at tax-supported colleges. The legal question of debate was does Alabama State Board of Education have the right to expel students without following proper due process procedures per the Fourteenth and Fifth amendments?

On February 25, 1960 the plaintiffs along with twenty-nine other students from Alabama State College for Negros (now known as Alabama State University) staged a sit-in at a publicly owned lunch counter located in the basement of the county courthouse in Montgomery, Alabama. The students asked to be served food and were denied and told to leave in which they refused to do so. The police were called, and the students were required to sit in the corridor for an hour. John Patterson, the chairman of the State Board of Education had a discussion with Dr. Trenholm, the president of Alabama State College about the incident. Patterson told Dr. Trenholm that the

students should be expelled from the university or some other appropriate form of action. The next day, the students en masse attended the trial of a fellow student at the Montgomery Court House. After the trial, they marched back to campus.

On February 27th, the students staged a mass demonstration in Montgomery and Tuskegee, Alabama. Dr. Trenholm informed the students along with the plaintiffs to return to class. On March 1st, about 600 students engaged in hymn singing and speech making on the steps of the state capital. At the event, one of the plaintiffs told those in attendance to strike and boycott the college if students were to be expelled. On March 4th, the plaintiffs received notification that they had been expelled from the university as of the end of the 1960 winter quarter.

The trial court ruled that the right to attend college was not guaranteed by the constitution. It was known that only private institutions had the right to obtain a waiver of notice and hearing before depriving a member of valuable rights. Precedence also stated that courts had upheld valid regulations that allowed colleges to dismiss students without letting them know the reason.

The appellate court felt that the district court misinterpreted precedence. Private colleges have a different relationship with students than public colleges and universities thus the private schools had the authority to dismiss students freely. Precedence (*Slochower v. Board of Education* (1956), along with other cases) also holds the fundamental constitutional principle that due process requires notice and an opportunity before a tax-supported college can expel students. These students were not awarded those rights and the decision was reversed. The appellate court maintained that the students were not given their full due process rights as guaranteed by the Fifth and Fourteenth Amendments.

In the *Vlandis v. Kline*, (1973) decision, the issue of interest was due process rights under the Fourteenth Amendment as well. The relief sought was the classification of the plaintiffs as in-state students. Additionally, a process to allow students that were non-residents at the time of application to prove current in-state residency was to be created. The question for the court was did the University of Connecticut violate the plaintiffs' due process rights by not allowing them to prove their residency status?

In this case, Margaret Marsh Kline and Patricia Catapano applied to the University of Connecticut while living in different states. Upon starting courses at the university, they were legal residents of the state of Connecticut. They had driver's licenses and registered vehicles. Per Section 126 (a) (2) of Public Act No 5. Amending §10-329 which went into effect in June of 1971,

"an unmarried student shall be classified as a nonresident or out of state student if his or her legal address is outside of Connecticut at least one full year prior to the application date. If such a student is living with a spouse but applied using an out-of -state address, then they are still classified as an out-of-state student. The Connecticut address must be given at the time of application to receive in-state tuition". Both students applied for admission prior to June of 1971 and were later irreversibly classified as out-of-state students which caused an increase in their tuition rates.

The courts held the decision of the university to be unconstitutional. It violated the Fourteenth Amendment. The defendant was required to issue the plaintiffs a refund for overpayment of tuition and fees, but the students were still classified as non-residents. The Supreme Court also upheld the decision of the appellate court and stated that the state cannot classify students as out-of-state if they indeed have taken up residency in the state. Per their due process rights of the Fifth and Fourteenth Amendment, the university had to create reasonable criteria and a clear policy on the classification of non-resident for students that take up residency in a new state.

Another case of interest is *University of California Regents v. Bakke* (1978). This case argued the Equal Protection Clause. The question before the court was if the Medical School of the University of California at Davis' special admission program was discriminatory?

This case came about because Allan Bakke was a white student who applied twice to the UC Davis School of Medicine. He was denied both times. He felt that his denial was because of his race and the fact that they have a special admissions program for minority and disadvantaged students. The courts found that the special admission program was unconstitutional under the Title VI of the Civil Rights Act of 1964 because they discriminated against him and denied him entry partially because of his race. Their reasoning was that Title VI acknowledged that racial classifications violate the Equal Protection Clause of the Fourteenth Amendment.

In total, the findings of this study further assert that knowledge and understanding of the Fifth and Fourteenth Amendments is very important for educational leaders. There is not an exhaustive list of legal cases related to these amendments, but 11 are known to have made it to the Supreme Court of the United States. The topics for each case have varied and likewise so have the rulings. The following section will discuss the findings of this study.

Discussion

As evidenced in the findings, issues related to due process and the Fifth and Fourteenth Amendments in education are very far-reaching. Generally, for educational leaders, the findings of this study suggest that decisions made along the lines of these amendments should consider what is a state decision and what is a federal decision. Likewise, best practices warrant clarity and fairness as they relate to both employees and students and how they interact with policies and procedures.

As the findings are organized based on K-12 and higher education, this section is divided by teachers and students. While conducting this research, it was discovered that issues with the due process rights are less related to the institution itself and the more common trend is among teachers and students. Thus, this section will discuss the findings of this study in relation to the students, both K-12 and higher education and then in relation to K-12 teachers and higher education faculty.

Students

The most obvious and recurrent theme that emerged from this study was related to student classification versus self-identification. In multiple cases (*Boiling*, *Brown, Hobson, Mills, Plyer*, and *Vlandis*), a school administrator denied students the right to an education based on an attribute that the administrator decided was a problem or hinderance to their learning or that of others. In these cases, race, immigration status, exceptionality, and state residency status were all declared for the students rather than the students being given the opportunity to declare them for themselves.

Public institutions do not have the power to deny students access to schools without giving them a due process. For students, the ability to classify themselves is therefore of the utmost importance. Specifically, the *Hobson* case made a clear example of the necessity of clear policies for enacting laws and decrees handed down by the federal government. Educational leaders can provide students and staff with due process, but still not be enacting policies that are likewise just and fair.

Beyond racial equality, the *Mills* case gave all parents the right to request a quasi-judicial trial to question the legitimacy of the accommodations given to their child by the school. These now take the form of Individual Education Plans (IEP) and 504 Plans. This case, though virtually unknown, is important because it upheld constitutional rights as awarded via the First, Fourth, Fifth, and Fourteenth Amendment for black and/or students with exceptionalities related to mental

disability. In terms of policymaking, this court decision paved the way for the handling of students with all types of exceptionalities. This later branched off into the field of Special Education Law, the Rehabilitation Act of 1973 and ultimately, the creation of the Individual's with Disabilities in Education Act (IDEA).

As it relates to higher education, as a result of the *Dixon* case, the best practice of tax-supported colleges and universities giving full due process rights before expulsion, including notification, hearing, and legal counsel was developed. This usually takes the form of a student conduct hearing board. This can also be seen in K-12 with disciplinary conferencing and the possibility of going before the school board before expulsion.

Likewise, *Vlandis* established due process rights for students that wished to attend college in a different state and that planned to move to the state and take up residency. This case created the need for an itemized classification system for resident versus non-resident students. It also helped to establish the precedence that university policy always be clear and distinct. Lastly, from the *Bakke* case it was determined that discrimination can happen to all students regardless of race and that all students regardless of being in the minority or majority must receive equal protection.

