

SAM HOUSTON STATE UNIVERSITY
College of Education
Department of Educational Leadership
Federal State And Local School Law
ASE 572 Course Syllabus ----Fall 2007

TIME: Tuesdays 5:50 pm – 8:50 p.m.
INSTRUCTOR: Dr. Bob Smith
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COURSE DESCRIPTION: The course provides a study of the legal basis of school control; the relation of the federal government to public education, the state as the fundamental legal unit in organization and administration of a state system of schools; the district as the unit of local school control; and legal duties and responsibilities of the state and local boards of education, officers and employees.

REQUIRED TEXTS:

1. Alexander, K., & Alexander, D. (2005). *American Public School Law*, 6th ed. St. Paul: Thomson West Publishing Co.
2. Kemerer F., & Walsh, J. (2000). *The Educator's Guide To Texas School Law*, 6th ed., Austin, Texas: University of Texas Press.

REQUIRED TOOLS:

Students should have convenient access to a reliable Internet service that connects with the [Newton Gresham Library](#) on-line service (assessable by the SHSU Homepage); and be familiar with basic Microsoft software programs including Word, PowerPoint, and Excel. In addition, students are required to establish a SHSU student email account (available to all registered students at no additional cost), to activate see: http://www.shsu.edu/~ucs_www/). This SamMail account will be one source of official University correspondence during the semester.



Blackboard : Students are required to utilize University Blackboard service. Please visit <http://www.shsu.edu/administrative/training/guides/blackboard.html> for training guides and tutorials. Access to Blackboard is through the University homepage.

EXPECTATIONS:

1. Graduate students are governed by the Sam Houston State University student code of conduct. Any student with questions about grievances, ethical behavior, etc. should review the [Graduate Catalogue](#) and student code of conduct. Attention should be paid to the sections on plagiarism and theft of library materials. Academic honesty is expected.
2. Students should practice self-discipline in classes. Courtesy should be extended to all students and is required. Thought should be given to the value of all conversation in class to all the students in the class. Classes will be more enjoyable and beneficial to all involved if graduate students conduct themselves as the conscientious professionals they must be in the roles to which they aspire, therefore such conduct is expected.
3. All cell phones, pagers, and other electronic devices must be turned off during class, exceptions may be discussed with the teacher during non-class time.
4. Student presentations and participation in discussion of course topics must reflect the student's understanding and insights as to the content and the student's ability to articulate the same. Student expression, agreement and/or disagreement must be consistent with the ability and professional demeanor required of a person in the type leadership role for which this course seeks to prepare.

COURSE EVALUATION SCALE

A = 90-100	points
B = 80-89	points
C = 70-79	points
F = below 70	points

COURSE GRADE COMPONENTS

1. Final Exam¹	20 pts
2. Group Case study analysis & presentation²	20 pts
3. Legal brief written report³	20 pts
4. Fact quizzes⁴ (8 @ 4 pts)	32 pts
5. Internship activities⁵	8 pts

1. A two part final exam will be given: a) a take home part will distributed and due on a specified date; b) the remaining part of the final will completed at the final class meeting; further information will be provided as the course progresses
2. Each student will be part of a team assigned by instructor to analyze a case study dealing with one or more school legal issues; Students will orally report their response detailing how an administrator would how handle the assigned situation, based on relevant, law applicable to the situation
3. Each student will prepare one legal briefs of important case in the development of law impacting schools today. Each brief will be completed individually and will come from cases either in the course texts or in other materials. In either event, the full record of the case will provide the basis for the legal brief. Briefs should not be more than two type-written, pages utilizing the sample format provided, see Appendix A.
4. Fact quizzes from specified text material will be given 8 times during the course; the majority, but not all, of these fact quizzes will be completed outside of class; fact quizzes missed due to absence or not handed in on the due date will be considered as failing;
 - a. 5. Internship activities as determined by the SHSU graduate faculty must be completed and included as part of this course grade. *See AppendixB for activities and standards*

Individual Development Educational Assessment (IDEA) Objectives

The SHSU Department of Educational Leadership has determined that for ASE 572 the following IDEA objectives are ESSENTIAL:

1. Gaining factual knowledge
3. Learning to apply course material

The following IDEA objective is IMPORTANT:

9. Learning how to find and use resources for answering questions or solving problems

***Circumstances may arise which will require revision of some components of this syllabus, therefore it is subject to change. However students will be notified of any change that occurs prior to any due date**

