School Law
Syllabus

Course Description

Public School Administrators must be familiar with past and current legal issues in education to be effective leaders. This comprehensive school law course is designed to provide school personnel with the knowledge to understand legal issues facing schools and districts as well as practical skills to avoid unwanted litigation.

Competencies

Upon completion of this course, participants will be able to
- Examine the social and philosophical context within which laws are created
- Describe the legal roles of federal, state, and local government in the operations of schools
- Explain the tension between governmental controls and the exercise of protected individual rights within the school setting
- Understand the legal rights and responsibilities of board members, administrators, teachers, students and parents
- Encourage the use of preventive law strategies to avoid harmful litigation
- Assist school personnel in understanding the current application of the law
- Apply selected legal principles to the formulation of educational policies and procedures

Materials

Most materials are accessed via the CaseNEX website (http://www.casenex.com) using the PIN provided and the user name/password you create.

You will need to create an account with FindLaw.com to access some court cases and summaries from the Virtual Library. Register for a free account at:
In addition, this course has a required textbook, *Public School Law: Teachers’ and Students’ Rights, 6th Edition*. Course participants must purchase this book in order to complete this course and may find it on [www.amazon.com](http://www.amazon.com).

All other readings listed can be found by going to Class Materials → Virtual Library → Readings (Search).

If you do not have the most recent versions of the following software, please download each from the given sites.

- Windows Media Player
  [http://www.microsoft.com/windows/windowsmedia/player/10/default.aspx](http://www.microsoft.com/windows/windowsmedia/player/10/default.aspx)
- RealPlayer
- Adobe Reader
- QuickTime

**Cases Used**

- Let Us Pray
- Up to Standard

**Course Requirements and Grades**

Close reading of all assigned materials is expected prior to beginning other course requirements listed for each session. Please make every effort to complete assignments by the due date. If you are turning in an assignment late, you must email your instructor to inform him/her that a late assignment has been posted. Points will be deducted from late work at the instructor's discretion.

**Graduate Credit Requirements:**

**Introductory Session (2 points)** — Students completing the outlined requirements of the introductory session can earn 2 bonus points. The Journal and Discussion in this session do not count toward your required Journal or Discussion participation.
**Discussion (48 points)** - Informed participation in online Discussions led by the course instructor is required. Discussion topics will be posted each session by your instructor. Participation should not be limited to simply answering the instructor's question. Instead, discussions should follow an ongoing process of reviewing and responding to classmates' and instructor's comments in a dialogue fashion. Discussion postings should include application of the session's readings to the issues raised in the discussion prompt. You should log into and participate in the discussion at least three separate times each session. Your first posting must be your response to the discussion question, followed by at least two responses to your classmates' comments. *(Please note, your class discussion can be found under the 'Discuss' tab on the top menu bar. The 'Discuss this case' link found within cases is a 'global' discussion area where you can interact with students in other courses. For the purpose of your class discussion assignments, however, please use the top menu bar.)* You are required to participate in 8 topics of Discussion and may earn up to 6 points per session, for a total of 48 possible points.

**Journal (42 points)** – Completion of weekly reflections based upon personal and professional experiences, session readings, and Journal prompts is required. These reflections are to be completed in your online Journal and should use components of the five-step case analysis process as indicated in the prompt. To access your Journal, click on the "Journal" button. This entry can only be viewed by you and your instructor. Your instructor will provide feedback for each Journal posting. Graduate students are required to complete 6 journals from a choice of 8. Each Journal is worth a maximum of 7 points for a total of 42 possible points. The two journals not chosen may be used with prior instructor permission only for make-up or substitution points for a struggling student under unusual circumstances (for example, serious health problem or other family emergency). All Journals have a suggested length of 250 words. Your Journal will be assessed using the following rubric:
Workbook (75 points) – The Workbook is intended as a place to apply course concepts to your unique school situation. Graduate students are required to complete three Workbook Assignments as noted in the syllabus. Each Workbook will be worth 25 points, for a total of 75 possible points. See the Workbook Assignment Rubric under Course Tutorials for details. Workbooks are accessed from the Talking to Each Other menu. Post your Workbook Assignment there following the directions given. (Note: If your Workbook includes images, charts, tables, or other complex formatting, please work in a word processing program and then attach your work to this area. This will ensure that all formatting stays intact). When citing sources, be sure to reference them appropriately using APA style. (See APA Style.org, Electronic References http://www.apastyle.org/elecref.html).