Teachers

As it concerns faculty and staff, the recurring theme was associated with the hiring and firing process. Whether it be a K-12 teacher, university faculty member, or outside personnel, everyone is subject to the policies and procedures of the school. While each case is unique, due process is always needed.

In the *Beilan* case, by not testifying at his board hearing, Mr. Beilan never officially declared his competency to teach. Likewise, the decision fell under Pennsylvania law not the Fifth Amendment because the questions were from the superintendent and directly related to his job. This case is extremely significant because it established precedence that when being questioned by school personnel, teachers cannot invoke their Fourteenth Amendment nor Fifth Amendment right of self-incrimination if the questions are directly related to their job and/or ability to do it. Controversially, in the *Slochower* case, it was declared that educators' Fifth Amendment rights are still protected when they are not dealing with their institution regardless of state policies.

Both the *Beilan* and *Slochower* cases demonstrate that no universal policy can be applied when dealing with hiring and firing based on teachers' actions outside of school. Their actions outside of the school may not be considerable when deciding termination unless defined by policy.

Teachers can freely engage in their personal affairs as they wish; however, if they are deemed incompetent to teach, they may be dismissed. This policy is currently gaining more interest among educational leaders as social media becomes more popular.

Cases similar to Professor Slochower's warrant the establishment of clear policies for teachers and staff about what is and is not permissible when dealing with outside agencies and not representing the school or university in an official capacity. These two cases are a key piece of knowledge for educational leaders who have teachers with various outside influences that can affect their performance in the classroom and/or the safety of students. Educational leaders cannot fire anyone in the school without a valid reason and the policies to support it. Additionally, even if there is valid cause and supporting policies, all school employees are required by law to be given a due process hearing to prove their innocence. Further the *Rendell-Baker* decision suggests that the power to hire and fire all personnel regardless of the source of funding for their position does lie in the leader's hands. This case made evident for administrators the need for a clear policy on what is deemed proper conduct of all school employees not just teachers.

Implications for Educational Leaders

Good leaders are aware of the need to have a sound understanding of the past and how that affects present thinking and behaviors (Vinovskis, 1999). A significant part of any leader's conceptual orientation and outlook is influenced by unspoken and unstated interpretations of past events. For educational leaders, understanding case law related to the Fifth and Fourteenth Amendments is key to protecting everyone associated with the school and their rights as citizens. It is unlawful for educational leaders to make decisions that deny any student the right to a free, public education. Likewise, it is also unlawful to deny employment to any teacher, staff member, or other personnel without have a justified reasoning.

To fully enact the intention of the Fifth and Fourteenth Amendments, administrators must be aware of the language of their policies. They must be cautious to not create policies that violate due process rights, among others. Policies that deny students, faculty, and staff their rights based on race, gender, religion, exceptionality, socioeconomical level, and anything else that is beyond their control must be re-written to be fairer and provide better equity.

Only students and their parents can label themselves. Although the administrators and teachers act in *loco parentis* while students are at school, it is still the student and his/her family's responsibility to provide vital information related to the student along with any accommodations

needed for him/her to receive the best education possible. In contemporary education, issues related to gender and sexuality, for example, are becoming more and more popular. Specifically, how educational leaders accommodate the learning needs of students who identify as gay, lesbian, transgender, transitioning, two-spirit, or gender non-binary conforming can warrant legal action if it is not done in a fair and just way. Leaders must be sure to allow these students to firstly identify themselves as such.

When drafting policy, educational leaders in both K-12 and higher education should know the necessity and validity of what can be classified as due process under the Fifth and Fourteenth Amendments. Although policy can be written to guarantee a students', teachers', and staff members' Fourteenth Amendment rights, there is still the possibility of violating their Fifth Amendment rights as well which must be considered and constantly revisited. Knowledge of due process related cases and amendments helps leaders to build a stronger relationship with all faculty and staff members by providing them an opportunity to advocate for themselves instead. With the knowledge of the cases included in this study, educational leaders can save themselves from various lawsuits and uncomfortable, unnecessary, and unwarranted disciplinary proceedings. More importantly, with knowledge of due process rights, the Fifth Amendment, and Fourteenth Amendment, educational leaders can save themselves and their reputations from violating the trust given to them by students, faculty, staff, and stakeholders by drafting policies and procedures that are equitable, equal, and inclusive to all individuals, not just the majority.

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Appendix

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who,

having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Retrieved from https://www.law.cornell.edu/constitution/amendmentxiv

Motivation and Perceptions of Research and Publication in Higher Education Faculty: A Phenomenological Study

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Abstract

Faculty members at a Carnegie-ranked Master's University of higher education want to be productive and engage in scholarly endeavors. In the process of their scholarly pursuits, the authors found a number of institutional barriers and supports for conducting research along with motivators for doing research. The purpose of this qualitative, phenomenological study was to explore experiences of faculty conducting research at a Master's University of higher education. More specifically, the investigative pursuits aimed to identify benefits, barriers, and supports for conducting research as well as motivational factors and expectations for engaging in research. This study includes data from eight interviewed participants at a rural university who were tenured or tenure-track faculty members. The results revealed numerous sub-categories within the themes of supports, barriers, motivation factors, and expectations. These findings provide implications for supporting the research activities of faculty members at Carnegie-ranked Master's Colleges and Universities.

Keywords: faculty research, collaboration, motivation, support, barriers

Introduction

Faculty members at a Carnegie-ranked Master's University want to be productive and engage in scholarly endeavors. Universities across the globe have faculty members who are involved in the publication of scholarly research, in spite of individuals who teach in higher education coming from numerous disciplines (Denial & Hoppe, 2012). Each discipline theoretically has been perceived as research-focused to some extent. In truth, however, virtually all or most disciplines in higher education require the inclusion of research as an important aspect of their discipline and as a requirement for tenure and promotion. In spite of this, perceptions of

various disciplines' research focus likely vary; moreover, individuals within their own discipline likely have different overall perceptions of research. For instance, within any given discipline, the perception may be that some subspecialties do research; other subspecialties are practitioners who do not do research. In truth though, evidence-based practice and learning are highly regarded and determine best practices. Consequently, the base of our applications of knowledge entails a sound understanding of research and an expectation within institutions of higher education to make discoveries and gain new knowledge. Therefore, the primary purpose of this phenomenological study was to explore the motivation and perceptions of research and publication in higher education among faculty in a rural, Carnegie-ranked Master's University.

Necessity of Research in Higher Education

Dichotomous views about doing research not only seem evident within disciplines, but also across universities, depending on whether universities identify as research-oriented or teacher-oriented based on the Carnegie system. This wider seemingly dichotomous view may likely shape academics in terms of goals, expectations, motivations, and sense of self-efficacy, which in turn may influence research performance. In spite of differences across universities in terms of how much focus is on research and teaching, nearly all universities emphasize the importance of seeking new knowledge (Denial & Hoppe, 2012), and an avenue for gaining new knowledge has been to engage in original research. In the midst of seeking new knowledge by doing scholarly research to a lesser or greater extent, faculty fulfill multiple roles that fit within Boyer's model of scholarship of discovery, scholarship of integration, scholarship of application, and scholarship of teaching (Boyer, 1996). The roles of faculty include not only the role of teacher, but also the role of researcher, supervisor, clinician, and/or learner.