ASE 572 *Preliminary Fall 2007 Schedule and Outline

Class Meeting Dates		*Anticipated Topic and Reading Assignments	
August 21	FIRST CLASS MEETING	Course expectations, class procedures, etc.	
August 28	SECOND CLASS MEETING	Sources of education law; school governance	Alexander Chap 2, 4
September 4	THIRD CLASS MEETING	Attendance, eligibility, desegregation	Alexander Chap 6, 19
September 11	FOURTH CLASS MEETING	Instructional program; Special Education	Alexander Chap 7, 10
September 18	FIFTH CLASS MEETING	Contingencies, new topics	
September 25	SIXTH CLASS MEETING	Employment— certification, contracts, rights, freedoms	Alexander Chap 14, 15 Legal Brief Due This Date***
October 2	SEVENTH CLASS MEETING	Employment— due process, discrimination	Alexander Chap 16, 17
October 9	EIGHTH CLASS MEETING	Student discipline ,rights & privacy; parent rights	Alexander Chap 8, 9
October 16	NINTH CLASS MEETING	Legal liability and immunity	Alexander Chap 11, 13 Intern Activities Due***
October 23	TENTH CLASS MEETING	Student reports contingencies	
October 30	ELEVENTH CLASS MEETING	Religion in schools	Alexander Chap 5
November 6	TWELTH CLASS MEETING	School finance litigation	Alexander Chap 20
November 13	THIRTEENTH CLASS MEETING	Group Case Study Analysis Presentations and Reports	Final Exam Part I Distributed***
November 20	FOURTEENTH CLASS MEETING	Field study assignment	
November 27	FIFTEENTH CLASS MEETING	Group Case Study Analysis Presentations and Reports	Final Exam Part I Due This Date***
December 4	SIXTEENTH CLASS MEETING	Special topics; current events	
December 11	FINAL CLASS MEETING	Final examination Part II Completed In Class This Date	

UNIVERSITY POLICIES

ACADEMIC DISHONESTY:

All students are expected to engage in all academic pursuits in a manner that is above reproach. Students are expected to maintain honesty and integrity in the academic experiences both in and out of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action. The University and its official representatives may initiate disciplinary proceedings against a student accused of any form of academic dishonesty including, but not limited to, cheating on an examination or other academic work which is to be submitted, plagiarism, collusion and the abuse of resource materials. For university policy, see:

<http://www.shsu.edu/administrative/faculty/sectionb.html#dishonesty>

STUDENT ABSENCES

(1) Religious Holy Days Policy: Section 51.911(b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. Section 51.911 (a) (2) defines a religious holy day as: “a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20....” A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

University policy 861001 provides the procedures to be followed by the student and instructor. A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day() shall present to each instructor involved a written statement concerning the religious holy day(). The instructor will complete a form notifying the student of a reasonable timeframe in which the missed assignments and/or examinations are to be completed. For university policy, see: http://www.shsu.edu/~vaf_www/aps/documents/861001.pdf

(2) Other Absences: Regular and punctual class attendance is expected of each student; exceptional situations requiring absence must be discussed. All work is due on the date specified, regardless of whether the student is in attendance on that date. If the student must be absent he/she should contact the instructor, to explain the circumstances. A second class absence will necessitate some form of make-up assignment, which must be completed. Failure to complete such assignment by the date due or additional absences will result in one letter grade deduction for each occurrence. Repeated or lengthy tardiness may be interpreted as absence at the instructor’ discretion and the student will be advised of this circumstance and compensatory coursework can be expected.

STUDENTS WITH DISABILITIES POLICY:

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 that might affect their academic performance are expected to visit with the Office of Services for Students with Disabilities located in the Counseling Center. They should then make arrangements with their individual instructors so that appropriate strategies can be considered and helpful procedures can be developed to ensure that participation and achievement opportunities are not impaired. SHSU adheres to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations for students with disabilities. If you have a disability that may affect adversely your work in this class, then I encourage you to register with the SHSU Counseling Center and to talk with me about how I can best help you. All disclosures of disabilities will be kept strictly confidential. NOTE: No accommodation can be made until you register with the Counseling Center. For University policy, see: http://www.shsu.edu/~vaf_www/aps/811006.html

VISITORS IN THE CLASSROOM:

Only registered students may attend class. Exceptions can be made on a case-by-case basis by the professor. In all cases, visitors must not present a disruption to the class by their attendance. Students wishing to audit a class must apply to do so through the Registrar’ Office.

Appendix A

LEGAL RESEARCH and WRITING LEGAL BRIEFS

These assignments involve using the Internet, Library resources, and/or your textbook. Your job is to find (on your own) the legal case assigned and write a brief about the case. Your briefs will be around two or three pages in length, although most actual briefs run up to the legal limit of fifty pages. Please see the sample brief attached to this handout. The librarians are available to assist you with this assignment. There are many different purposes to briefs, but they all have a similar form. Make sure your brief is consistent with the purpose as reflected in your instructor's instructions.

