

ASE 572
School Law
Summer 2008
College of Education
Educational Leadership and Counseling Department

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Alexander, K., & Alexander, M. (2005). *American public school law*. Belmont, CA: Thomson West Publishing.

COURSE DESCRIPTION

ASE 572 is a study of the relevant legal principles that affect the operation, organization, and administration of American schools. In ASE 572, practicing teachers, prospective teachers, as well as practicing and prospective administrators will gain knowledge about legal issues that will help them in effectively performing their professional duties within the boundaries of constitutional, statutory, and case law. Special attention is also given to the school-based decision-making process at the school level.

COURSE OBJECTIVES

1. The primary objective in this course is to provide educators with comprehensive and practical knowledge of relevant and contemporary legal issues that affect students, teachers, administrators, other school staff members.
2. The course will provide teachers and administrators with pertinent information to direct their day-to-day decisions and actions as they encounter a wide array of legal challenges within their organization.
3. The case study approach is used reinforce concepts and create dialog among students.

Student Outcomes

Competency 1: The student will investigate the legal framework affecting public schools discover the boundaries of constitutional, statutory, and case law for teachers and administrators.

It is expected that students complete the eight modules in sequence.

MODULE 1: Forms of Law - Topics include: sources of law and the American judicial system

MODULE 2: Schools and the State - Topics include: compulsory attendance; religion in the schools; use of facilities; aid to nonpublic schools; school fees; and health services

MODULE 3: Students and the Law - Topics include: freedom of expression; Family Educational Rights and Privacy Act of 1974 (Buckley Amendment); suspension, expulsion, and disciplinary transfer; corporal punishment; search of students and lockers; dress, grooming, and uniforms; pregnancy, parenthood, and marriage; participation in extracurricular activities; and school punishment for out-of-school offenses

MODULE 4: Teachers and the Law - Topics include: nonrenewal and dismissal; freedom of expression; academic freedom; drug testing; personal appearance; teacher as exemplar; employment discrimination; teacher bargaining; and political activities

MODULE 5: School Desegregation - Topics include: historical perspective; early desegregation in the South; desegregation in the non-South; and current desegregation issues

MODULE 6: Individuals with Disabilities and the Law - Topics include: The Individuals with Disabilities Education Act; The Rehabilitation Act - Section 504; and The Americans with Disabilities Act

MODULE 7: School Finance and School Choice Issues - Topics include: school finance reform; and choice issues such as voucher plans, charter schools and tuition tax credits

MODULE 8: Educator and School District Liability - Topics include: school district immunity; educator liability; and duties of supervision

Competency 2: The student will analyze seminal cases in educational law and develop briefs on them to better understand the legal principles involved.

Compulsory Attendance

- *Pierce v. Society of Sisters*

Religion in the Schools

- *Engel v. Vitale,*
- *School District of Abingdon Township v. Schemp and Murray v. Curlett,*
- *Lee v. Weisman,*
- *Edwards v. Aguillard, See website*

Use of Facilities

- *Good News Club v. Milford Central School, See website*

School Fees

- *Hartzell v. Connell, See website*

Health Services

- *Berg v. Glen Cove City School District, See website*

Freedom of Expression

- *Tinker v. Des Moines Independent Community School District*
- *Bethel School District*
- *Hazelwood School District v. Kuhlmeier*
- *Sherman v. Community School District, See website*

Suspension, Expulsion, and Disciplinary Transfer

- *Goss v. Lopez,*
- *Gonzales v. McEuen, See website*
- *Allen v. Casper, See website*

Corporal Punishment

- *Ingraham v. Wright, p. 66 and the website*

Search of Students and Lockers

- *New Jersey v. T.L.O.,*

Participation in Extracurricular Activities

- *Palmer v. Merluzzi, See website*
- *Beeson v. Kiowa County School District RE -1, see website*

Nonrenewal and Dismissal

- *Board of Regents of State Colleges v. Roth,*

Freedom of Expression

- *Pickering v. Board of Education of Township High School District 205, p. 189,*
- *Mt. Healthy City School District Board of Education v. Doyle,*

Academic Freedom

- *Fowler v. Board of Education of Lincoln County,*
- *Wilson v. Chancellor, See website*

