

FEDERAL STATE AND PUBLIC SCHOOL LAW
ASE 572
COURSE SYLLABUS
Spring 2008

COLLEGE: SAM HOUSTON STATE UNIVERSITY
DEPARTMENT: EDUCATIONAL LEADERSHIP AND COUNSELING

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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. Prerequisite: ASE 532.

REQUIRED TEXT:

Alexander, K., & Alexander, D. (2005). *American public school law*, 6th ed. St. Paul: West Publishing Co.

Texas Education Agency (2002). *Texas School Law Bulletin*. Austin, Texas: Author. In lieu of the bulletin, students may rely on The Texas Statutes found on the World Wide Web.

Essex, N. L. (2006). *A teacher's guide to School law*. 5th ed. Austin, Texas: University of Texas Press.

This course will be web-based and field-based. You must be able to access blackboard. <http://blackboard.shsu.edu/webapps/login>. Additionally, all communications will be from your SHSU email account.

EXPECTATIONS:

- Students will participate in online classes.
- Students will assume responsibility for their own success in this class, not only in class discussions and presentations for each class, but also as they participate in a team arrangement to learn what they missed when late or unavoidably absent.
- No make-up assignments will be given; points will be deducted from participation grade and/or assignments turned in late.
- All exercises will be completed in a timely manner, which is necessary for meaningful participation and contribution in class.

- Late assignments will result in a lower participation grade.
- Students will visit the library at SHSU on line to supplement their readings on the various methodologies and will share these accounts during class discussions.
- Students will make postings on blackboard as assigned. This posting should be related to what you are learning in the course or what we have discussed

COURSE REQUIREMENTS:

PARTICIPATION: Attendance is required on a weekly basis for blackboard. Participation in all discussions, activities, and assignments is expected. Also, students will be expected to demonstrate the ability to work in collaborative groups via discussion board. (Tx. Principal Standards: 6.1-6.5; NCATE standards: N: 1.1-1.8; 2.1-2.3, 3/1-3.3, 4.1-4.4)

WRITTEN WORK: Written assignments will be based on the readings and the student's own experiences. All written assignments must be written at the graduate level and follow APA format as indicated in the SHSU Education Leadership and Counseling Department Writing Standards. (Tx. Principal Standards: 6.1-6.5; NCATE standards: N: 1.1-1.8; 2.1-2.3, 3/1-3.3, 4.1-4.4)

PERFORMANCE AND ASSESSMENT: The students' performance of knowledge and skills as set forth in the attached schedule must be at an 80% level or better to assure successful completion of the course

Assignments are on assigned date by midnight and will be considered late if emailed to the professor after that. Use digital drop box to send all assignments! You must have a Sam Email Account (not to be forwarded to other email) and be able to access Blackboard to participate in this class. Failure to actively use Blackboard for any two-week period will result in the student to be dropped from the class or failed if after drop deadline.

Below you will find orientation information that should be helpful as you prepare for the course over the next few days. You should read and follow the instructions.

1. Pay for your coursework as soon as possible. Until you have paid, you will not be able to access the course website on Blackboard.
2. Create a SHSU Computer Account by going to www.shsu.edu, and then scroll down the "University Fast Links" until you find Computer Account Creation. Follow the steps there to obtain your username and password. These will be used to access Blackboard and SHSU email. Hereafter, your professor will ALWAYS use your SHSU email address to initiate contact with you.
3. Go to Blackboard and login. Locate ASE 572 (your section #) and select the link to the course website.
4. Download and review the syllabus and assignment sheet under Course Information
5. Purchase your textbooks. The University Bookstore telephone number is 936-294-1862.

BLACKBOARD DISCUSSION OBJECTIVES:

- Form team leader to facilitate learning for chapter readings (See assignment list)
 - Provide focus questions or topic for discussion for assigned chapter
 - Each student must post to 3 different members per week. And answer the leader's question for a total of 4. (Course statistics will be tracked)
- Opportunity for students to share ideas and experiences with others whose background and viewpoints differ from their own
- Opportunity for peer assistance to help each other understand ideas or concepts

- Use professional language during discussions

ASSIGNMENTS OBJECTIVES

- Opportunity to stay up to date in their work by using a variety of resources (Field-based assignments, interviews, internet research, analyzing school support services, etc)
- Opportunity for students to extend their intellectual effort beyond that which is required by most Related to real life situations (Major project, weekly assignments, on line discussion).

STUDENT/INSTRUCTOR INTERACTION/COMMUNICATION OBJECTIVES:

- Display a personal interest in students and their learning
- Assist students in ways to find answers to their own questions
- Provide feedback of academic performance
- Clarify course material
- Share ideas about the course content
- Provide timely and frequent feedback
- Provide student-faculty interaction via email, phone calls, etc.

