

**COURSE SYLLABUS**  
**SAM HOUSTON STATE UNIVERSITY**  
**SCHOOL OF EDUCATION**  
**ASE 572**  
**SPRING 2008**

DEPARTMENT: Education Leadership  
COURSE NUMBER: ASE 572  
COURSE TITLE: Public School Law

**INSTRUCTOR**

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**Course Title**

ASE 572: Public School Law

**COURSE DESCRIPTION**

This course is designed to develop and improve, through case study and clinical instructional methodology, the students' knowledge and understanding of the basic legal parameters that impact organization and control of the Texas and American public schools in Special Education.

**REQUIRED TEXT**

Alexander, K., & Alexander, D. (2001). *American public school law*, 5<sup>th</sup> ed. St. Paul: West Publishing Co.

Kemerer & Walsh (2006), *The Educator's Guide to Texas School Law*, 5<sup>th</sup>/6<sup>th</sup> Edition, Austin, University of Texas Press.

**COURSE OBJECTIVES**

1. Have a working knowledge and understanding of the American and Texas legal systems and how these systems affect public schools.
2. Understand and apply provisions from the US Constitution and Texas Constitution to school legal problems.
3. Know, understand, and apply case law to school legal problems.
4. Know, understand, and apply state, federal, and local legal provisions to school legal problems.
5. Become proficient at researching a legal problem and applying this knowledge to solving school legal problems.
6. Implement policies and procedures that encourage all campus personnel to comply with the Code of Ethics and Standard Practices for Texas Educators.

7. Understand relevant provisions of the Texas Education Code and the Texas Administrative Code.
8. Understand local, state, and federal legal issues which support sound decisions.
9. Understand legal and ethical implications related to school operations.
10. Model and promote the highest standard of conduct, ethical principles, and integrity in decision-making.
11. Implement legal strategies for the recruitment, selection, and assignment of campus staff.
12. Apply local, state, and federal laws and policies to support sound decisions while considering implications related to all school operations and programs.
13. Use legal requirements as a basis for campus curriculum planning.

### **COURSE PERFORMANCE STANDARDS, KNOWLEDGE, AND SKILLS:**

*Measurement code:*

ART-	assigned research topics (Instructional leader)	CSE-	certification standards exercise
CLT-	cooperative learning team (discussion, participation, presentations)	IP-	individual presentations
CS-	case studies	QE-	quizzes, examinations
IP-	Issue Papers	GS-	guest lecture
		PL-	professor lecture

<b>Topic</b>	<b>TP—Texas Principal N—NCATE Knowledge-Skills Proficiencies</b>	<b>Field Based Component</b>	<b>Measurement including Performance- Based</b>
U.S. Legal System	TP—1.1, 1.2, 1.5  N—1.6, 1.7	Tour Law Library	ART, CLT, SCE, PL, QE
Role of Federal Government	TP—4.6  N—2.2, 2.3, 4.5, 4.6	School Personnel Interviews, Develop Legal Briefs	IP, CLT, ART, CSE, PL, QE
Public School Governance	TP—1.2, 4.1, 5.2, 5.6, 5.7, 6.1, 6.2  N—2.2, 2.4, 9.1, 11.1, 11.3, 11.6, 11.7	Research in Law Library, Develop Legal Briefs	ART, CLT, CS, IP, EQ, PL, CSE, QE
Issues of Church and State	TP—1.2, 1.4, 1.5, 2.5, 3.2, 3.4, 3.7, 4.1, 4.4, 4.8, 5.6, 6.1, 6.2, 7.6, 7.7  N—2.1, 5.2, 5.3, 5.5, 10.4, 11.1, 11.3, 11.5, 11.6, 11.7	Interview Practitioner, Develop Legal Briefs	ART, CLT, CS, CSE, EQ, PL, QE
Legal Issues of Student Attendance	TP—1.2, 1.5, 2.2, 2.5, 4.1, 4.6, 4.7, 4.8, 5.1, 5.6, 7.3  N—2.1, 2.2, 3.1, 5.2	Provide Local PEIMS Reports to Class	PL, ART, CLT, CS, CSE, EQ, QE
The Instructional Program	TP—1.1, 1.4, 1.5, 2.4, 6.1, 6.2, 6.3, 6.4, 6.5  N—2.1, 2.2, 2.4, 5.0, 5.3, 5.5, 7.2, 7.4, 7.5, 9.1, 9.2, 9.3, 10.4, 10.6, 11.1, 11.5, 11.6, 11.7		PL, ART, CLT, CS, CSE, EQ, QE
Student Rights	TP—1.3, 1.5, 2.1, 2.2, 2.4, 3.5, 4.2, 4.3,	Examine Local	PL, ART, CLT,

