

**EDAD 626 - Public School Law
Course Syllabus
Spring 2014 Sub-Term II**

Instructor

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COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings:

Alexander, K., & Alexander, M. D. (2011). *American public school law* (8th Ed.). Belmont CA: Wadsworth.

American Psychological Association. (2009). *Publishing manual of the American Psychological Association* (6th ed.). Washington, DC: Author.

Kemerer, F., Walsh, J., & Maniotis, L. (2010). *The educator's guide to Texas school law* (7th Ed.). Austin, Texas: University of Texas Press.

Course Description

EdAd 626 serves as an in-depth examination of federal and state school law for educational leaders addressing legal issues that impact the operation of public schools.

Student Learning Outcomes

The learning outcomes for students in EdAd 626 are listed below:

1. The student will demonstrate familiarity with terminology in the field of law as it applies to education.
2. The student will articulate an understanding of basic legal concepts through examination and discussion of relevant court cases.
3. The student will demonstrate critical analysis by differentiating factual and evidentiary data.
4. The student will comprehend and utilize basic legal tests applied by the judiciary in their application to factual situations and cases.
5. The student will gain an awareness of major legal resources and demonstrate the ability to use those resources.
6. The student will gain an in-depth understanding of landmark cases in various areas of school law.

COURSE REQUIREMENTS

Attendance/Overall Participation (20 points)

A participation grade will be given based upon your overall participation in this course and will be reflective of your efforts to produce quality work. Late postings, lack of dialogue with other students within the discussion boards, etc. will affect this grade. This grade will not be entered until the last week of the course.

Discussion Board Participation (120 points)

This is a very reading and study-intensive course. Each student is expected to participate through E-College, complete all reading and written assignments on time, and actively engage in class by closely connecting class topics and discussions to textbook and other readings.

Discussion Board Instructions: There are no set times for you enter the board, but discussion should occur throughout the module. You must enter the discussion and post for each module. Read each prompt and post at least one substantive response to that prompt. This usually takes around 150 words. Responses that are thoughtful, insightful, and supported by experiences, examples, or sources will be considered as quality responses and will receive

credit. The more you involve yourself in the conversation the better your grade is likely to be. Make sure you respond to each topic posted.

You should also respond to at least one of your peer's posting for each prompt. This can be done by relating real world experiences to the discussions or building on other's comments with alternative solutions; pointing out problems or adding another dimension to the discussion. "I agree" or "yes/no" will not be considered as quality responses and will not receive credit. Make sure to share your thoughts and experiences.

Student Learning Outcome: The student will articulate an understanding of basic legal concepts through examination and discussion of relevant court cases. The student will gain an awareness of major legal resources and demonstrate the ability to use those resources.

Assessment Method: Your contributions to the discussion forums will be graded for quality and timeliness using a Discussion Forum Grading Rubric found in DocSharing.

Legal Briefs (100 points for individual case brief; 70 points for group brief) Each student will prepare two carefully articulated and thoroughly researched briefs on assigned cases pertaining to the course material and assigned reading. Upload your briefs in written format to eCollege. Failure to post the brief on eCollege by the required time poses a hardship for your class colleagues and thus will result in an automatic deduction of one letter grade. Make sure to select "share file with entire class" when uploading. Class members should access the briefs through eCollege. Do not copy or otherwise plagiarize the brief. It should be *your work in your words*.

Each brief should be a two-page, double-spaced paper (Times New Roman font, 12 point type, one-inch margins) summarizing the case using the following format with at least one paragraph within the conclusion discussing the impact of this case and the decision of the case to administrators. Address each of the questions or statements below. Label each section (for example, Facts, Issues, Ruling) as labeled below.

Citation: List the legal citation for the case. This should be the title of the paper.

Fact(s): Restate the legally relevant facts of the case. Discuss in detail what happened to get this case into the court system.