Briefs are simply written arguments submitted to a judge or justice that a lawyer or parties to a case use to present their side of a dispute. They have the same force as oral arguments presented before the court; perhaps more so, since written briefs are usually presented before the actual trial. On this page are the section headings (be sure to use them to structure your writing) and an explanation of what goes in those sections for two types of briefs - the basic Criminal Law scenario — and the Constitutional Law scenario (which includes amicus curiae briefs):

CRIMINAL LAW

1. Facts of the case — a concise statement of the facts from a legal point of view
2. Issue of the case — what parties had standing, and what specific concepts and terms were involved
3. Decision of the court — including an analysis of any concurring or dissenting opinions in previous case precedent
4. Reasoning of the court — analysis of the thinking process and logic used by previous judges
5. Citations to support previous judgment — only the important precedent cases, not all of them
6. Rule of law — a concise summary of the main precedent established, separate from the dicta, or circumstances of the cases
7. Dissent — other rules of law implicit or inherent in dissenting opinions

SAMPLE BRIEF

Name of Case

Citation of Case

Facts:

The defendant,..., was charged with..., which prohibited.... At the trial, he challenged — In the affidavit for..., the officer alleged that — The evidence was admitted (or not admitted) at trial at... and the conviction was ... This issue now comes before the Court via ...

Issue:

The issue is whether... is corroborated to the extent indicated in the affidavit..., sufficient to provide a basis for..., justifying a finding of _____

Decision of the Court:

Previously, the Court has decided Reversed and remanded (if applicable).

Reasoning of the Court:

The previous Court(s) has/have determined that... was insufficient to justify The Court said, however, that..., and there can be no question that... has a fundamental impact on_____ The Court turned to the case of... in which ... was found inadequate under the test developed in that case. The test that the Court turned to in this case was... and the proper discharge of that test, as applied to... does (or does not) constitute sufficient fulfillment of that test, however,.... In holding as the Court does, the explanation required for... can (or cannot retreat) from the legal reasoning in ... that upheld (or did not uphold) the reasoning in, and that the explanation required is justified only on probability and not on prima facie showing of....

Citations to support judgment:

.... v378 U.S. 108 S.Ct 1509 (1964)
.... v386 U.S. 300, 87 S.Ct 1056 (1967)

Rule of Law:

... can only be satisfied by An effort to ... by the government can (or cannot) enable (or constrain) ... to satisfy the requirements of... to support a claim of.... This ruling will have significant impact on the following kinds of cases:

Dissent:

Justice...., along with Justices and dissented. They felt that the ... in this case was and supported (or unsupported) a showing of — Therefore, the... should have been upheld (or denied), and subjected to a... validation or test which would have been judged as This minority opinion could be used in these kinds of cases in the future:

CONSTITUTIONAL LAW

1. Questions for Review — a description of the question(s) presented for review
2. List of Parties — a list of parties to the proceeding
3. List of Authorities — a list of authorities and persons interested in the case
4. Citations and Opinions — previous judgments by the Court in similar cases
5. Jurisdiction — a brief statement of the Supreme Court's jurisdiction in this case
6. Constitutional Provisions -- the constitution's sections most relevant to this case
7. Statement of the Case — the relevant facts, or dicta, in the case
8. Summary of Argument — the points of fact and law to be orally presented
9. Detailed Argument — the main points of fact and law to be concentrated on
10. Relief Sought — a conclusion stating the relief the party is seeking

Last updated: 01/06/04 Syllabus for
JUS 410 [Syllabus for JUS 293](#)
[IVlegalLiiiiks in Criminal Justice](#)

Sample Legal Brief and Critique

CITATION: Peterson v. Minidoka County School District No. 331, 132 F.3d 1258 (9th Cir. 1997)

FACTS (include facts, legal claims, relief sought, and prior disposition): An elementary school principal with many tears of favorable evaluations informed an assistant superintendent that he was considering home schooling eight of his 12 children who were of school age. Idaho law gave parents the right to "comparably" educate their children in settings other than public, private, or parochial schools and required local public school boards of trustees the authority to determine comparability. Pursuant to state law, the assistant superintendent requested that the principal provide information so that the district could determine comparability. This information was submitted. In the meantime, parents and teachers verbally expressed concerns regarding the principal's consideration. When questioned by the superintendent as to his reasons for considering home schooling, the principal claimed that he wanted his children's education infused with God as creator, and that he believed that this could not be attained in the public schools. In early May, the superintendent notified the principal that, because the principal intended to home school his children for the upcoming school year, he would be reassigned to an elementary teaching position. Later that month, the school board's counsel sent the principal a letter requesting that the principal make his intentions regarding his children's education known, so that the board could make a decision regarding the principal's assignment for the upcoming year. When the principal declined to divulge this "personal and private information," the board offered the principal the teaching position, which he refused. Subsequent to this refusal, the principal failed to secure employment even though he made 30 to 40 applications, and thus found a truck-driving job. Finally, the principal started an ultimately unsuccessful truck driving business.