The Success of Research in Higher Education

According to Denial and Hoppe (2012), lack of research creates the risk of stagnation within the discipline. Therefore, it seems apparent that without research, practitioners are left relying on knowledge already gained and theories already formulated that may or may not be the best and most innovative theories as changes in globalization, technology, ways of living, and cultures have occurred. Denial and Hoppe (2012) explored faculty members' perceptions of their institutions' expectations of scholarships, perceptions of their own scholarship, and barriers and supports of scholarship. Moreover, they compared participants' own perceptions to their institutions' values of scholarship. Their results showed that the majority of faculty members

across universities were required to produce scholarly work, especially to publish original research in peer-reviewed journals. Moreover, they found the majority of faculty members believed it was important to conduct research and to publish. They reported that they worked at least four hours per week doing scholarly work, and they believed that work was valued by their institution. In line with Albert Bandura's (2001) social cognitive theory, they thus appeared to possess high self-efficacy with positive outcome expectations within a supportive environment for doing research as they actively engaged in doing research.

Barriers of Research in Higher Education

While much support has been available for engaging in research in institutions of higher education, Stupnisky, Hall, Daniels, and Mensah (2017) noted pre-tenure or junior faculty often report social and environmental factors that may hinder their success. Stupnisky, Weaver-Hightower, and Kartoshkina (2015) interviewed faculty members in their first to third year who reported significant difficulty in finding a balance between teaching, research, and service responsibilities. Austin (2010) also found early career faculty and tenured faculty experienced similar barriers. Additional barriers to research were clinical schedules, class or lab teaching schedule, time allotted to do research, financial support for doing research, and lack of mentorship during the research process (Denial & Hoppe, 2012).

Among the barriers to conducting interdisciplinary research discussed were lack of adequate incentives, such as funding (Siedlok & Hibbert, 2014). Funding limitations along with the perception that the social context is not conducive for doing interdisciplinary research in that manner may discourage faculty (Lawrence, 2011). Moreover, time constraints were apparent along with defensiveness about and intolerance for doing interdisciplinary research (Siedlok & Hibbert, 2014). Other perceived barriers were differences in disciplinary traditions, including decisions about methods, patenting, authorship, and so forth (Siedlok & Hibbert). Colleges of Education mostly emphasized teaching; however, research reportedly was also rewarded (Kataeva & DeYoung, 2018). The current study examines the perceptions of faculty members in a College of Education where teaching and preparing undergraduate and master's level graduate students for work as practitioners is most important. Because the essence of their academic work is teaching, research expectations are not always clear (Stupnisky et al., 2017). These findings when combined appear to suggest that individuals' beliefs about their abilities to do research and to work

collaboratively with others across disciplines influence their pursuits of conducting research and doing interdisciplinary research.

Overcoming Research Barriers

One strategy for overcoming barriers to conducting research may be writers' retreats. According to Murray and Cunningham (2011), faculty at primarily teaching-focused institutions are not as likely to do research; however, academics, in most institutions are expected to write for publication and meet publication targets in research assessments. In their study, Murray and Cunningham (2011) studied writers' retreats, an intervention designed to address the issue of publication by providing academics with an opportunity to engage simultaneously in research assessment and writing projects that aligned institutional targets with individual goals. The writers' retreat provided time and space for faculty to focus and engage in research and writing. Faculty participants were able to spend a dedicated amount of time on research and writing specifically for a short period of time, for example, one weekend per month. Their study included 23 participants in the early stage of their career who were in primarily teaching-only institutions of higher education. The findings demonstrated the advantages of collegiality, peer discussion, and writing time. It allowed writers to articulate and develop their writing aspirations, align their writing goals with research assessment, and create research-oriented relationships. For those who think of writing as a solitary act, a retreat may seem counter-intuitive, yet the benefits from what Gardner (2008) called a *cohort model* was effective in researcher development (Murray & Cunningham, 2011). Study participants reported the writing retreat not only helped them to develop writing habits and rediscover their roles as academic writers, but also helped them to change their dispositions toward and motivation for writing for publication.

Motivation to Engage in Research

Motivational factors are also apparent when conducting interdisciplinary research. These factors include social relations, compatibility with colleagues, intellectual stimulation, and personal development (Siedlok & Hibbert, 2014). There is both a drive for novelty and a push of frustration that drive interdisciplinary research. Moreover, interdisciplinary teams appear to have creative potential (Siedlok & Hibbert, 2014). Nguyen, Klopper, and Smith (2016), conducted an international study and concluded engagement in research as an effective means to increase a university's profile. In their study, they found collaboration, policy settings, and institutional practices motivated academics to engage in research. Findings further revealed that assisting

leaders to understand the research motivations of academics helps in the creation of the policy for research across the university that supports the quantity and quality of research produced.

Theoretical Orientation

Social Cognitive Theory

Bandura's social cognitive theory (2001) provides the theoretical framework for this study of faculty members' perceptions of research productivity. Social Cognitive Theory was developed to account for aspects of cognition that influence the environment and are influenced by the environment. As discussed below, Albert Bandura included in his theory concepts such as motivation and agency, reciprocal determinism, forethought, metacognition, and self-efficacy. These concepts provide an appropriate framework to inform an understanding of how faculty perceive and engage in scholarship and research in higher education.

Motivation

Motivation refers to "processes that instigate and sustain goal-oriented activities" (Schunk & DiBendetto, 2020, p.5). Motivational processes include personal/internal influences that lead to productivity and outcomes such as choice, effort, persistence, and achievement. Faculty members must establish clear goals to guide their activities for each year. Motivation has been a prominent feature of social cognitive theory from the early modeling research to the current conception involving agency (Schunk & DiBenedetto, 2020). Schunk and DiBenedetto (2020) report a central premise of Bandura's theory is that individuals strive for a sense of agency, or the belief that they can exert a large degree of in-fluence over important events in their lives. According to Albert Bandura's (2001) social cognitive theory, humans are active agents who possess the ability to shape their environment; while their environment also shapes them. Humans thus not only engage in behavior elicited or evoked by stimuli in the environment, they also possess cognition. Humans possess the ability to learn new behaviors by observing others. They have internal thoughts, such as goals and expectations, that play a role in behavior as they interact with the environment. From those interaction, they develop a sense of self-efficacy. Consequently, while similar to traditional behaviorism in its recognition of the role of the environment; it emerged from behaviorism, but instead of considering humans as passive recipients of their experiences, social cognitive theory considers human as active agents of change.

Reciprocal Determinism

Reciprocal determinism refers to interaction between the person, behavior, and the environment (Bandura, 2001). Our actions, goals, and expectations interact with the environment to produce behavior (Bandura, 2001). Based on the concept of reciprocal determination, one may conclude that faculty members thus conduct research and have research goals and expectations that interact with the larger social context of the university along with other even larger social contexts, such as government funding agencies.

Forethought

Cognition mediates the relationship between learning and the environment (Bandura, 2001). Humans create events by intentionally performing actions. Humans are not merely passive recipients of 'whatever the environment throws at them'. Instead, they possess forethought. They want to produce desired outcomes. Consequently, they act in ways that they think will produce the desired outcomes. Based on Bandura's explanations of forethought, one can conclude, faculty members thus are capable of anticipating barriers and supports, and they can act and plan accordingly.