	4.6, 4.7, 4.8, 5.1, 5.2, 5.3, 5.6 N—5.2, 5.3, 5.5, 11.1, 11.3, 11.5, 11.6, 11.7	Campus Student Handbooks	CS, IP, EQ
Rights of Disabled Children	TP—1.2, 1.3, 1.4, 2.1, 5.6 N—2.3, 11.1, 11.2	Interview District Special Education Personnel	PL, ART, CLT, CS, IP, EQ
Desegregation	TP—1.4, 2.1, 4.8, 5.6 N—3.1, 3.2, 5.4, 3.4, 2.3, 7.4, 11.1, 11.2		PL, ART, CLT, CS, IP, EQ
Tort Law	TP—1.1, 2.10, 3.4, 3.7, 5.2, 5.3, 5.5, 5.6, 7.6 N—1.7, 11.5, 1.3, 2.1, 2.2, 4.5, 11.1, 11.2, 11.3, 11.4, 4.4, 2.1, 2.2, 2.4, 8.1, 8.2, 5.3, 5.1		PLC, ART CLT, IP, CS, EQ
Student Records	TP—1.1, 1.2, 5.6, 5.9 N—1.7, 11.5, 9.1	Examine and Record Local School Student Record System	PL, ART, CLT, IP, CS, EQ
Sovereign Immunity	TP—5.5, 5.6, 7.6 N—8.1, 8.2, 11.1, 11.2, 5.3, 5.1	Examine Local School Board Policies	ART, CLT, CS, IP, EQ, PL
Certification Contracts Tenure	TP—1.1, 1.2, 3.1, 3.4, 5.1, 5.7, 5.6 N—1.7, 11.5, 1.1, 4.1, 4.3, 4.4, 6.1, 9.3, 4.5, 11.1, 11.2, 11.3, 11.4, 6.3, 4.6, 8.1, 8.2	Examine Local Employee Contracts, Interview Director of Personnel	ART, CLT, CS, IP, EQ, PL
Rights of Teachers and Due Process	TP—1.1, 1.2, 1.3, 1.4, 3.4, 3.5, 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.3, 5.6 N—1.7, 11.5, 3.2, 3.6, 3.8, 5.4, 5.5, 10.3, 4.5, 11.1, 11.2, 11.3, 11.4, 7.1, 7.2, 7.3, 7.5, 10.4, 10.5, 6.3, 2.1, 2.2, 2.4, 1.3		ART, CLT, CS, IP, EQ, PL
Discrimination	TP—1.1, 1.2, 1.3, 1.4, 2.3, 2.11 NV 1.7, 11.5, 2.3, 7.4, 1.6, 2.4, 3.2, 3.6, 3.1, 10.4		ART, CLT, CS, IP, EQ, PL

## **COMPETENCY AREAS**

1. Learner-centered values and ethics of leadership
2. Learner-centered leadership and campus culture
3. Learner-centered human resources leadership and management
4. Learner-centered communication and community relations
5. Learner-centered organizational leadership and management
6. Learner-centered curriculum planning and development
7. Learner-centered instructional leadership and management

## **INSTRUCTIONAL METHODS**

A variety of instructional methods will be utilized during this course. Problem-based learning activities and the case study/lecture methods will be the primary means of instruction.

## **REQUIREMENTS, MEASUREMENTS, & EVALUATIONS**

1. Issue Papers (3)	50%	A=90-100 Points
2. Presentation	30%	B=80-89 Points
4. Codebook Revisions (3)	10%	F=Below 70 Points
5. Embedded Internship Activities (3/5)	10%	

1. Issue Papers - From your textbook, another law book, or Internet (Lexis-Nexis or West Law), find the case you have been assigned. Write a 1-2 page paper summarizing the case using the following format.

Citation: List the legal citation for the case.

Fact(s): Restate the legally relevant facts of the case. Tell 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 source of the law (i.e. the First Amendment, The Texas Education Code, EDEA, 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?

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 the answer?

Conclusion: How does this court decision relate to your life as an educator or administrator? What does this ruling mean to our profession? How will our lives be altered by this decision?

### ***An Actual Sample Issue Paper***

**Citation:** *Franklin V. Gwinnett County Public Schools*, Supreme Court of the United States.1992.

503 US 60, 112S.Ct 1028.

**Facts:** Christine Franklin, the petitioner, a student at North Gwinnett High School in the Gwinnett County School District (respondent), was a victim of sexual harassment from Andrew

Hill, a coach at North Gwinnett High School. Teachers and administrators at North Gwinnett High School were aware of the harassment of Franklin and of other female students by Hill, but took no action to stop Hill's behavior and talked Franklin out of pressing charges against Hill. Hill resigned on the condition that all matters pending against him are dropped and the school district closed the investigation into Hill's conduct.