Total points: 165

Graduate students must earn a B or higher in order to receive graduate credit. The point distribution for graduate students is noted below:

A  148 - 165
B  132 - 147
C  116 - 131

Professional Development Students:

Introductory Session (2 points) – Students completing the outlined requirements of the introductory session can earn 2 bonus points. The
Journal and Discussion in this session do not count toward your required Journal or Discussion participation.

**Discussion (48 points)** - Informed participation in online Discussions led by the course instructor is required. Discussion topics will be posted each session by your instructor. Participation should not be limited to simply answering the instructor's question. Instead, discussions should follow an ongoing process of reviewing and responding to classmates' and instructor's comments in a dialogue fashion. Discussion postings should include application of the session's readings to the issues raised in the discussion prompt. You should log into and participate in the discussion at least three separate times each session. Your first posting must be your response to the discussion question, followed by at least two responses to your classmates' comments. *(Please note, your class discussion can be found under the 'Discuss' tab on the top menu bar. The 'Discuss this case' link found within cases is a 'global' discussion area where you can interact with students in other courses. For the purpose of your class discussion assignments, however, please use the top menu bar.)* You are required to participate in 8 topics of Discussion and may earn up to 6 points per session, for a total of 48 possible points.

**Journal (56 points)** - Completion of reflections based upon personal and professional experiences, case readings, and Journal prompts is required. These reflections are to be completed in your online Journal and should use components of the five-step case analysis method as indicated in the prompt. To access your Journal, click on the “Journal” button on the top menu bar. This entry can only be viewed by you and your instructor. Your instructor will provide feedback for each Journal posting. Professional development students are required to complete 8 Journals. Each Journal is worth a maximum of 7 points for a total of 56 possible points. Journals have a suggested length of approximately 250 to 500 words per session. Be concise!

Your Journal will be assessed using the following rubric:
Workbook (25 points) – The Workbook is intended as a place to apply course concepts to your unique school situation. Professional development students are required to complete any one Workbook Assignment from those listed in the syllabus. This Workbook assignment is worth 25 points. See the Workbook Assignment Rubric under Course Tutorials for details. Workbooks are accessed from the Talking to Each Other menu. Post your Workbook Assignment there following the directions given. (Note: If your Workbook includes images, charts, tables, or other complex formatting, please work in a word processing program and then attach your work to this area. This will ensure that all formatting stays intact). When citing sources, be sure to reference them appropriately using APA style. (See APA Style.org, Electronic References http://www.apastyle.org/elecref.html).

**If professional development students need additional points to pass, they may do an extra Workbook Assignment.

Total Possible Points - 129

Participation in all course sessions is required for professional development credit. Professional development students must earn 110 points in order to earn credit for this course.

Course Schedule

Find session dates by selecting Syllabus on the top menu bar. For typical courses, final Discussions, Journals, and Workbooks are due by
Saturday at midnight unless otherwise noted. Please see the News Flash for any alterations of the course schedule posted by your instructor.
Introductory Session
Exploring the CaseNEX Site

Complete these tasks prior to the beginning of Session 1.

Readings

Read the course requirements, paying special attention to the Case-Analysis and Workbook Assignment Rubrics. They will be used by your instructor throughout the course to evaluate assignments where appropriate.