PROGRAM STANDARDS: TEXES, NCATE, IDEA, AND PRINCIPAL STANDARDS AS ALIGNED BY EDL AT SAM HOUSTON STATE UNIVERSITY

COURSE PERFORMANCE STANDARDS, KNOWLEDGE, AND SKILLS:

While completing an approved preparation program, all candidates for school principal certification in Texas must demonstrate general knowledge and skill competency related to the eight standards areas established by the State Board of Educator Certification (SBEC): <http://www.tepsa.org/SC/PrincipalStandards.pdf>

STATUTORY AUTHORITY: Texas Education Code, Chapter 21, Subchapter B, Certification of Educators.
<http://www.tea.state.tx.us/sboe/schedule/9809/ch241-ltr.html>

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 Communications and Community Relations
5. Learner-Centered Organizational Leadership and Management
6. Learner-Centered Curriculum Planning and Development
7. Learner-Centered Instructional Leadership and Management.

IDEA objectives for this course: <http://www.idea.ksu.edu/>

1. Gaining factual knowledge
2. Learning fundamental principles, generalizations, or theories
3. Learning to apply course material
4. Developing specific skills, competencies, and points of view needed by professionals in the field most closely related to this course.

NCATE online P. 12: <http://www.ncate.org/standard/new%20program%20standards/elcc.pdf>

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 ASSIGNMENTS

- 1) Assigned chapter readings to lead by group. See discussion board.
- 2) Two case studies dealing with real-life school legal problems will be assigned throughout the term. Students will work in small groups to develop solutions to each case study.
- 3) Six internship activities are required. Students should summarize their completion of the activities as directed. Reflection format and artifact required.
- 4) Final exam: multiple choice, True/False

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
		EQ-	ExCET question development
		PL-	professor lecture
		GS-	guest lecture (when available)

CHAPTER ASSIGNMENTS – SEE DISCUSSION BOARD

Due Date	Topic TPGSL – A Teacher’s Pocket Guide to School Law	TP—Texas Principal N—NCATE Knowledge-Skills Proficiencies	Measurement including Performance-Based
Jan 22 nd Group I	Chapter 1 - The Legal System	TP—1.1, 1.2, 1.5 N—1.6, 1.7	ART, CLT, SCE, PL, QE
Jan 29 th Group II	Chapter 2 - Historical Perspective of Public Schools	TP—1.1, 1.2, 1.5 N—1.6, 1.7	ART, CLT, SCE, PL, QE
Feb 2 nd Group III	Chapter 3 - Role of the Federal Government	TP—4.6 N—2.2, 2.3, 4.5, 4.6	IP, CLT, ART, CSE, PL, QE
Feb 5 th Group IV	Chapter 4 - Governance of Public Schools • TPGSL Chapter 1 - Control of Public Schools	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	IP, CLT, ART, CSE, PL, QE ART, CLT,
Feb 12 th Group V	Chapter 5 - 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	ART, CLT, CS, CSE, EQ, PL, QE
Feb 19 th Group VI	Chapter 6 - Student Attendance • TPGSL – Chapter 3 – Religion and Public Schools	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	ART, CLT, CS, CSE, EQ, PL, QE
Feb 26 th Group VII	Chapter 7 - The Instructional Program • TPGSL – Chapter 2 Instruction and Curriculum Standards	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
March 4 th Group VIII	Chapter 8 - Student Rights: Speech, Expression, and Privacy • TPGSL – Chapter 4 Students, the Law and Public Schools • TPGSL – Chapter 5 Due Process and Student Safety	TP—1.3, 1.5, 2.1, 2.2, 2.4, 3.5, 4.2, 4.3, 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	PL, ART, CLT, CS, CSE, EQ, QE
March 18 th Group I	Chapter 9 – Student Rights: Common Law, Constitutional due Process, and Statutory Protection	TP—1.2, 1.3, 1.4, 2.1, 5.6 N—2.3, 11.1, 11.2	PL, ART, CLT, CS, IP, EQ
March 25 th Group II	Chapter 10 - Rights of students with disabilities • TPGSL – Chapter 7 - Individuals with Disabilities	TP—1.2, 1.3, 1.4, 2.1, 5.6 N—2.3, 11.1, 11.2	PL, ART, CLT, CS, IP, EQ
April 1 st Group III	Chapter 11 - Tort Liability • TPGSL – Chapter 8 - The Teacher and School Liability	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
April 8 th Group IV	Chapter 12 – Defamation and Student Records • TPGSL – Chapter 6 – Liability and Student Records	TP—1.1, 1.2, 5.6, 5.9 N—1.7, 11.5, 9.1	PLC, ART CLT, IP, CS, EQ

