

SOUTHEASTERN LOUISIANA UNIVERSITY
Department of Educational Leadership and Technology
EDL 721: School Law
Revision Date: Spring 2007

GENERIC SYLLABUS

TEXTS:

Essex, Nathan L. School Law and the Public Schools: A Practical Guide for Educational Leaders. (3rd ed.). Boston: Allyn and Bacon, 2005.

Fischer, L., Schimmel, D. & Stellman, L. Teachers and the Law. (7th ed.). New York: Allyn and Bacon, 2007.

Armenta, T. School Law Student Handbook. (7th ed.). (Available at SLU Bookstore)

COURSE DESCRIPTION:

3 hours credit. Prerequisite: Advanced standing in the graduate program. The course shall encompass an examination of the constitutional and legal bases of public education in the United States and Louisiana.

GENERAL GOALS OF THE COURSE:

After completion of the course, the student will have an understanding of the basic legal requirements of managing the public schools, its programs, teachers and students. Priority focus will be given to landmark Supreme Court decisions in the areas of finance, religion, student rights, rights of the disabled, employee rights, and discrimination. This course will also address major current legal issues in education.

COEHD CONCEPTUAL FRAMEWORK: The COEHD's Conceptual Framework provides direction for the development of effective professionals. It is a living document that continuously evolves as opportunities and challenges emerge. The four components of the CF are the institutional standards used for candidates assessment in undergraduate and graduate programs. They are *Knowledge of the Learner* (KL); *Strategies and Methods* (SM); *Content Knowledge* (CK); and *Professional Standards* (PS). *Diversity* (D) and *Technology* (T) are included in the assessment process as themes that are integrated throughout all programs in the educational unit.

COURSE OBJECTIVES: Upon course completion, students will be able to:

1. Describe key legal issues and decisions in landmark Supreme Court cases related to education (CK).
2. List strategies for avoiding litigation in a school setting (CK, PS).
3. Identify key legal issues/questions in given scenarios related to education (CK, PS).
4. Explain the legal rights of various groups relative to ethnicity, gender, age, disability, and socioeconomic status (CK, PS, SM, D).
5. List the requirements of due process (CK, PS).
6. List the criteria for determining negligence (CK, PS).

7. Explain what types of questions are inappropriate for employment interviews (CK, PS, D).
8. Define various legal terms relative to education law (CK).
9. List legitimate criteria for dismissing a teacher (CK, PS).
10. Use the Internet to access court cases; state law; articles on school law (CK, T).

COURSE REQUIREMENTS:

1. Supplemental Case Reports : Each student will be assigned two Supreme Court cases on which to write a supplemental case report. These reports will provide additional information (e.g., dissenting opinions) for cases discussed in class. Students will also present the information to the rest of the class when their particular cases are discussed. (CK, T)
2. Participation: Regular attendance and active participation is expected. The grade for participation will also take into account the quality completion of enrichment assignments.
3. Mid-term Exam
4. Comprehensive Final Exam

COURSE CONTENT

<u>Topics/Cases</u>	<u>Related Reading</u>
Introductions; Review of syllabus	
Tort Liability and Negligence	Ch. 6
Prerequisites for negligence	
"Reasonable standard of care"; in loco parentis	
Common conditions for negligence	
Damages (Compensatory, punitive)	
Elements of a judicial decision; court system; legal citations; amendments	Ch. 1
Finding cases on-line (Computer Lab exercise)	
Compulsory education	
<i>Pierce v. Society of Sisters</i> - 86	
<i>Wisconsin v. Yoder</i> - 101	
Home schooling	
<i>Murphy v. State of Arkansas</i> - 81	
School Finance	
<i>Serrano v. Priest</i> - 94	
<i>San Antonio Ind. School Dist. v. Rodriguez</i> - 90	
Church and State	Ch. 2

- A. Aid to parochial/private schools
 - Everson v. Board of Ed.* - 59
 - Lemon v. Kurtzman* - 76
 - Agostini v. Felton* - 42
 - Board of Education v. Allen* - 45
 - Mitchell v. Helms* - 78
- B. Use of School Facilities by Religious Groups/Equal Access Act
 - Board of Education of Westside Community Schools v. Mergens* - 49
 - Lamb's Chapel v. Center Moriches S.D.* - 73
 - Good News Club v. Milford Central School* - 63
- C. Released time for religious instruction
 - Zorach v. Clauson* - 105
- D. Prayer/Bible reading/Christmas programs/Ten Commandments/Absences
 - Church of God v. Amarillo Ind. School Dist.* - 52
 - Engel v. Vitale* - 57
 - Doe v. School Bd. of Ouachita Parish* - 55
 - School Dist. of Abington Township v. Schempp* - 93
 - Jabr v. Rapides Parish School Board* - 69
 - Stone v. Graham* - 95
 - Lee v. Weisman* - 75
 - Jones v. Clear Creek Independent School Dist.* - 71
 - Santa Fe Independent School Dist. v. Doe* - 91
 - Doe v. Tangipahoa*
 - Wallace v. Jaffree* - 99
 - Florey v. Sioux Falls School Dist.* - 60
 - Zelman v. Simmons-Harris* - 103