Issue(s): In one sentence, identify the question to be answered. To pick out the issue, think about who is arguing and what they are arguing about. An issue statement should include the sources of the law (for example, the First Amendment, the Texas Revised Code, IDEA, etc.), the parties involved, and the issue to be decided. For example, “Was the school district guilty of discrimination?” is not significantly detailed to meet the criteria of a good issue statement. “Does the equal protection clause of the 14th Amendment prevent public school districts from maintaining separate schools based on race?” contains the necessary components of an issue statement.

Ruling: What did the courts decide? What were the results? What was the *final* ruling for the case?

Rationale: Why did the court make that particular decision? What precedent or social event brought the court to this particular decision? On what did the court base these answers?

Conclusion: How does this court decision relate to your life as an educator or administrator, and education in general? What does this ruling mean to our profession? How will our lives be altered by this decision? How will the students’ lives be altered by this decision?

Student Learning Outcome: The student will comprehend and utilize basic legal tests applied by the judiciary in their application to factual situations and cases. The student will demonstrate critical analysis by differentiating factual and evidentiary data.

Assessment Method: Your briefs will be graded using a Legal Brief Rubric.

Mid-Term Examination (100 points)

Each student will complete a mid-term examination over course material from the first half of the semester.

Student Learning Outcome: The student will gain an in-depth understanding of landmark cases in various areas of school law. The student will articulate an understanding of basic legal concepts through examination and discussion of relevant court cases.

Assessment Method: The examination will be comprised of true/false and essay questions.

Final Examination (100 points)

Each student will complete an examination over the semester's course material.

Student Learning Outcome: The student will gain an in-depth understanding of landmark cases in various areas of school law. The student will demonstrate familiarity with terminology in the field of law as it applies to education.

Assessment Method: The examination will be comprised of true/false and essay questions.

Grading

While the final course grade is the sole judgment of the professor, the following scale will be used as a guide.

Participation points	20
Discussion Boards points	120
Legal Briefs points	170
Mid-Term Examination	100 points
Final Examination points	100
Total Possible Points points	510

A	90-100
B	80-89
C	70-79
D	60-69
F	0-59

Caveat: This syllabus represents a relationship between the two of us regarding the evaluative measures and the content included in EdAd 626. I reserve the right to amend, revise, or change the content of the syllabus as deemed necessary.

TECHNOLOGY REQUIREMENTS

This is an web enhanced course and some obvious technological resources will be required, including: 1) access to a computer with Internet access (high-speed preferred), 2) headset/microphone, 3) computer speakers, and 4) Word processing software (Microsoft Word preferred)

Our campus is optimized to work in a Microsoft Windows environment. This means that our course works best if you are using a Windows operating system (XP or newer) and a recent version of Microsoft Internet Explorer (6.0, 7.0 or 8.0). Your online courses will also work with Macintosh OS X along with a recent version of Safari 2.0 or better. Along with Internet Explorer and Safari, eCollege also supports the Firefox browser (3.0) on both Windows and Mac operating systems.

It is strongly recommended that you perform a “Browser Test” prior to the start of your course. To launch a browser test, login in to eCollege, click on the “myCourses” tab and then select the “Browser Test” link under Support Services.

As a student enrolled at Texas A&M University-Commerce, you have access to an email account via MyLeo; all class emails from your instructors will be sent from eCollege (and all other university emails) will go to this account, so please be sure to check it regularly. Conversely, you are to email us via the eCollege email system or your MyLeo email as our spam filters will catch yahoo, hotmail, etc. and we will not check for your email in spam.

ACCESS AND NAVIGATION

This course will be facilitated using eCollege, the Learning Management System used by Texas A&M University-Commerce. To get started with the course, go to <https://leo.tamu-commerce.edu/login.aspx>. You will need your CWID and password to log in to the course. If you do not know your CWID or have forgotten your password, contact Technology Services at 903.468.6000 or helpdesk@tamu-commerce.edu.