Issue: Does a school district's failure to stop teacher and student sexual harassment violate Title IX?

**Ruling:** The District Court and the Court of Appeals dismissed Franklin's complaint on the grounds that Title IX does not authorize awards of damages. However, the Supreme Court reversed the decision, ruling that "where legal rights have been invaded, and a federal statute provides for a general right to sue for such invasion, federal courts may use any available remedy to make good the wrong done. *Bell v. Hood*

**Rationale:** The court ruled that a damages remedy is available for an action brought to enforce Title IX. Federal Courts have the power to give award of relief however they see appropriate in response to actions regarding federal statutes. Reading of the 1986 Amendment to Title IX provides that in a suit against a state, "remedies are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public school or private entity other than a State."

**Conclusion:** This case, and any other case dealing with sexual harassment, is somewhat scary to me as an administrator, because it brings up the issue of "how much is too much – is a certain type of attention going to be taken the wrong way?" "Is a hug too personal now; and should I be careful not to hug males or even some females?" The attentions given to the student in this case did cross the line, and she should have been able to sue for damages, both for the actions of the coach and for the lack of support from her teachers and school administrators. It is our duty to protect children, and if the fear of a high-dollar lawsuit causes us as administrators to open our eyes and be cautious of how our faculty members are treating students, then the fear is worth it.

#### Issue Papers

1. **Brown v. Tesack**
2. **Brownell v. Los Angeles**
3. **Stevens v. Chesteen**
4. **Wagenblast v. Odessa School District**
5. **Hett v. Ploetz**
6. **Richmond Newspaper, Inc. et. al. v. Libscomb**
7. **Ingraham v. Wright**
8. **Wiemerslage v. Maine Township High School District 207**
9. **Dixon v. Alabama State Board of Education**
10. **Goss v. Lopez**
11. **Franklin v. Gwinnett County Public Schools**
12. **Tinker v. Des Moines Independent Community School District**
13. **Bethel School District No. 403 v. Faser**
14. **Hazelwood School District v. Kuhlmeier**
15. **New Jersey v. T.L.O.**

- 16. Vernonia School District 47J v. Acton**
- 17. Isiah B. State of Wisconsin**
- 18. Oberti v. Board of Education**
- 19. Timothy W. v. Rochest, New Hampshire School District**
- 20. Board of Education of Hendrick Hudson Central School District v. Rowley**
- 21. Zobrest v. Catalina Foothills School District**
- 22. Irving Independent School District v. Tatro**
- 23. Honig v. Doe**
- 24. Plessy v. Ferguson**
- 25. Brown v. Topeka Board of Education**
- 26. Griffin v. County School Board of Prince Edward County**
- 27. Board of Education of Oklahoma City Public Schools Independent School District No. 89 v. Dowell**
- 28. Freeman v. Pitts**
- 29. Missouri v. Jenkins I**
- 30. Missouri v. Jenkins II**
- 31. Griggs v. Duke Power Co.**
- 32. Wygant v. Jackson Board of Education**
- 33. Trautvetter v. Quick**
- 34. Other – Your Choice?**

2. Presentation – Presentation on a selected topic.

3. Codebook Revisions-Students will review their respective school's discipline codebook. The students will then identify at least 3 offenses with consequences that have or may cause controversy in the school. The students will then briefly describe the controversy. Afterwards, the student will then develop and justify legally sound consequences for these offenses. They will also ensure that the consequences show impartiality to the school's aims and goals and students' interests and needs.

5. Embedded Internship Activities - Complete and write a 1-2 page summary of the following Law-driven internship activities. Select two from the list of four activities to be submitted. The first is due by March 5<sup>th</sup>. The second is due by April 30<sup>th</sup>

1. Describe your principal's interpretations of two legal actions that were taken within the past three years.
2. Describe the principal's procedures for ensuring that school personnel follow the Code of Ethics and Standard Practices for Texas Educators.
3. Describe how the current laws concerning separation of church and state have impacted the schools practices.
4. Describe and evaluate the principal's responsibility for monitoring the safety and welfare of the school community.

## **SCOPE AND SEQUENCE**

Session 1: Library Assignment-1/28/08

Session 2: -US Legal System - 2/4/08

Session 3: The Instructional Program– 2/11/08

Session 4: Issues of Church and State– 2/18/08

Session 5: Student Rights -2/25/08

Session 6: Torts & Immunity-3/3/08

Session 7: Compulsory Education-3/17/08

Session 8: Teacher Rights -3/24/08

Session 9: Employment Law – 3/31/08

Session 10: Student Records-4/7/08

Session 11: Discrimination– 4/14/08

Session 12: No Child Left Behind - 4/21/08

Session 13: Special Programs - 4/28/08

Session 14: Staying Out of the Courtroom – 5/5/08

Session 15: Final Event – 5/12/08