Personal Appearance

- *East Hartford Education Association v. Board of Education of Town of East Hartford,*

Teacher as Exemplar

- *Erb v. Iowa State Board of Public Instruction,*
- *Gillett v. Unified School District No. 276,*
- *Barcheski v. Board of Education of Grand Rapids*

Employment Discrimination

- *Marshall v. Kirkland,*
- *Eckmann v. Board of Education of Hawthorn School District*

Scope and Sequence

| Week of | Online Chapter Discussion | Resource |
|-------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| June 2-6 | 1. Preamble: The Legal System (Chapters 1 and 3) 2. Church and State (Chapter 5) | Use the PowerPoint Presentations to enhance your chapter readings. |
| June 9-13 | 1. Students' Rights (Chapter 9) 2. Rights of Disabled Children (Chapter 10) | Use the PowerPoint Presentations to enhance your chapter readings. |
| June 16-20 | 1. Special Education: An ARD Act to Follow (See PowerPoint) 2 Teacher Rights (Chapter 15) | Use the PowerPoint Presentations to enhance your chapter readings. |
| June 23-27 | 1. Certification and Contracts (Chapter 14) 2. Torts and Liability (Chapter 11) | Use the PowerPoint Presentations to enhance your chapter readings. |

ASSIGNMENTS, VALUES, AND DESCRIPTIONS

| ASSIGNMENTS | POINT VALUE | DATE DUE |
|-----------------------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------|
| 1 PAGE BIOGRAPHICAL SKETCH (POSTED ON DISCUSSION THREAD) | 10% | JUNE 9, 2008 |
| ONLINE CHAPTER DISCUSSION (POSTED ON DISCUSSION THREAD) | 30% | CHAPTER DISCUSSIONS WILL BE POSTED BY ON THE FRIDAY OF EACH WEEK. |
| LAW CASE REFLECTION | 30% | JUNE 30, 2008 |
| CASE STUDY ON ETHICS OF LEADERSHIP | 30% | JUNE 30, 2008 |
| TOTAL | 100% | |

DESCRIPTIONS

Assignment 1: A One Page Biographical Sketch. 10%

The purpose of this activity is for students to introduce themselves. The biographical sketch should include but is not limited to your professional experience, your expectations from this course, your level of expertise, and any other information that you want to share.

Assignment 2: Chapter Discussion. 30%

Each student is required to post a discussion of each chapter during each week.

Assignment 3: Reflection of Law Case Reflection. 30%

Each student will write a one page reflection on the law cases from Competency two. Your reflection will describe the law case, the ruling of the law case, and your opinion of the ruling.

Assignment 4: Case Study on Ethics of Leadership. 30%

Directions:

1. Read the case study.
2. **Share the article (Part I) and principal's letter (Part II)** with a principal, teacher, and community member.
3. Ask each person to provide you feedback of their opinion about the principal's decision.
4. Write a 2 page summary of this experience. A summary of their reactions to the article will be written on the first page. The first page should also compare and contrast their reactions to the responses and comments of **Section III and IV**. On the second page, you will write a reflection of how your interviewees' (principal, teacher, and community member) reactions and the responses in sections III and IV influenced your perceptions of the principal's role as a school leader.

Complete and write a 1-2 page summary of the following Law-driven internship activities.

1. Describe your principal's interpretations of three legal actions that were taken within the past three years. **The Semester of Your Graduation**
2. Describe the principal's procedures for ensuring that the school follows the Code of Ethics and Standard Practices for Texas Educators. **The Semester of your Graduation**
3. Describe the school secretary's role in sustaining office management. In particular, describe the secretary's role in filing staff bulletins, correspondence and student schedules. **The Semester of Your Graduation**
4. Describe and evaluate the principal's responsibility for monitoring the safety and welfare of the school community. **The semester of your Graduation**

GRADING SCALE

| | | |
|---|---------------------------|------------------------------------------------------------------------------------------------------|
| A | 90-100 points | Excellent: work of exceptional quality which indicates the highest level of attainment in the course |
| B | 80-89 points | Good: work is above average, which indicates a high level of achievement |
| C | 70-79 points | Work of average quality representing substantial fulfillment of the course's minimum essentials |
| D | 60-69 points | Failure: represents unacceptable performance in the course |
| F | 59 points and below | |

GUIDELINES FOR COMMUNICATION

Email:

- Always include a subject line.
- Remember without facial expressions some comments may be taken the wrong way. Be careful in wording your emails.
- Use standard fonts.