Course Organization

This course is organized by units based on public school law. The course is organized for a sub-term session. Some topics may be studied across multiple weeks. Unit opening and closing dates are posted in eCollege. All assignments due the assigned timeframe must be submitted by the posted due date. The calendar found in this syllabus describes the modules found in each week of the 7-week course. Be sure to adhere to deadlines. This is a reading intensive

course. I recommend you read ahead if at all possible. I will provide study guides to assist you in preparation for exams.

What to Do First

Download syllabus, then open and read the Introduction module.

How to Proceed with Class Activities Each Module

1. Access and follow all course instructions found in the unit content area of the eCollege course (left navigation bar).
2. Read the assigned readings, links, and other resources provided in the syllabus and in the eCollege units. Links to documents are provided in the course units.
3. Respond to class questions or posted discussion board questions using the eCollege discussion tool. Links to the discussion boards are found under each unit content of the course on the left navigation bar of eCollege.
4. Complete and submit assignments electronically using the eCollege drop box tool/tab located in the toolbar at the top of the eCollege course window. Required assignment instructions, due dates, and submission information will be provided by the instructor via eCollege units.
5. View links, briefs, and PowerPoints as assigned.
6. Complete the course assignments according to the instructions provided in this syllabus and the eCollege unit content.

eCollege Technical Concerns

Chat Support: Click on 'Live Support' on the tool bar within your course to chat with an eCollege Representative.

Phone: 1-866-656-5511 (Toll Free) to speak with an eCollege technical support representative.

Email: helpdesk@online.tamuc.org to initiate a support request with an eCollege technical support representative.

COMMUNICATION AND SUPPORT

Quality of Online Course Communication

We will be sharing personal experiences and individual reflections as we discuss course concepts. You are encouraged to share your personal and professional experiences. However, in order to assure that we can have a free and open discussion, we expect each person to respect the confidentiality of classmates. At the same time, you are asked to exercise good judgment in what you choose to share, avoiding non-public or competitively sensitive information.

Our discussion goal is to be collaborative, not combative. Experience suggests that even an innocent remark in the online environment can easily be misconstrued. We suggest you always reread and edit your responses carefully before posting in order to make certain that the wording in your message will not be seen as a personal attack. Personal attacks and harsh tones will not be tolerated and will negatively affect your grade. We expect you to be positive in your approach to others and diplomatic with your words. Your instructors are also committed to do the same in all of our communications.

Interaction with Instructor

Email is the best way to reach me during weekdays. During the workweek, a reply will be sent within 24 hours, depending upon the time your message was received. If you do not receive a response, please assume your message was not received and email again or contact me via telephone (texting is also fine).

This course is an online course technically supported by the Texas A&M University-Commerce campus-wide computer platform eCollege. We will have access to and begin using eCollege the first day of class. If you are not familiar with the use of eCollege or the Library Online Services, please avail yourself of the online tutorials easily accessible through your MyLeo web page.

It is critical for you to check your MyLeo email and **e-college announcements** everyday, as I will be communicating with you as we go both within the course online environment and through university email.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Assignments

You will be able to check your grades in the grade book throughout the course. You will be graded on assignments, participation, and assessments, so be sure to turn in assignments on time. Points will be deducted for late assignments. The grade will also be affected (either positively or negatively) by the mechanics of writing (i.e. spelling, punctuation, grammar, organization, flow,

format, etc.). In order to maintain spontaneity in discussions, you will not be graded on spelling or grammar on any material sent to the discussion group board but this does not mean you should not proofread. Proofreading in online classrooms is a form of courtesy to your reader. Please proofread for tone and mechanics.

I hope to make this course a positive learning experience for all involved, including myself. I assure you that I will do everything I can to promote your success. Studying is a lonely, difficult task, but with the support from others in this course, it can be very rewarding..

Writing Style

All papers must be written according to the 6th Edition of the APA Manual. Papers must include references formatted using the APA style manual. All citations and references must be made using the APA style manual (6th edition). Please use the following format for all your documents: New Times Roman, double-spaced, one-inch margins, and 12-point type.