Metacognition

Humans possess a language that is systematic, organized, and symbolic; therefore, they have the capacity to organize their thoughts and think about their thinking. In relation to research, faculty members not only have the capacity to think about producing scholarly research, but they also about the capacity to think about how they are thinking about the process of doing scholarly work. This relates to what Schraw and Moshman (1995) noted about metacognition. They stated that metacognition includes knowledge about cognition as well as how individuals use that knowledge to regulate their own cognition. Faculty members thus are capable of metacognition. Faculty members thus are capable of not only thinking about their research, but they also can think about the process of research.

Self-Efficacy

Humans also possess self-efficacy. In other words, they can believe they have the ability to produce desired outcomes. They possess the ability to believe they have some degree of control over their environment (Bandura, 2001). Faculty members thus have the ability to believe that they have the ability to produce original research that will provide new knowledge and contribute to the scientific and educational community. Bandura's theory of self-efficacy has been applied across all areas of education. Researchers in university settings examined academic self-efficacy,

an estimate of confidence in one's ability to perform various tasks classified as research, service, and teaching (Landino & Owen, 1988). Researchers found teaching self-efficacy and perceived autonomy-support were related to engagement (Fong, et al., 2019). Additional contextual factors such as university climate and peer collegiality also influenced self-efficacy (Ismayilova & Klassen, 2019). Jian and colleagues (2019) also found that self-efficacy beliefs predicted intrinsic and extrinsic research motivation, and mastery goal-orientation mediated the relationship between self-efficacy and research motivation. In addition, a strong positive relationship existed between doctoral research training and faculty members' research interest and research self-efficacy (Wester et al., 2019). Hence, self-efficacy is believed to impact faculty research and publication productivity to some degree.

Method

The purpose of this research was to contribute to the literature on research and publishing from the perspective of faculty members at a rural, Carnegie-ranked Master's University. More specifically, we explored the benefits of research and publishing. We also explored barriers and supports for conducting research as well as motivational factors and expectations for engaging in research. We were interested in the following research questions:

1. What are faculty perceptions of the overall benefits of research and publishing?
2. What are the challenges to motivation in research for higher education faculty at a rural, Carnegie-ranked Master's University?
3. What factors increase, decrease, or maintain motivation for faculty?
4. What supports would increase motivation to continue research and publishing?
5. Moreover, what happens to motivation across the research process or time span in academia?

A qualitative phenomenological approach was used to examine motivation and perceptions of research and publication in higher education faculty at a rural, Carnegie-ranked Master's University. A phenomenological approach allowed researchers to describe the meaning of lived experiences of individuals (Hall, Chai, & Albrecht, 2016), in this case the experience of tenured and tenure-track faculty representing each department within the College of Education.

Participants

The researchers interviewed eight university faculty members, four males and four females, who are employed within a College of Education in the southeastern United States. The

participants were solicited via email through their university email accounts. The email list used for sampling was comprised of approximately 50 faculty members who were in the process of obtaining tenure or have obtained tenure in the College of Education. The researchers received informed consent from 13 participants. Eight participants were randomly selected to ensure willingness to participate and schedule an interview time. Participants included in the research investigation held the following ranks: one full professor, three associate professors, and four assistant professors. Seven held doctoral degrees and one held a master's degree. The faculty participants averaged 20.5 years of teaching. Each of the faculty participants were given a $5 gift card at the conclusion of their interview. Table 1 provides complete demographic information on each of the eight participants. Pseudonyms were used in the study to preserve the anonymity of participants.

Table 1

Demographic Information of Participants

Participant Pseudonyms	Self-Ranking	Dept.	Gender	Race	Rank	Degree	Years at Current Institution	Total Years	Total Mo. Contract
John Jones	3	HHP	M	A	Assistant	D	4	4	9
Florence Oliver	3	SOE	F	W	Assistant	D	2	22	9
Warren Caldwell	2	SW	M	W	Associate	M	12	17.5	9
Kay Stuart	3	SW	F	W	Professor	D	13	27	12
Rachel Ferguson	6	SW	F	W	Assistant	D	0.5	21.5	9
Lawrence Hubbard	6	PSYC	M	B	Assistant	D	2	18	9
Rhonda Porter	5	PSYC	F	W	Associate	D	24.5	24.5	12
Jake Woods	3	SOE	M	W	Associate	D	4.5	27.5	9

Data Collection

Upon approval from the Institutional Review Board the individual interviews of each faculty member were initiated. The interviews lasted approximately 30-60 minutes. During the interview demographic information was collected, the faculty members were asked 11 open-ended questions pertaining to their experience with research, barriers they experienced, motivators, types

of support needed and publication. Then, follow-up clarifying questions were used to facilitate further understanding of their responses.

The interviewer in this study followed a strict process of protocol ensuring that each participant was asked all the same questions in the same order. The semi-structured interview script included the following questions:

1. What has your experience with research and publication been like for you up to this point?
2. Where do you see yourself in the process of research and publication?
3. What do you view as the overall benefit of research and publication?
4. What do you see as the barriers for you to research and publication?
5. How do you perceive the clarity of the expectation that you been given?
6. What kinds of things motivate you toward research and publication?
7. What kinds of things stifle your motivation toward research and publication?
8. What keeps you going in your research and publication activity? What keeps you moving forward?
9. How has your motivation stayed the same or changed over time and what has contributed it to that?
10. How would you define your success in research and publication? On a scale of 1-10 how well do you think you're doing?
11. What types of support would increase your productivity in research and publication?

All interviews were audio-recorded using two devices and transcribed verbatim. A debriefing form was given to the faculty member at the completion of the study. The debriefing form was provided to give participants additional information about the study.

Data Analysis

After the interviews were transcribed verbatim, the researchers participated in a systematic process of data analysis that involved: (1) review of interviews by reading and re-reading to gain familiarity with the data, (3) coding of the interviews using the theoretical foundation of motivation within the social cognitive theory. A number was coded at each identifying fragments of relevant information that related to one of the four themes, (4) random coding was completed by other researchers to check inter-observer agreement of at least 80%, (5) chart data into framework matrix, (6) identify statements from each of the four themes that were throughout the interviews. Place and organize the statements in each of the four themes for the purpose of data analysis.

During this process exact quotes were used to clarify and give examples of the responses associated with given themes. The review and selection of these quotes is referred to as an interview autopsy (Brewer, 2001).

An inter-observer agreement (IOA) of 80% or higher was set as the goal for the coding process to ensure confidence in the findings (Groenewald, 2004). Researchers were randomly assigned sections throughout the transcripts and compared their coding to the original coder's data. The average IOA of 92.5% was obtained.