Discussion

Post one entry introducing yourself to your classmates. You may choose to describe your professional background and experience, relevant personal information, or why you are taking this course. (100 words or fewer)

Journal

What do you find inspiring and challenging about your work in education? (100 words or fewer)

Note

Use CaseMail to send a note to your instructor stating that you will be taking this course. To do so, click on CaseMail on the top menu bar and then ‘Click here to create a new message.’ Use the marked link to look up an address. Continue linking down until you see the class list. Select the instructor’s name and then compose your message and hit ‘Post Message.’
Session 1
Examining the Legal Foundation of Public Education

Case
None this session

Readings
- Public School Law: Teachers’ and Students’ Rights Chapter 1, pages 1-24.
- The Supreme Court and Public Schools
- Guide to Law Online: Other Online U.S. Law Guides
- FindLaw Education Law Section
- Map of Geographic Boundaries of U.S. Courts of Appeals and U.S. District Courts
- Court Statistics Project Map (click on a state to view its court structure)

Discussion
Using knowledge from this session’s reading “The Supreme Court and Public Schools,” summarize the difference between how the Court approaches applying the Equal Protection, Establishment, and Free Exercise Clauses in the public school setting and how it applies free speech, Fourth Amendment privacy, and due process rights in the public schools. Discuss your perspective on the extent to which you believe these differing approaches are warranted and whether you agree with the distinctions the Supreme Court has drawn.

Journal
Describe 2-3 legal issues your school or district has faced. What actions were taken to resolve them? What was the final outcome? What have the consequences been (both positive and negative) on the daily “business” of your school or district?

Note
Check your CaseMail (linked from top menu bar) and News Flash (on the right when you login) for notes from your instructor every time you log on to the site.
Workbook

What a Principal Should Know

Choose from the following list of topics and post your choice in your journal no later than Saturday of this session. (Please note this assignment has two due dates. The actual briefing paper is due by Saturday of Session 7 as indicated below). No more than two students will be allowed to cover the same topic, and topics will be chosen on a first posted, first served basis:

- Eligibility under IDEA
- Individual Education Plans under IDEA
- Discipline and IDEA
- Section 504 Eligibility Process
- Search and Seizure
- Title IX—Selected Controversies
- Termination of Teachers
- Sexual Harassment (Adult to Adult, Adult to Student, Student to Student)
- Student Expression
- Internet/Technology Legal Controversies
- Athletics and Extracurricular Activities—Selected Controversies
- Free Exercise and Establishment Clause Issues
- Curriculum and Instruction
- Employment Discrimination
- Teachers’ Rights of Expression, Association, and Privacy
- Student Records—FERPA
- Employment Licensure, Pre-employment Issues, Contracts, Assignments and Tenure
- Employment Grievance Procedures and Resulting Controversies
- School Vouchers
- Charter Schools

This assignment is designed to give each student the opportunity to gain some depth of understanding in one area of school law and then to serve as a resource for the entire class. Prepare a short (no longer than the equivalent of 1250 words) briefing paper on what a principal needs to know about the area of law you choose. Pay close attention to the issues involved: recent trends, controversies, new developments, and circumstances in your particular state. On the due date, you will post the paper on the discussion board and in your Workbook.
Depending on the topic, you may choose to give a comprehensive overview of an area with general guidelines for practice, or you may examine selected issues after a brief overview. You may also break down a topic into a component part, if you find that it is too broad for purposes of the assignment. On the other hand, you may expand on a topic by relating the content to a specific legal case or controversy of interest that is illustrative of a larger legal trend or principle. Where appropriate, you may focus on state laws or local school division policies.

The briefing paper must be posted on the discussion board and in your Workbook by the end of Session 7.

This assignment is required for all students.
Session 2
Identifying Church/State Relations in Public Schools

Case
Let Us Pray

Readings
- Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools
- Evolution Court Cases
- Talking About Evolution
- University of Houston Law Center: How to Brief a Case
- Adler v. Duval County
- Edwards v. Aguillard

Discussion

Read the press release about the Supreme Court’s decision on Texas school prayer (Santa Fe v. Doe) found in this session’s case and discuss whether or not the school policy in question violated the Lemon Test by using knowledge from the textbook. Describe similarities between Santa Fe v. Doe and the issues raised in this session’s case study. Identify any religious actions which have been taken by students or teachers at your school and evaluate the constitutionality of those actions with other course participants.

Journal

Summarize the knowledge presented in “Talking About Evolution” as well as “Edwards v. Aguillard. Discuss the consequences for students and teachers of legalization of the teaching of evolution and creationism in the classroom. Refer to the Establishment Clause and Free-Exercise Clause from the First Amendment when appropriate.