Dropping a Course

A student may drop a course by logging into their myLEO account and clicking on the hyperlink labeled “Drop a class” from among the choices found under the myLEO section of the Web page.

Administrative Withdrawal

Students who miss two sections of class (virtually or in person, depending on the status of the course) may be administratively dropped for excessive absences.

Incomplete Grades

Per university policy, you must visit with the instructor, develop, and sign “Plan for Completing the Grade of X” before you may receive an incomplete for the course. The reason for such requests is limited to “circumstances beyond student’s control which prevented student from attending classes during Finals Week or the preceding three weeks” (Policy A 122.07, 1998). You are notified that the deadline date for all plans is not to exceed one semester. Failure to fulfill plan requirements within the specified time will result in a course grade of F.

Academic Honesty

Texas A&M University-Commerce does not tolerate plagiarism and other forms of academic dishonesty. Conduct that violates generally accepted

standards of academic honesty is defined as academic dishonesty. "Academic dishonesty" includes, but is not limited to, plagiarism (the appropriation or stealing of the ideas or words of another and passing them off as one's own), cheating on exams or other course assignments, collusion (the unauthorized collaboration with others in preparing course assignments), and abuse (destruction, defacing, or removal) of resource material.

Please see the *TAMU-C Graduate Catalog* (2001-02, pp. 17-18) and the *Publication Manual of the American Psychological Association* for the discussion of academic honesty. Academic honesty is especially important when it comes to citing/quoting sources in research papers and assignments. Students are responsible for reading this material and becoming familiar with the conventions for acknowledging sources of information.

Recommended websites to review include:

<http://www.plagiarism.org/>

<http://www.unc.edu/depts/wcweb/handouts/plagiarism.html> or

<http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml>

Common Decency

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment (See Student's Guide Handbook, Policies and Procedures, Conduct).

ADA Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

Office of Student Disability Resources and Services

Texas A&M University-Commerce

Gee Library 132

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

StudentDisabilityServices@tamu-commerce.edu

[Student Disability Resources & Services](#)

Student Conduct

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See *Code of Student Conduct from Student Guide Handbook*).

University Mission and Vision Statements

The Texas A&M University-Commerce Mission: Texas A&M University-Commerce provides a personal educational experience for a diverse community of life-long learners. Our purpose is to discover and disseminate knowledge for leadership and service in an interconnected and dynamic world. Our challenge is to nurture partnerships for the intellectual, cultural, social and economic vitality of Texas and beyond.

The College of Education and Human Services (COEHS) Mission: The College of Education and Human Services promotes and enhances the development of researchers, professional practitioners and leaders through the discovery and dissemination of knowledge.

The College of Education and Human Services (COEHS) Vision: The College of Education & Human Services will be recognized nationally for our excellence in practice, programs, research, and services.

The Department of Educational Leadership (EDL) Mission: The Department of Educational Leadership at Texas A&M University-Commerce prepared graduates for teaching, service and leadership roles in a variety of educational, business, government and industry contexts.

The Department of Educational Leadership (EDL) Vision: The Department of Educational Leadership at Texas A&M University-Commerce envisions exemplary programs that challenge highly-qualified students to excel in their respective disciplines and careers through engagement in a rigorous and transformative learning environment linking theory to practice while expanding the knowledge base of the learner, the profession and the respective academic discipline.