Results

When analyzing the data, the researchers looked for initial themes based on Bandura's (1997) model which was used as the theoretical foundation. Out of each of these initial themes, subthemes emerged. The four initial themes were: Motivation; Expectation; Success/Support; and Challenges/Barriers. According to Bandura (1997) these function together as a cyclical system. An individual begins with a motivation, which is a reason for why they would pursue a given goal. Next the individual considers their expectations, or the perceived outcome of what might happen if they reach their goal or if they fail. Finally, the individual either succeeds or fails to reach the goal and considers which supportive factors contributed to success and/or which barriers/challenges contributed to their failure. Next the cycle starts all over again with new, reconsidered motivations. For the purposes of analysis, the criteria used for recognizing each of these themes were:

1. **Motivation**: Statements participants made about their reasons for engaging in research were coded within the Motivation theme.
2. **Expectation**: Statements participants made about their feelings about completing projects related to research and publication were coded within the Expectation theme. This included how competent they felt they were and what they thought they would gain from engaging in scholarship or research.
3. **Success/Support**: Any statements participants made about what they believed encouraged them to continue to engage in research and publication or statements about what they believed contributed to success in research and publication were categorized within the Success/Support initial theme.
4. **Challenges/Barriers**: Any statements participants made about what they believed discouraged them from engaging in research and publication or statements about what they

believed acted as barriers to success in research and publication were categorized within the Challenges/Barriers initial theme.

The participants voiced various motivations for doing research and expectations about research along with supports and barriers when conducting research in higher education. These findings appeared to support past research that explored motivators for participating in research as well as the supports and barriers to conducting research in higher education (Denial & Hoppe, 2012; Siedlok & Hibbert, 2014). Each of the themes that emerged from this research appeared to be aspects of research that were important in faculty members' experiences. Past research revealed a number of barriers and supports to conducting research in general (Denial & Hoppe, 2012) as well as conducting research within interdisciplinary teams (Siedlok & Hibbert, 2014).

Motivation

When exploring the motivation of faculty towards pursuing research, investigators were interested in which factors, either *internal* or *external*, affected productivity behaviors. The *external motivations* (or the professional motivations) included anything related to the job itself such as the need to produce enough publications for tenure. The *internal motivations* (or personal motivations) included anything that was not directly a part of professional expectations. For example, factors related to personal satisfaction and meaning-making fell into this subtheme.

Overall, the frequency of responses for *internal motivation* and *external motivation* proved to be important to faculty. Interestingly, the *internal motivation* factors were self-reported slightly higher (n = 115) than those of *external motivation* factors (n = 103). The highest response frequencies for motivation reported by faculty all fell into the *internal motivation* cluster and included "being noted in their profession" (n = 16), collaboration (n = 14), and the search for knowledge (n = 14). Faculty reported notable specifics in these motivators as:

> "When you complete research and publish, you are seen as a visionary, you can share that vision with your junior faculty members, your graduates, and your undergraduate students." (R. Porter, personal communication, February 11, 2020)

> "Research can be eye-opening and transformative; it gets at the heart of the message you want to share." (F. Oliver, personal communication, February 11, 2020)

> "One of my overall motivators to conduct research is getting to know other faculty members, other disciplines, learn our differences, our strengths, and how we can come together." (J. Woods, personal communication, February 11, 2020)

The lowest response frequencies for motivation was money (n = 1), followed by resources (n = 1), and time (n = 7).

Each of the themes that emerged from the current investigation of **Motivation** for research in higher education, which were *internal motivation*, *external motivation*, *being noted in the profession*, *collaboration*, *the search for knowledge* and least commonly *money, resources, and time*, appeared to support past research that found that motivators for participating in interdisciplinary research included social relations, compatibility with colleagues, intellectual stimulation, and personal development (Siedlok & Hibbert, 2014). This past research also tended to highlight internal motivators more that external motivators for conducting research in higher education.

Self- Reported Success Rating

When faculty members were asked to "define their success in research and publication" on a scale of 1-10 it is notable that the highest score reported was a 6 with 75% of the faculty scoring themselves at 3 or below. Faculty shared vulnerabilities to feeling a sense of self efficacy in conducting and completing the research process to include:

> "I'm not doing the research I need to do, I feel like I fall down on that part." (L. Hubbard, personal communication, February 11, 2020)

> "To have good research you have to have stats, I was never good at stats." (W. Caldwell, personal communication, February 10, 2020)

> "I wonder, is it lack of motivation, lack of knowledge, feeling under prepared, incompetent?" (K. Stuart, personal communication, February 11, 2020)

This sense of struggle amongst faculty to conduct scholarly research and to publish may resonate with some pre-tenure faculty members who may be feeling the pressures of academia.

Expectations

In the coding category **Expectations**, three subthemes emerged. The primary themes were: *enjoyment*, *self-efficacy*, and *development*. *Enjoyment* is a theme in which participants speak to how enthusiastic or stressed they believe their work related to research will be. In *self-efficacy*,

participants discussed the way they view themselves regarding their competency and ability to be successful in research. Finally, in *development*, participants discuss how they expect engaging in research will contribute to their personal and professional development.

Enjoyment

The subtheme of *enjoyment* contains positive factors (excitement/fun) and negative factors (difficult/stressful). In this subtheme, participants discussed how they felt about research and how research has made them feel. For example, one participant said that research is "way too much fun," (R. Ferguson, personal communication, February 11, 2020) and others mentioned that they "enjoy" it and even "love" it and that they wish they could do more (positive). Within the positive factors, some discussed their "passion" for research, one participant even described herself as becoming "obsessed" when she gets involved in a research project (F. Oliver, personal communication, February 11, 2020). Within the negative factors, one participant said that years ago she was "scared to death" of research and publication (R. Porter, personal communication, February 11, 2020), while others described research and publication as stressful, difficult, challenging, frustrating and consuming.

Self-Efficacy

Self-efficacy, another subtheme of **Expectations**, also contained positive factors (high self-efficacy) and negative factors (low self-efficacy). In *self-efficacy,* participants spoke to the belief they had in themselves in the context of research competency and productivity. This subtheme could be conceptualized as a qualitative representation of the quantitative score each participant gave him or herself in the self-reported success-rating. *Self-efficacy* in this context refers to participant's thoughts, feelings, and beliefs related to the expectations they have for themselves in terms of how competent they are as researchers, the expected outcomes of a given project, and how successful they believe they can be in performing research. An example of the positive factors within this subtheme was the statement that "I am capable." Negative factors were much more prevalent. For example, one participant asked the rhetorical question "Who would want to read anything by this little professor in this small southern university? … What could I tell the educated community?" (R. Ferguson, personal communication, February 11, 2020). Another participant, when asked about his level of research competence, even said "I stink at it." (W. Caldwell, personal communication, February 10, 2020).

Development

The third subtheme within this coding category is *development*. In *development*, participants discussed a desire to better themselves and others through research and the process of research. Two factors emerged: self-development and other-development. Under self-development, participants discussed a desire to learn and push oneself. Some participants described seeing research as an opportunity to learn and grow professionally. One participant noted that he was interested in "growing," and "gaining more knowledge germane" to research and publication. Under other-development, participants described a desire to better the field, the university, and the students. One participant said that research "drives our practice," and numerous participants noted the desire to do pragmatic research that could be used to directly improve their students' learning. Another participant noted that research benefits the university by increasing the attention paid to the university's name.

Support

In the coding category **Support**, four subthemes emerged: *collaboration*, *supports related to working conditions*, *supports from other people* and *university provided research support*. *Collaboration* was a subtheme in which participants expressed excitement and enthusiasm about working with and helping others. For example, participants believe that collaboration with other colleagues would be a way to conduct more research. *Supports related to working conditions* was a subtheme that emerged as most of the participants discussed heavy advising loads, heavy course loads/teaching schedules, a desire for reduced teaching schedules to allow them to engage in research, and a reduction in the number of recruiting and outside events they were required to participate in each semester. In the subtheme *supports from other people*, participants discussed their feelings about a lack of support from department chairs. Finally, *university provided research support* was the subtheme where funding and financial support for research and travel to present research was consistently expressed by participants.