April 12 th Group V	Chapter 13 - School District Liability	TP—5.5, 5.6, 7.6 N—8.1, 8.2, 11.1, 11.2, 5.3, 5.1	ART, CLT, CS, IP, EQ, PL
April 15 th Group VI	Chapter 14 - Certification, Contracts, and Tenure <ul style="list-style-type: none"> TPGSL – Chapter 11 – Tenure, Dismissal, and Collective Bargaining 	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	ART, CLT, CS, IP, EQ, PL
April 22 nd Group VII	Chapter 15 – Teacher Rights and Freedoms <ul style="list-style-type: none"> TPGSL – Chapter 10 Teacher Freedom 	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
April 29 th Group VIII	Chapter 16 - Due Process Rights of Teachers	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
May 6 th Group I	Chapter 17 – Discrimination in Employment <ul style="list-style-type: none"> TPGSL – Chapter 9 – Discrimination in Employment 	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
May 10 th	Final Exam online		

MEANS OF EVALUATION

Course Grades/Requirements:

Assignments/Internship Activities: 100pts
Activities 1- 6 (approx. 16 pts each)

Discussion Board 170 pts
Each person must post to 3 different Classmates per week & answer the leader's question for a total of 4 postings per chapter. (Approximately 10 pts per chapter)

Case study 1 per group 50 pts

Midterm/Final Exam 50 pts

TEXES QUESTIONS 30 pts

These exams will be based on chapter readings and A teacher's Pocket Guide to School Law.

A = 400-370 Passing grade
B = 369-310 Passing grade
C = < 310 Not passing
F = <309 Not passing

Required Internship Activities Individual Assignment

Write a one page reflection for each activity. You must use the Brown and Irby format (including labels). Please see course documents. Label each activity with its "code" Act 1: 1.B

Activity 1: 1.B - Review Handbooks - DUE FEBRUARY 1ST

1. B. Review and note key sections of 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.

Activity 2: 1.C- Legal actions – MARCH 1ST

1. C. Identify areas of legal actions the campus principal has faced in the last three years.

Activity 3: 1.D - Code of Ethics – MARCH 22ND

1. D. Describe how the principal ensures that the Code of Ethics and Standard Practices for Texas Educators is followed.

Activity 4: 5. F Role of Secretary – APRIL 5TH

5. F. Describe and evaluate the role of the school secretary in office management. Observe office management procedures. Describe precautions that are taken for the security of disciplinary files and personnel folders. Describe procedures that are followed in filing staff bulletins, correspondence and student schedules.

Activity 5: 7.D Discipline management Process – APRIL 19TH

7. D. Describe changes to the discipline management process at the campus due to current law.

Activity 6: 7.E - Principal's role safe/secure – MAY 3RD

7. E. Describe the principal's responsibility for monitoring the safety and welfare of the school community.

Case Studies– ASE 572

Group Assignment Due date February 16th

Please get together and form a group of 4. Each group has been assigned two cases. Turn in to digital dropbox. Please label your case: Case 1: Group I. Please write 1 -2 pages per case.

<p>1) You are a first year principal. About a month into the semester, one of your first year teachers comes into your office and is obviously quite upset. She informs you that she received several obscene phone calls over the weekend and cannot understand why, since she took extreme care not to list her telephone number in the local directory. Being the astute consumer of Texas law that you are, you immediately check the school district's address and telephone list and discover that her name, address, and telephone number all appear in this directory, thereby suggesting that the teacher gave at least implicit permission for public access to this information. You correctly deduce that some students have gained access to this directory. How could this situation have been avoided? Are there any steps that can be taken to prevent future recurrences? Please cite relevant Texas law to document your answer.</p>	Group I
<p>2) You are a principal (Congratulations!). One of your first tasks was to hire an assistant principal to round out your administrative team. You received input from your campus level site-based decision making team, but you recommended a candidate to the superintendent and board with whom your SBDM committee vehemently disagreed. Now the local teachers association has filed a grievance with the Commissioner against you and the school district, claiming that the site-based decision making was violated by your decision. Was it? Cite relevant Texas law to support your decision.</p>	Group II
<p>3) You are an elementary school principal. A parent of your 1st grade student is upset with her child's teacher for two reasons. First, the teacher moved a poster made by the child during the Thanksgiving season to a less prominent location in the hallway. On the poster was the child's message that he was thankful for Jesus. Second, when the teacher allowed students who read at certain proficiency the opportunity to read aloud to their classmates, the student wished to read a story about Jacob and Esau from The Beginner's Bible. The teacher refused to allow the student the opportunity to read the story aloud. Now, the parent has come to you and is quite irate and is threatening to sue the school and you individually for violating her child's establishment clause and free speech rights. As principal, what do you see as the issues in this case, and how would you resolve the case to keep the parent from carrying out the threat?</p>	Group III
<p>4) Buster is a 15 year old ninth grader who is not considered homeless nor has had his disabilities of minority removed. Because of a deteriorating relationship with his parents, he has moved in with the parents his best friend Brutus, all of whom live in a neighboring school district. Although Brutus' parents are willing to board Buster, they do not exercise lawful control over Buster under court order. Part of the reason for Buster's deteriorating relationship with his parents is that Buster was placed in an Alternative Education Program (AEP) for two weeks in December of his eighth-grade year. It is August 15th of Buster's ninth grade year and he wishes to enroll in Brutus' school. Is the school obligated to enroll Buster? Why and/or why not? Cite relevant Texas law to support your decision as the building principal.</p>	Group IV
<p>5) It is your first week as an assistant principal and you have survived, or so you thought. While walking in from parking lot duty on Friday afternoon, you walk into a restroom and notice one individual beating the daylights out of another person, obviously smaller in stature. You break up the altercation, separate the students, and conduct your investigation. Your subsequent investigation reveals several things: (1) the assailant is seventeen years old; (2) the victim is a 14 year old; (3) the assault was unprovoked; (4) a teacher overheard the assailant in 3rd period class tell classmates that he/she was going to get this kid after school; (5) several students, after the fact, admitted they knew of the intentions of the assailant; (6) the victim, though not injured critically, sustained sufficient injuries to be transported. Assuming: (1) the facts of the cases are what they are, and (2) an assault occurred, outline your course of action. Include in your course of action the charge against the student, the disciplinary action, the possible appeals procedures, and the necessary reporting requirements that you incur.</p>	Group V