Student rights

Ch. 3, 4

- A. Due process/Suspension
 - Goss v. Lopez* - 64
- B. Freedom of speech and expression
 - Tinker v. DesMoines* - 97
 - Bethel v. Fraser* - 44
 - West Virginia State Bd. of Ed. v. Barnette* - 100
- C. Search and seizure
 - New Jersey v. T.L.O.* - 82
- D. Drug testing
 - Vernonia v. Acton* - 98
 - Board of Education (of Pottowatomie) v. Earls* - 46
- E. Student publications
 - Hazelwood v. Kuhlmeier* - 65
- F. Corporal punishment
 - Ingraham v. Wright* - 67

The instructional program

Ch. 7, 11

- A. Censorship
Bd. of Education, Island Trees v. Pico - 48
- B. Evolution/Creationism
Epperson v. Arkansas - 58
Edwards v. Aguillard - 56
Freiler v. Tangipahoa Parish Schools - 61
- C. Competency testing
Debra P. v. Turlington - 54
- D. Bilingual Ed.
Lau v. Nichols - 74
- E. FERPA
Owasso v. Falvo - 84

Discrimination

Ch. 12

- A. Desegregation
Plessy v. Ferguson - 87
Brown v. Board of Education - 51
Swann v. Charlotte-Mecklenburg - 96
- B. Discrimination in Employment
School Bd. of Nassau County v. Arline – 92
- C. Title IX
Jackson v. Birmingham Board of Education - 70
North Haven Bd. of Educ. v. Bell - 83
- D. Education of "illegals"
Plyler v. Doe - 88
- E. Sexual harassment
Davis v. Monroe County Board of Education - 53

Teacher rights

Ch. 8, 9, 10

- A. Freedom of speech and expression
Pickering v. Board of Education - 85
- B. Contracts/Hiring/Dismissal
- C. Preventing Employee Lawsuits

Education of special needs students

Ch. 5

- Bd. of Education v. Rowley* - 47
- Honig v. Doe* - 66
- Irving Independent School Dist. v. Tatro* - 68
- Zobrest v. Catalina Foothills School Dist.* - 104

KNOWLEDGE BASE

- Alexander, K. & Alexander, M.D. (2005). American Public School Law (6th ed.). New York: West/Wadsworth Publishing Co.
- Alley, R. (1999). The Constitution and Religion. Amherst, NY: Prometheus Books
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- Dunklee, D.R. & Shoop, R.J. (2002). The Principal's Quick-Reference Guide to School Law. Thousand Oaks, Calif.: Corwin Press.
- Fischer, L., Schimmel, D. & Stelman, L. Teachers and the Law. (7th ed.). New York: Allyn and Bacon, 2006.
- Fraser, J.W. (1999). Between Church and State: Religion and Public Education in a Multicultural America. New York: St. Martin's Press.
- Hall, K.L. (1999). The Oxford Guide to United States Supreme Court Decisions. New York: Oxford University Press.
- Hartmeister, F. (1995). Surviving as a Teacher: The Legal Dimension. Chicago: Precept Press.
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- Kluger, R. (1975). Simple Justice. New York: Random House.
- Looney, S. (2004). Education and the Legal System: A Guide to Understanding the Law. Upper Saddle River, NJ: Pearson Education, Inc.
- Rothstein, L. (2000). Special Education Law (3rd ed.). New York: Longman Publishing Co.
- Streshly, W.A., Walsh, J., & Frase, L.E. (2002). Avoiding Legal Hassles: What School Administrators Really Need to Know (2nd ed.). Thousand Oaks, Calif.: Corwin Press.
- Vacca, R.S. and Boshier, W.C. (2003). Law and Education: Contemporary Issues and Court Decisions. Newark, NJ: Matthew Bender and Co.
- Valente, W. & Valente, C. (2000). Law in the Schools (5th ed.). New York: Prentice-Hall
- Yudof, M.G., Kirp, D.L., Levin, B., and Moran, R.F. (2002). Educational Policy and the Law (4th ed.). Belmont, CA: Wadsworth Group.