Collaboration

The subtheme of *collaboration* includes subthemes focused on the concepts of working together and support. In this subtheme, all participants discussed how they enjoyed a team approach to collaboration as well as having co-researchers and getting help and helping others. Various participants indicated the importance of factors such as accountability, peer support,

mentoring, support, and supportive colleagues. Communication and discussion about research were also reported among participants.

Supports Related to Working Conditions

Supports related to working conditions was a subtheme that included several factors such as the desire for course load reduction, workload reduction and limited advisees. One participant said, "I typically have 90 something advisees. I'm still reaching out to them even though they are not showing up and doing things" (R. Ferguson, personal communication, February 11, 2020). Time was also mentioned by participants. Participants consistently stated they did not have time to conduct research within the workday. One participant discussed endowed professorships, intentional efforts, publications, and sabbaticals as supports related to working conditions. Endowed professorships provided funds to support research and publication fees. The participants also spoke about being able to use endowed professorship funds for travel to present research. Sabbaticals were also mentioned as allowing time away from the classroom and other university responsibilities to focus on research.

Supports from Other People

Another subtheme *supports from other people* emerged within the theme of **Support**. Within this subtheme, participants spoke of a supportive Department Head or Director and a statistician most often. Tech support was also mentioned. One participant used an interesting comment "network to my future." This statement was notable because the participant indicated that being able to network with other people could create future opportunities within the university or even the university system. The participant stated, "I could be the co-author and also through that process I can get my network to my future, so that I can be there more and then I can evolve" (J. Jones, personal communication, February 27, 2020). Still another participant indicated the importance of working with better writers when they stated, "I try to associate myself around people who are better writers than I am, and that's not difficult to do" (J. Wilmington, personal communication, February 19, 2020).

University Provided Research Support

The final subtheme within **Support** was *university provided research support.* Participants discussed factors such as professional development, presentations, and a research center most often. One participant discussed writing workshops. "You know writing workshops would be interesting" (J. Wilmington, personal communication, February 19, 2020). That same participant

also stated "You know communication and discussion builds a culture, builds expectations, I think. I think that's a culture-building exercise as much as it is a discrete exercise for your portfolio or whatever serves those purposes" (J. Wilmington, personal communication, February 19, 2020). Hence, this participant expressed a desire for culture building exercise. Other participants discussed available resources and a free database/secondary data.

Participants expressed the need for support through four themes, *collaboration, supports related to working conditions, supports from other people* and *university provided research support.* Collaboration was most often discussed. It is evident based on the 31 tallies, the highest number, that the ability to collaborate was extremely important to participants who wished to engage in research and publication.

Barriers

The investigation of the **Barriers** theme revealed that faculty members grapple with both an interest in research as well as experiences with barriers to conducting research. Researchers identified four subthemes within the **Barriers** theme, which were *time availability due to professional responsibilities, time availability due to personal responsibilities, culture of the university,* and *research weaknesses and experiences*. *Time availability due to professional responsibilities* referred to the participants' contentions that the other aspects of a career as a faculty member limit the amount of time one has to engage in research and publication. In *time availability due to personal responsibilities*, participants discussed the ways in which one's personal life limited the amount of time they had to engage in research and publication. In the subtheme *culture of the university,* participants discussed barriers related to the university not placing enough value on research to make it worth doing. Finally, in the subtheme *research weaknesses and experiences,* participants discussed how a low self-efficacy, or a perceived low level of competency, discouraged the participant from engaging in research activities.

Time Availability Due to Professional Responsibilities

In the grappling of time constraints, which was highly common, professional responsibilities were extensively discussed. Among those responsibilities were factors such as teaching and course load, advising students, helping students, providing community services, participating in committee and other meeting, and providing administrative work. *Time availability due to professional responsibilities* was emphasized repeatedly as a barrier to conducting research, which can be revealed by the following quote:

> "For me, it's time because I mean it may be um difficulty finding resources, but there are so many resources available now, but it still takes time to research the different resources to see" (Florence Oliver, personal communication, February 11, 2020).

Time Availability due to Personal Responsibilities

Another subtheme was t*ime availability due to personal responsibilities*. Faculty members commonly discussed their responsibilities outside of work, and most notably, their responsibilities related to their family, as can be demonstrated in the following quote,

"It's like I just want my kids right now, so if there were times during the day that was not taken from my family, I would do it" (F. Oliver, personal communication, February 11, 2020).

Faculty members also mentioned the effect work load has on them and their additional need to take care of themselves, including their health, their need to not be alone in their research, their need for sleep, and their need for more energy. The effect on self could also be implied by their expressions of fear of failure and rejection, feeling guilty and intimidated, and thinking their work is not good enough.

Culture of the University

The *culture of the university* was reported as a barrier as the university in the current study has been perceived by many as primarily a teaching institution. One participant stated:

> The culture of research because I think that's what builds the momentum. That's what builds a I mean once you get to a critical mass of people collaborating, working, and um producing good research um you know I think you will have been successful and I think you've created that culture. (J. Wilmington, personal communication, February 19, 2020)

In relation to this theme, it was frequently mentioned that lack of clarity about expectations for research exists. For instance, one individual noted that the expectations are "clear as mud" (W. Caldwell, personal communication, February 10, 2020). Some stressed the need to be enlightened and to have clear expectations about research and publication. Moreover, expectations for research and publication appeared to vary across departments with some departments requiring research and other departments requiring scholarly work.

Research Weaknesses and Experiences

In the subtheme *research weaknesses and experiences,* faculty members explained how negative self-efficacy translated into being discouraged from engaging in research and publication. Faculty members appeared to like the idea of doing collaborative research as a few of them

discussed their weaknesses in some aspect of research. Included among those weaknesses were factors such as skill in statistics, not wanting to make mistakes in reported unbiased research and in accuracy of reporting result, and needing knowledge about others doing research. One individual discussed the intensity and amount of work involved in doing dissertation and reported feeling scared to go back to that kind of experience again. Less common among the weaknesses was the need for accountability.

Some of the subthemes that emerged from the investigation of the theme of **Barriers**, which were *time constraints due to professional responsibilities*, *time constraints due to personal responsibilities*, *culture of the university*, and *research weaknesses and experiences*. Past research that supports these findings showed primary barriers to be limited availability, time constraints, limited financial support, lack of mentorship, and being in an environment not conducive to conducting research (Denial & Hoppe, 2012; Kataeva & DeYoung, 2018). Kuzhabekova and Ruby (2018) found similar barriers to research and publication including lack of funding, lack of time, poor access to materials and equipment necessary for research, and other findings similar to those in the current study. Time, similar to the responses of participants in the current study, was a barrier that was most often cited in open responses in Kuzhabekova and Ruby's 2018 study. They also found that research productivity increased in environments where there was a publication link to promotion and support structures in place for research and publication. The institution in this study does not have a published policy related to research and publication; however, in the College of Education a support structure that provides time and meeting space has been put in place recently by the newly appointed dean. This type of support may provide opportunities for mentorship and create a culture and an environment conducive to conducting research.