The principal sued the district, as well as the board members, superintendent, and two assistant superintendents in their official and individual capacities through 42 U.S.C. § 1983 for violating his Free Exercise and Due Process Rights under the U.S. Constitution, and also asserted state law breach of contract and distress claims. He sought damages and attorney's fees. A federal district court, acting on the recommendations of federal magistrate, granted summary judgment to the principal on his free exercise claim, his claim of breaches of contract and implied covenants of good faith. The court granted summary judgment to the school district on the principal's claims of freedom of speech, right to home school his children, wrongful termination, and negligent and intentional infliction of emotional distress. At trial, the federal jury awarded the principal and his family \$200,000 in special damages, \$100,000 in general damages, but denied the motion for attorney's fees. The district appealed the grant of summary judgment and the principal the denial of attorney's fees.

QUESTION: Did the district's actions in transferring the principal to a teaching position violate his rights asserted in the claim?

HOLDING: The federal appellate court affirmed the judgment of the district court on his legal claims, and reversed the district court's judgment on and remanded for consideration of attorney's fees.

RATIONALE: The court held that the school district's actions violated the principal's free exercise rights, noting that the principal articulated a reason rooted in his religious beliefs for home schooling his children. The court balanced the teacher's interest in freely exercising his religious beliefs against the district's avowed interest in having a principal whose time and energy were unencumbered by the responsibility of home schooling his children and whose constituents (teachers and parents) believed in his confidence in and commitment to public education. Because there was scant evidence that the principal considered home schooling his children for any other than religious reasons, the district could not demonstrate such an interest that would outweigh the principal's free exercise rights. The court also noted that the district failed to demonstrate that it would have reached the same reassignment decision absent the protected conduct. In considering the principal's due process claim, the court held that school district policy which limited the reasons for nonrenewal to those related to "individual work merit and ability, job qualification and job performance"—and explicitly proscribed such decisions based on, among other things, religious discrimination—created a property interest in the principal's employment as a principal which could only be deprived with procedural due process was violated. Finally, the court rejected that the district's argument that the principal and his family were not entitled to damages for "mental anguish, humiliation, embarrassment, and emotional distress."

ANALYSIS AND IMPLICATIONS: Insert your critique here (it should be at least one-half page, single-spaced).

Appendix B

ASE 572/ Embedded Internship Activities To Be Accomplished by Students	ELCC STANDARDS	TE _x ES COMPETENCES
Review the faculty handbook, policy manual or administrative handbook regarding child abuse, search and seizure, confidential records, drug abuse, bomb threats, security and unauthorized personnel on the grounds.	6.1 Understand Legal, Political, Social, Economic Context	9.2 Ensure Safety of Students & Personnel in Emergencies
Identify areas of legal actions the campus principal has faced in the last three years.	6.1 Understand Legal, Political, Social, Economic Context	3.5 Apply Laws, Policies, Procedures
Describe how the principal ensures that the Code of Ethics and Standards Practices for Texas Educators is followed.	5.1 Act with Integrity 5.2 Acts Fairly 5.3 Acts Ethically	3.2 Implement Compliance w/ Code of Ethics
Describe and evaluate the role of the school secretary in office management. Observe office management procedures. Describe procedures that are followed in filing staff bulletins, correspondence and student schedules.	3.1 Manage the Organization 3.2 Manage Operations 3.3 Manage Resources	8.5 Use Effective Planning, Time Management and Personnel to Attain Goals
Describe changes to the discipline management process at the campus due to current law.	3.1 Manage the Organization 6.3 Influence Legal, Political, Social, Economic Context	9.4 Apply Law to Support Services 3.5 Apply Laws Fairly 3.4 Apply Legal Guidelines
Describe the principal's responsibility for monitoring the safety and welfare of the school community.	3.1 Manage the Organization	9.2 Ensure Safety of Students & Personnel in Emergencies 9.3 Develop/Implement Procedures for Crisis Planning