COURSE OUTLINE / CALENDAR

Module Readings	Topic	Chapter
1	Introduction and Structure of Law Educational Governance & Sources of Law Module activities and readings Submit briefs on assigned dates. Participate in discussion board.	Alexander 1,2,3 Kemerer 1
2	Students and the Law Part I	Alexander 4,10

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| | Discipline; Student Rights
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Kemerer 8 |
| 3 | Students and the Law Part II
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 8,9
Kemerer 7 |
| 4 | Students and the Law Part III
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 6
Kemerer 2 |
| 5 | Teachers and the Law Part I
Teacher Rights
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 16,17
Kemerer 6 |
| 6 | Teachers and the Law Part II
Certification; Employment; Contract Law
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 15
Kemerer 4 |
| 7 | Teachers and the Law Part III
Discrimination; Personnel
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 18
Kemerer 5 |

Take mid-term exam

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| 9 | The Instructional Program
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 7 |
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| 10 | Educator and School District Liability (Torts)
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 12,14
Kemerer 10 |
| 11 | Special Education
Individuals with Disabilities and the Law
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 11
Kemerer 3 |
| 12 | Privacy
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 13
Kemerer 9 |
| 13 | Religion in Public Schools
Module activities and readings
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 5
Kemerer 7 |
| 14 | School Desegregation
Module activities and readings.
Submit briefs on assigned dates.
Participate in discussion board. | Alexander 20 |

Take final exam

**See E-College for additional assignment information and specific dates for assignments.

EDAD 626
Public School Law
Preliminary List of Assigned Cases

Module

1 Introduction and Structure of Law; Ed. Governance & Sources of Law

Plyler v. Doe 457 US 202 (1982)

2 Governance/Students and the Law Part 1

Pierce v. Society of Sisters 268 US 510 (1925)

Citizens for Better Education v. Goose Creek C.I.S.D. 719 SW2d 350 (1986)

Shoffner v. Goose Creek C.I.S.D. Docket Number 331-Rio-694 (Commissioner of Education 1995); & *Clear Creek Educators Association TSTA/NEA v. Clear Creek I.S.D.* Docket Number 059-R8-1193 (Commissioner of Education 1995)

Hartzell v. Connell 679 P.2d 35 (1984)

Berg v. Glen Cove City School District 853 F.Supp. 651 (1994)

Tinker v. Des Moines Independent Community School District 393 US 503 (1969)

3 Students and the Law Part II

Bethel School District No. 403 v. Fraser 478 US 675 (1986)

Hazelwood School District v. Kuhlmeier 484 US 260 (1988)

Sherman v. Community School District 21 980 F.2d 437 (1992), *cert. Denied*, 508 US 950 (1993)

Palmer v. Merluzzi 868 F.2d 90 (1989)

Beeson v. Kiowa County School District RE-1 567 P.2d 801
(1977)

Goss v. Lopez 419 US 565 (1975)

4 Students and the Law Part III

New Jersey v. T.L.O. 469 US 325 (1985)

Gonzales v. McEuen 435 F. Supp. 460 (1977)

Ingraham v. Wright 430 US 651 (1977)

Board of Education of Rogers Arkansas v. McCluskey 458 US 966
(1982)

Ryan G. v. Navasota I.S.D. Docket No. 113-R5-598 (Commissioner of
Education, 1999)

5 Teachers and the Law Part I

Dodge v. Board of Education 302 US 74 (1937)

Beilan v. Board of Public Education 357 US 399 (1958)

Board of Regents of State Colleges v. Roth 408 US 564 (1972)

Pickering v. Board of Education of Township High School District 205
391 US 563 (1968)

6 Teachers and the Law Part II

Mt. Healthy City School District Board of Education v. Doyle 429 US
274 (1977)

Collins v. Faith School District #46-2 574 N.W.2d 889 (1998)

Milkovich v. Loraine Journal Co. 497 U.S. 1 (1990)

Skinner v. Railway Labor Executives Association

7 Teachers and the Law Part III

East Hartford Education Association v. Board of Education of Town of East Hartford 562 F.2d 838 (1977)

Gaylord v. Tacoma School District No. 10 559 P.2d 1340 (1977), *cert. Denied*, 434 US 879 (1977)

Gillett v. Unified School District 605 P.2d 105 (1980)

Geller v. Markham 635 F.2d 1027 (1977), *cert. Denied*, 451 US 945 (1981)