Limitations

The study used a small sample size, which is typical of qualitative study designs. Additionally, all the participants came from a single college within the university. The small number of participants and limited representation from diverse academic disciplines across the university reduces the study's ability to generalize the findings to a broader group of faculty members who conduct research. Therefore, the findings from the current study may be generalizable to faculty in mid-sized Carnegie-ranked Master's University where teaching is emphasized.

Another limitation involved the lack of anonymity of interview participants. While confidentiality was maintained among the research team, the identities of interviewees were known to the researchers. Participants were also recruited from within the same college as the researchers, resulting in researchers interviewing their colleagues. A potential limitation of the study is that participants might have withheld information related to their research experiences or provided biased answers based on what they thought the researchers were expecting to hear. To minimize this limitation, researchers tried to interview participants who they did know well.

A final limitation involved the quality of audio recordings of the interviews. Transcribers reported some challenges understanding some words and phrases spoken by the research participants. Transcribers addressed this limitation by using a software program to automatically transcribe the audio recordings. They cross-checked what they heard on the audio recordings with the software transcriptions.

Directions for Future Research

The study included both 12-month, administrative faculty and 9-month, non-administrative faculty. It is possible that research expectations and time limitation vary for 12-month, administrative faculty. Future research could explore possible variations in the research experiences of the two groups. Findings from such a study might be useful in guiding promotion committees in understanding research expectations of each group and if they should be evaluated by the same or different criteria when considering promotions.

Future research should continue to explore the research experiences of faculty in various disciplines and across diverse higher education institutions. The current study captured a picture of faculty research experiences in one college within a mid-sized university, which considers itself to be primarily a teaching institution. It is likely that interview responses would vary greatly based on research in different disciplines and universities across America or throughout the world.

Conclusions

The purpose of this study was to describe research and publication from the perspective of faculty members in a rural Carnegie-ranked Master's University. The investigation sought to identify benefits, barriers, and supports for conducting research. The study also explored motivational factors and expectations for engaging in research. Eight participants, who were tenured or tenure-track faculty members, were interviewed from a rural university. Researchers

were asked about the overall benefits of research and publishing, challenges to motivation, and supports that would increase motivation to continue research and publishing.

The results revealed multiple sub-categories within the themes of supports, barriers, motivation factors, and expectations. Future research efforts could examine the sub-categories with the goal to support tenured or tenure-track faculty members in their research and publishing efforts. In addition to qualitative examinations of research experiences, future quantitative studies could compare the research expectations of 9-month versus 12-month faculty members or include more research participants to improve the generalizability of the findings. Overall, the findings from the current study provide research implications into the benefits of exploring the research experiences of faculty members in higher education.

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Challenges to Distance Learning Program at a Major Russian University

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Abstract

This study is built upon the personal experience of the author and relevant literature. The main aim of the study was to describe the status of the distance learning program at a major Russian university. The author worked as a Fulbright specialist at one of the Federal universities in Russia in 2018. The outcomes are based on multiple unobtrusive observations of the faculty and conversations with the faculty and administration. The major challenges and barriers to the development of distance learning curriculum at the university are indicated and described. The author assumes that these problems may be typical for the higher education in Russia.

Keywords: online curriculum, distance learning, blended, hybrid, course design, administration, professional development, faculty

Introduction

Distance learning (DL) in Russia has a relatively long history. The vast areas and a large population have always called for education through distance. According to some sources, education by correspondence became available in Russia as early as in the second part of the 19th century (Ossietzky & Kourotchkina, 2012). With the formation of the Soviet Union came a need in qualified workforce. Education by correspondence developed rapidly and reached its peak in the mid-1970's with 1.2 million students (Энциклопедия. История, 2019).

After the collapse of the Soviet Union, and with the advent of digital technologies and the Internet, elements of DL became available via the Internet. According to some authors, an annual increase of the DL participants in Russia has reached 25% in the present days (Vaganova et al., 2018). It is expected that the number of DL students will soon exceed 3 million (Safiullin et al., 2014).

Higher education determines the quality of the national education and shapes development of its science and culture. Consequently, DL as part of higher education has become a major focus. Internet-based DL in Russia is rapidly replacing the evening and by-correspondence types of education. The Russian universities are improving their DL curricula, but the process does not

seem to develop smoothly, nor does it have a detailed plan for the future (Gerashchenko & Gerashchenko, 2017). The process is occurring in the context of changes in the Russian higher education system: Russian universities are still producing specialists for the outdated resource-based economy; the commercialization of higher education presents barriers for the young people with a low socio-economic status; the level of informational technology is still inadequate; the value of higher education is replaced with the value of its diploma; university research is becoming increasingly unattractive for the potential scholars; the practices of admission, testing and examination are often connected to corruption (Яо, Л., 2009).

The main components of a distance learning program at any modern institution of higher learning should include a professional online/hybrid course design and a developed learning management system also known as LMS. In other words, in the distance learning programs the faculty who teach online use the principles of effective instruction (Merrill, 2002) as applied to distance learning through online technology. While literature on principles of online instructional design is readily available in Russia, the practice of effective online/hybrid teaching may not be quite as developed. Most Russian universities and the university in question maintain modern LMS (Moodle, Blackboard, Sakai etc.). The acquaintance with the faculty and administration made it possible for the author to do some research on the effectiveness of the university's distance education program and come to some conclusions.

The Nature of the Study

This exploratory study is based upon the impressions, observations and other personal experiences collected during the author's visit to a major Russian university as a Fulbright specialist. The experiences were derived from unobtrusive observations, formal and informal conversations, and other interactions with the faculty and administration of the university in question. The derived experiences have been analyzed and summarized in the form of outcomes and suggestions. References to the literature in English and Russian on the topic have been offered to suggest that the observations and conclusions may pertain to the larger context of the entire higher education in Russia.

Setting

As a Fulbright scholar, the author was conducting a series of seminars on distance curriculum design at one of the major public Russian universities that had recently acquired the status of a "federal university". This status means that the university belongs to the ten top-tier

public universities funded by the federal government. As of 2017 the enrollment exceeds 25,000 undergraduate and graduate students. The author had three meetings with the top administration of the university to discuss the state of DL at the university. He had two major meetings with the Department of Distance Learning of the university. All the formal meetings with the faculty included administrators. While conducting the seminars, the author had a unique opportunity to communicate with the faculty on the subject of DL, hear their concerns, opinions, and accounts of their experiences of teaching online courses. Of special interest were numerous questions about the practices of online teaching at U.S. universities.

There were six seminars conducted for the faculty of different colleges and departments with at least 200 faculty members and administrators participating over a period of three weeks. The subjects of the seminars included the methodology and standards of online course design and best practices of online teaching. The seminars were conducted in a friendly atmosphere of exchange of experiences and opinions.

In the meetings with administration, the author discussed the questions of certifying online courses, incentives for the faculty, and related issues. The administrators included those in charge of faculty professional development and the online program. The administration expressed interest in developing online curriculum at the university and issues of professional development of the faculty in distance learning.

Considerable amount of information was obtained from unrestrained and unobtrusive conversations with individual faculty and small groups during informal meetings outside the university. As a native speaker of Russian and a former faculty member of a Soviet university, the author was able to participate in first-hand and unabridged discourse on the issue of distance learning at the university in question. Below are the outcomes derived from the experiences.