Workbook

Case Briefing

Read “How to a Brief a Case” from the Houston Law Center and then brief “Adler v. Duval County.” Be sure to state the basic facts, issue, judgment, holding, rule applied, and reasoning.
This brief should be no longer than 1000 words.

Due by the end of Session 3
Session 3
Clarifying Student Rights

Case
None this session

Readings
- Public School Law: Teachers’ and Students’ Rights  Chapter 4, pages 105-142
- The Equal Access Act: U.S. Code, Title 20, Chapter 52, Subchapter VIII, Section 4071
- Dealing with Legal Matters Surrounding Students’ Sexual Orientation and Gender Identity
- Court Backs School on Speech Curbs
- Clothing, Dress Codes and Uniforms

Discussion

Using knowledge of the Equal Access Act (EAA) and from the reading “Dealing with Legal Matters Surrounding Students’ Sexual Orientation and Gender Identity” discuss your school division’s policy allowing non-curriculum-related student groups access to school facilities during non-instructional time. What have been the consequences, if any, of LGBT-related groups meeting in schools where you have worked? (Describe from various perspectives) If a school attorney wanted to invoke subsection 4071(c)(4) to exclude an LGBT-related group from a school, what would he/she need to show?

Journal

What first amendment issues have arisen in your school and what actions have been taken by students, teachers, and administrators in response to those issues? Summarize the free speech standards established by the Tinker, Bethel v. Fraser, and Hazelwood cases and identify consequences of these cases on current school policies. Finally, explain why the case highlighted in “Court Backs School on Speech Curbs” may be seen as a departure from previous protections given to students’ free speech rights.

Workbook
Continue working on your *What a Principal Should Know* assignment due by the end of Session 7.
Session 4
Identifying Student Discipline Issues

Case
Up to Standard, Scene 6

Readings
- Districts Grapple with Dual Discipline Issues
- Understanding Stay Put and What it Means for Your Child
- 10 Tips: How to Use IDEA 2004 to Improve Your Child’s Special Education (Note: The impact of IDEA’s 2004 Reauthorization on the stay-put clause is explained in Tip 6. Scroll down to the “Parental Consent for Special Education and Related Services” section.)
- New Jersey v. T.L.O., 469 U.S. 325

Discussion

Read the majority opinion in New Jersey v. T.L.O. and discuss the standard for searches established in T.L.O., contrasting it with the standard applicable outside the school setting. Apply the T.L.O. standard to the situation in this session’s case and discuss whether the search was reasonable. Consider all perspectives. What kinds of changes in the facts would alter your assessment of the legality of issues surrounding the search?

Journal

Using knowledge from this session’s readings as well as your own experiences, identify various perspectives on the contention that IDEA gives students with disabilities special privileges at the expenses of school safety. In your opinion, does IDEA need major revisions? Offer your thoughts on the “stay put” clause and give a practical example of this being invoked in a school setting.

Workbook

School Finance Article

Write a journal-style article on the issue of school finance with three parts:
1. Describe the major types of funding schemes used by the states and note their strengths and weaknesses in regard to adequacy and fairness;
2. Discuss the types of legal challenges brought against these schemes and the changes such challenges have produced; and
3. Examine the current school finance situation in Maryland and make a prediction regarding future legal and political developments there.

The article should be no longer than 2000 words. Use the American Psychological Association author-date method for citations in the text and include a reference list at the end of the paper/article. For information on how to cite web-based resources using APA style, go to: http://www.wisc.edu/writing/Handbook/DocAPA.html

You may use the following on-line school finance resources:

- School Funding and Finance On-line Resources http://www.ithaca.edu/wise/topics/school_funding.htm

This assignment is due by Saturday of Session 5.
Session 5
Understanding Torts

Case
None this session

Readings
- Public School Law: Teachers’ and Students’ Rights Chapter 13, pages 469-497
- Family Threatens School with Lawsuit
- Liability of School Districts and School Personnel for Negligence

Discussion

Using knowledge from Chapter 13 in the textbook, discuss the elements necessary for a successful negligence claim. Apply those elements to the lawsuit from the article “Family Threatens School with Lawsuit” and predict what the consequences of such a suit on the liability of the school district.