<p>6) A Texas teacher under a probationary contract was not offered re-employment at the end of the probationary term. The board timely notified the teacher of its action and justified its action in "the best interests of the school district". The teacher claimed that he was denied his rights to procedural due process and that he was not offered continued employment because grievances he had filed concerning (1) a letter of insubordination he received from his principal, (2) the amount of time he was being asked to prepare students for the TAAS exam, and (3) his criticism of the new "zero-tolerance" discipline policy adopted by his school. Was the teacher entitled to procedural due process? Why and/or why not?</p>	<p>Group VI</p>
<p>7) At the end of a four-hour practice session on the first day of fall football practice in southeast Texas, the coaches required that all players run "gasser" drills, which required players to run 200 yard windsprints with 45 second breaks between each sprint. Prior to these sprints, a high school sophomore complained of discomfort; however, the coaches directed him to participate in the "gassers." The student collapsed during the drill; rather than attending to the player, the coaches continued with the drill and held a team meeting after the conclusion of the drill. As the team trainer was not on the field when the player collapsed, the only attention the player received was from the team's student trainers. The student died several hours later.</p> <p>As principal, you have just found out that the deceased student's parents have sued the school district; the board members, superintendent, district athletic director, athletic trainer, and you in official capacities; and the high school coaches and the high school trainer in individual capacities, claiming that the actions violated their son's substantive due process rights under the 14th Amendment. In addition, the parents sued the football coaches for negligent discipline under Texas law. Who may be liable and why?</p>	<p>Group VII</p>
<p>8) There are about six weeks remaining in the school year at your high school. You are the ninth grade assistant principal about to complete your first year in this rather stressful position. Earlier this year, several female students approached you and complained that they were being sexually harassed by several of their male classmates. In your investigation, you conclude that the male students needed to be warned that their conduct might constitute sexual harassment and to cease and desist. Over the next several months you periodically check with the female students and are repeatedly assured that the conduct has ceased and desisted. At the beginning of May, the same female students, obviously upset, come to you again claiming harassment. Among other things, your investigation reveals that (1) one student has showed a fake phallus to the female students, (2) another male student touched a female student between her legs and above the knee, and (3) two other male students continued to proposition the female students in a most offensive manner. You discipline each male student by placing them in in-school suspension for the remainder of the school year (which ended up being 10 days). Now the parents of the female students are upset because you have been indifferent to their complaints from the very beginning. Are you liable under Title IX, Section 1983, or state law?</p>	<p>Group VIII</p>

TEXES Questions Assignment – See course document section - 30pts – April 5th

Part I – Group Activity

Part II – Group Activity

FOR YOUR INFORMATION

- ✓ *Please check Blackboard announcements for instructions on web-site changes, web-site links, information, etc.*
- ✓ If you are a student with a **disability** that may affect your academic performance, please contact the professor as soon as possible or you may contact the Director of the Counseling Center as chair of the Committee for Continuing Assistance for Disabled Students at 294-1720.
- ✓ Academic **honesty** is expected in this class. Plagiarism is a violation and will result in course failure.
- ✓ The **syllabus** is subject to change pending notification.
- ✓ Every semester each student will have an **academic evaluation** for which you will receive a grade. Additionally, each student will have a **Potential Scale** filled out by professors to evaluate the **student's attitudes and dispositions** in the program.