Outcomes of the study

The major conclusion of the study is that the distance education curriculum at the university is at the stage of its conception. The terminology of DL at the university has not been fully established. The international word *distant* has a similar meaning and pronunciation in Russian; however, there are several derivatives of the word with identical meanings but differing spellings. This suggests that the university's documentation has not yet determined one single term for DL. This is not to say that the faculty do not teach online. However, the online courses they offer do not constitute part of the university's distance education curriculum. For the most part a faculty

member who posts her or his teaching material online considers the course an online course. Interestingly, the idea of an online course is often interpreted as a video-recorded lecture. The University has a special studio where the faculty can record their lectures, some of considerable length. It is a popular belief that a decent lecture should contain elements of oratorical mastery, therefore video recording of lectures in studios is popular at the university and in Russia at large. Detailed advice on methodology of recoded lectures is offered as part of online course design both by the university's administration and on the national level (Козлова et al., 2014).

The administration pushes for a unified model of an online course, but the standards of the model are unclear. No unified format of an online/hybrid course is offered. As one faculty member put it "The administration pushes us to teach online, but they do not offer any sample". The administration expressed genuine interest in having and applying a unified standard-based online course model.

What barriers for developing a DL curriculum at the university existed in the described period? As observed in the study, the barriers to a creating a DL curriculum at the given university can be divided into the following categories: the barriers related to the national culture and psychology, the barriers of methodology and administrative barriers. While the observations in this particular study may not be extrapolated to other universities, the barriers listed below have also been described in the literature on the Russian DL as typical to the entire system of the Russian higher education. Let us consider each barrier in greater detail.

The barriers related to the national culture and psychology. The problem includes resistance to change both on the part of the veteran faculty, which is quite typical of seasoned faculty throughout the world (Richard, 2017), lack of belief in the effectiveness of online learning, traditional fear of plagiarism and cheating inherent in the Russian education, mistrust of online evaluation and assessment methods (Frolova, 2015; Gerashchenko & Gerashchenko, 2017). At the seminars one of the typical questions was "How can I be sure that it is the right student taking the test, not someone else?" In addition, the push of the administration for more online courses creates the fear of increase in teaching load and downsizing of the teaching personnel. The disgruntled faculty members referred to the history of the university in question: several smaller local universities and colleges were merged into one major organization, which made part of administration and faculty redundant. This gave rise to the suspicion that online curriculum enforced by the administration will lead to increase of teaching load. While hiring additional

faculty would seem natural, the faculty fear further layoffs. Severe staff and funding cuts have become a grim reality in the Russian higher education (Dvornikova, 2016).

Better communicating the advantages of online teaching to the faculty, demonstrating successful online courses and other practices, professional development and personnel training and other activities promoting online teaching are offered to remedy the above problems (Ассоциация, 2018).

The problems of methodology. The practical instructions to utilize an online teacher-student communication tool are frequently mistaken for online curriculum design. The administration has developed "methodological instructions" for the use of the Learning Management Software Sakaj, which is offered as online course design. Any kinds of online communication between the faculty and students (for example, email, posting assignments online, use of the internet resources, web placement of lecture notes and other teaching materials including texts and/or video recordings of their lectures) are confused for online course design. There are multiple articles and brochures on tips of effective online teaching, available online or as printed material. However, there is no nation-wide list of pedagogical standards and requirements for online teaching in higher education. Professional development for the faculty is rare and includes technical issues rather than methodology of online instruction. Lack of pedagogy in online learning has been recognized as a more severe impediment than technical issues (Образование, 2020)

The idea of online/hybrid course certification based on the uniform national standards is being widely discussed within the Russian university education, but the practice of course certification has not yet been introduced (Gerashchenko & Gerashchenko, 2017; Safiullin et al., 2014). While some recommendations for online course design may be quite reasonable and built on solid pedagogical background, they are not uniform to online curriculum design nationwide. The process of accreditation of an online/blended course using international standards such as Quality Matters (www.qualitymatters.org) is known in the U.S. as course certification. In contrast, the practice of issuing certificates of completion to the students is currently viewed as "course certification" both at the university in question and in Russia in general. Absence of unified standards in the process of online course certification leads to deficiency of effective pedagogical strategies in teacher-student communications, adaptability, accessibility and other online practices.

Administrative problems. While online course curriculum at Russian universities is heavily encouraged by the administration, the faculty appear to be less enthusiastic, which is

typical for the entire university system in Russia (Daletskaya, 2008). The online curriculum of most US universities is primarily designed for the students enrolled at these universities; in contrast, the administration of this and other Russian universities tends to offer online courses for the students outside their universities. This trend may be reflective of the increased commercialization of the Russian higher education (Yachina, 2015). Some participants of the seminars feared that including students from outside their university would lead to increasing of their teaching load which is already "unbearable".

Special legislation is being devised to achieve mutual recognition of such courses as part of the general university curriculum (Ассоциация, 2008).

Material and meritorious incentives and compensations to the faculty to design and teach online curriculum are either insignificant or non-existent. While some universities and/or their units include online curriculum in the practice of faculty merit evaluation, designing/implementing online courses does not translate into additional pay. Generally, the federal legislation broadly encourages incentives for the faculty for "introducing technological innovations" without mentioning online course design in particular (Ozernikova & Gainullina, 2011). Consequently, because standardized online/blended curriculum does not exist, including its aspects in the objective merit evaluations presents serious challenges.

Lack of professional development (or absence thereof) in the field of distance learning represents a major barrier to the development of online curriculum at the university and in the country at large. Irina Smirnova maintains that many students are more skilled in computer technology than their instructors. This could be easily overcome by training faculty (Smirnova, 2012). Smirnova points out to the lack of professional development specifically in online curriculum design. She also indicates that some old norms and regulations are contradictory to the reality of distance learning (Smirnova, 2012).

Bureaucratic restraints present one of the most critical barriers to an effective DL curriculum (Yachina, 2015). On the one hand, the government regulation of DL is too complex and self-contradictory, on the other it sets goals for 40% reduction of the number of the existing universities in the upcoming future. According to the plans, the reduction of the number of universities should not lead to a reduction in enrollment. It is expected that by 2025 the enrollment will include 5 million students as a result of the development of online curriculum. These plans

breed fear of further downsizing among the faculty and ultimately give rise to reserved attitudes toward online curriculum (Солдаткин, 2018).

Conclusion

The administration of Russian universities is pushing for the increase of DL in their curricula. However, this push does not always find adequate response among the faculty. The faculty are concerned with possible downsizing and view DL as part of the threat to their job security. While the amount of online teaching material and faculty-student communication in the Russian universities can be impressive, the DL courses have various degrees of pedagogical effectiveness. There are no uniform nation-wide sets of pedagogical/methodological standards of online/hybrid course design applicable to most content.

Developing and applying these standards on the national level would be a breakthrough in Russian DL. However, the initiative should come from the universities as stakeholders and involve the faculty with experience in DL. The final product could be something akin to the standards of Quality Matters (www.qualitymatters.org) and include aspects specific to the nature and traditions of the Russian higher education. This practice would make it easier for the Russian universities to develop the system of mutual recognition of online courses. At a glance, the problems indicated in the study can be typical of the most post-Soviet countries.

While the study does not include any changes in the Russian DL caused by the pandemics, it can be assumed that COVID-19 exposed the unpreparedness of the Russian universities for a transition to online teaching (Образование, 2020)

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