Journal

In the reading “Liability of School Districts and School Personnel for Negligence,” much is made of the concept of “duty.” What types of duty does a school district owe, and to whom? Finally, evaluate your school division’s negligence release form using the issues brought up in the article.

Workbook

School Finance Article due by Saturday of this session

Continue working on your What a Principal Should Know assignment due by the end of Session 7.
Session 6  
*Terminating Employment*

**Case**  
None this session

**Readings**
- *Public School Law: Teachers’ and Students’ Rights*  Chapter 8, pages 272-305 and Chapter 11, pages 393-437  
  **NOTE:** Skim the two chapters, but focus on pages 293-302 and 412-424.
- If you’ve been kissed, who do you tell? Notice of sexual harassment under a Title IX claim [Baynard v. Malone, 268 F.3d 228 (4th Cir. 2001)]

**Discussion**

Using **knowledge** from the textbook as well as the Carlson article, identify the standard/test for determining school district liability in Title IX teacher-on-student sexual harassment. Discuss the **perspective** of the Fourth Circuit Court of Appeals in its interpretation of the standard in the Malone case. With regard to the definition of an “appropriate official,” do you agree with the majority in Malone or with the author of the article?

**Journal**

Reflect on at least two of the causes for teacher dismissal beginning on page 412 in Chapter 11 and describe how each has been interpreted in various state courts. Read your school division’s policy on teacher suspensions and dismissals. Summarize the policy and describe how Fourteenth Amendment due process safeguards are taken into consideration.

**Workbook**

Continue working on the *What A Principal Should Know* briefing paper.
Session 7
Identifying Teacher Rights

Case
None this session

Readings
- Public School Law: Teachers’ and Students’ Rights Chapter 9, pages 305-345.
- Teachers Contend with repercussions of unpopular speech
- Will Teachers’ First Amendment Rights be a Casualty of the War on Terror?
- School Officials Consider Drug Tests

Discussion
Discuss the various perspectives on drug testing of teachers by using knowledge from the article “School Officials Consider Drug Tests” as well as the textbook. Do you think drug testing of teachers is a violation of their Fourth Amendment rights? Are some types of drug testing more problematic than others? Do you think testing teachers is a good idea? Why or why not?

Journal
Imagine that you teach at an elementary school and you hear a rumor that the school board may cut some teaching assistant positions at your school to help pay for the adoption of a new reading program. Not only might this decision affect your classroom if you lose an assistant, but you are also philosophically opposed to the proposed reading program and believe it is a waste of money. You decide to speak out against the adoption at the next school board meeting. Could termination of your employment by the school board in response to your criticism violate the First Amendment? Discuss any related legal issues. What if following the board meeting you made critical comments about the board’s decision to other teachers in the lunch room—would termination for those comments be a First Amendment problem? Note the relevance of any of the following cases:

- Pickering v. Board (1968)
- Mt. Healthy v. Doyle (1977)
- Givhan v. Western Line (1979)
- Connick v. Myers (1983)
Workbook

The *What A Principal Should Know briefing paper* must be posted on the discussion board and in your Workbook by the end of this session.
Session 8
Providing for Students with Disabilities

Case
None this session

Readings
- Public School Law: Teachers’ and Students’ Rights  Chapter 6, pages 187-223
- Four Implications of IDEA’s Reauthorization

Discussion
Section 504 of the Rehabilitation Act and the Americans with Disabilities Act indicates that the appropriate standard for whether an impairment is substantially limiting is to compare one’s performance with that of the average person in the general population. First, discuss the implications of this standard for teachers and administrators in public schools and summarize specific actions that may need to be taken by schools to ensure proper compliance. Next, review topics of particular interest posted for the What A Principal Should Know assignment. React to the knowledge your colleagues’ presented and provide feedback.

Journal
Summarize the knowledge from the article “Four Implications of IDEA’s Reauthorization” and the Cedar Rapids case. Do you agree with the perspective of Justice Stevens’ in his majority opinion or are you more persuaded by the issues and concerns expressed in Justice Thomas’ dissent? Explain.

Workbook
None this session