9 The Instructional Program

Sandlin v. Johnson 643 F.2nd 1027 (1981)

Meyer v. Nebraska 262 U.S. 390 (1923)

Andrews v. Weber 108 Ind. 31 (1886)

Steirer v. Bethlehem Area School District 987 F.2d. 989 (1993)
Board of Education, Island Tree Union Free School District No. 26 v. Pico 457 U.S. 853 (1982)

Epperson v. State of Arkansas 393 U.S. 97 (1968)

Keefe v. Geanakos 418 F.2d. 359 (1969)

Cornwell v. State Board of Education 314 F.Supp. 340....et al. (1969)

10 Educator and School District Liability (Torts)

Wood v. Strickland 420 US 308 (1975)

Carey v. Piphus 435 US 247 (1978)

Franklin v. Gwinnett County Schools 503 US 60 (1992)

Peter W. v. San Francisco Unified School District 131 Cal. Rptr. 854 (Cal. St. App. 1976)

Cannon v. University of Chicago 441 US 677 (1979)

Barr v. Bernhard 562 S.W. 2d. 844 (Tex. 1978)

Hopkins v. Spring 736 S.W. 2d. 617 (Tex. 1987)

Johnson v. School District of Millard 573 N.W. 2d 116 (1998)

Spears v. Jefferson Parish School Board 646 So.2d 1104 (1994)

Wagenblast v. Odessa School District No. 105-157-166J 110 Wash 2d 845 (1988)

11 Special Education; Individuals with Disabilities and the Law

Board of Education of the Hendrick Hudson Central School District v. Rowley 458 US 176 (1982)

Clyde K. v. Puyallup School District 35 F.Supp. 231 (Tex. 1990) & *Texas City*

Independent School District v. Jorstad 752 F.Supp. 376 (1987)

Thomas v. Atascadero Unified School District 662 F.Supp 376 (1987) & *Grube v.*

Bethlehem Area School District 550 F.Supp. 418 (1982)

12 Privacy

Point Isabel Independent School District v. Hinojosa 797 S.W. 2d 176 (Tex. App. Corpus Christi 1990)

Cox Enterprises v. Board of Trustees of Austin Independent School District 704 S.W 2d 956 (1986)

Kylie H. v. Marble Falls Independent School District Dkt. No. 068-R5-198 (Comm'r

Educ. 1998) & *Guzman v. Harlandale Independent School District Dkt. No. 485-R2-895 (Comm'r Educ. 1999)*

Roberts v. Houston Independent School District 788 S.W.2d 107
(Tex. App.—Houston [1st Dist.] 1990)

Ryans v. Gresham 6 F.Supp.2d 595 (E.D. Tex. 1998)

Smith v. Holley 827 S.W.2d 433 (Tex. App.—San Antonio 827 S.W.2d
433 (Tex. App.—San Antonio 1992)

Merriken v. Cressman 364 F.Supp. 913 (E.D. Penn. 1973)

Fay v. South Colonie Central School District 802 F.2d 21 (1986)

13 Religion in Public Schools

Engel v. Vitale 370 US 421 (1962)

School District of Abington Township v. Schempp & Murray v.

Carlett 374 US 203 (1963)

Lee v. Weisman 505 US 577 (1992)

Edwards v. Aguillard 482 US 578 (1987)

14 School Desegregation

Plessy v. Ferguson 163 US 537 (1896)

Brown v. Board of Education of Topeka 347 US 483 (1954) & *Brown v.*
Board of Education of Topeka 349 US 294 (1955)

Green v. County School Board of New Kent County 391 US 430 (1968)

Swann v. Charlotte-Mecklenburg Board of Education 402 US 1 (1971)
Columbus Board of Education v. Penick 443 US 449 (1979)

Milliken v. Bradley 418 US 717 (1974)

Missouri v. Jenkins 515 US 70 (1995)