Discussion Thread Conversations:

- Review the discussion threads thoroughly before entering the discussion. Be a lurker then a discussant.
- Try to maintain threads by using the "Reply" button rather than starting a new topic.
- Be patient and read the comments of other group members thoroughly before entering your remarks.
- Be positive and constructive in discussions.
- Respond in a thoughtful and timely manner.

LIBRARY

The [Newton Gresham Library](#) is available to all students.

Expectations:

1. **Students with Disabilities:** It is the policy of Sam Houston State University that

individuals otherwise qualified shall not be excluded, solely by reason of their disability, from participation in any academic program of the university. Further, they shall not be denied the benefits of these programs nor shall they be subjected to discrimination. Students with disabilities may request help with academically related problems stemming from individual disabilities from their instructors, school/department chair or by contacting the Chair of the Committee for Continuing Assistance for Disabled Students and Director of the Counseling Center, Lee Drain Annex, or by calling (936) 294-1720.

2. **Late Work: All course work is due on the date specified. Late work will not be accepted or awarded credit, unless the student and the professor have made an agreement regarding an unusual circumstance.**
3. **Course Requirements:** The professor(s) reserves the right to alter course requirements and/or the class schedule to better address the learning needs of the students.
4. **Academic Honesty:** Academic honesty is expected. Plagiarism is a violation and will result in course failure. A report will be made to Dr. Beverly Irby, Department Chair and Dr. Genevieve Brown, Dean.
5. **Student Conduct:** Graduate students are governed by the SHSU's policies related to student conduct. Any student with questions about grievances, ethical behavior, etc., should review the SHSU Graduate Catalog and the Texas State University System Rules and Regulations, Chapter VI, Student Services and Activities, Section 5 Student Conduct and Discipline. Those rules may be found at http://www.tsus.edu/pubs/Pubs/rules_regs.html. Particular attention should be paid to the sections on plagiarism and theft of library materials. Students should practice self-discipline in classes. Courtesy should be extended to all students. Thought should be given to the value of all conversation in class to all students in class. Classes will be more enjoyable and beneficial to all involved if graduate students conduct themselves as conscientious professionals.
6. **Course Concerns:** Please see the professor if there are any concerns before consulting the department chair or other program administrator.
7. **TK20 Information:** The College uses the Campus Tools Higher Ed. Assessment and Management System to conduct systematic teaching and assessments for all students in the college. Every new student to the program beginning fall 2007 is required to purchase an account for use of this system from Tk20. Each student account costs only \$100, plus tax and includes access to the system for seven years. This is a ONE-TIME charge. To purchase your account, click on the link on the login page of the Campus Tools Higher Ed. System, found at <https://tk20.shsu.edu/campustoolshighered/>
8. **TEExES Information (educational leadership masters students only):** Students will need to take a practice exam before receiving approval to take the state exam. After students have completed 12-15 hours (ideally are enrolled in

School Law), students should sign up for the practice exam through the SHSU College of Education TEXES/certification office. The exam is offered on select Saturdays in Huntsville.

http://www.shsu.edu/~edu_www/certification/index.php

An online version of the practice exam is available, contact jcombs@shsu.edu

After scores are received from the certification office, students will be given permission to sign up and pay for the TExES exam. The exam is offered 6 times a year (Feb, April, June, Aug, Oct, Dec) & advanced registration required.

At least one TExES review session will be offered per semester. Registration is required, contact jcombs@shsu.edu

Students are responsible for preparing for the exam. Professors will be given TExES practice questions to review in courses. Study the free guide available at http://www.texas.ets.org/assets/pdf/testprep_manuals/068_principal_55017_web.pdf

If students fail the TExES exam, they will contact department representative Dr. Julie Combs (jcombs@shsu.edu) before signing up for another exam.

Our desire is that students will have passed the exam **before graduation or within 6 months** after graduation

TECHNICAL SUPPORT

Telephone Support:

If you are having problems logging into your course, timing out of your course, using your course web site tools, or other technical problems, please contact the AskRODP Help Desk by calling 19362941950.

