COURSE SYLLABUS

Ed 631 School Law and Organizational Structure

CREDIT HOURS: 3 Semester Hours

CLASS TIME: Summer Session 2011; Monday, June 6th—Thursday, June 23rd Online

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I. CATALOG DESCRIPTION
This course is designed as a beginning law course for school teachers. Topics to be studied include organizational structures of school, federal and state systems, church-state related issues, teacher rights, rights of students with disabilities, instructional issues, tort liability, and equal opportunities in education.

II. PURPOSE, PERFORMANCE OUTCOMES, AND OBJECTIVES OF THE COURSE
This course examines a specific portion of the legal foundations of American public education.

COURSE OBJECTIVES

1. To have students become familiar with, know, and apply the implications of: (a) the interdependent relationship of politics, law and the ethical imperatives of educational administration (11.3, 11.5);
2. To apply knowledge of federal constitutional provisions and judicial decisions that affect education systems including judicially recognized individual rights and principles guaranteed by the U.S. Constitution to influence public education (11.1);
3. To apply knowledge of state constitutional, statutory, and regulatory provisions and judicial decisions governing a state's educational system (11.1);
4. To have students acquire skill in locating cited legal sources, especially court decisions and statues and citing the application to educational setting (11.1, 11.2);
5. To have students use the federal and state court systems combined with knowledge about statutory and case laws affecting the operation of public schools to develop a strategy to formulate, enact, and implement policies that create safe school environments (11.4, 5.3);
6. To examine specific issues around which most litigation related to teacher/student rights arises in public schools and be familiar with emerging issues related to teacher/student rights in public schools, the rights of public school personnel (student and staff) who are members of specially protected groups (i.e. children with disabilities, persons of color) and the importance, tort, collective bargaining, and a means of implementing due process in public schools (11.2).
7. To crate a positive culture that promotes learning by implementing appropriate management techniques and group processes to define role, assign functions, delegate effectively, and determine accountability (3.1, 6.3).
8. To-as a result of the aforementioned cognitive acquisitions-develop new critical analytical comprehension/understanding and competence of the legal, political, and ethical principles that, together, constitute the formal authority of public schools (2.4, 11.3, 11.5, 11.7).
Please note that numbers in parentheses (e.g. 11.1) reference NCATE standards. The MSUM Educational Leadership program is in the process of aligning this course with new NCATE standards that would include 3.1, 3.2, 3.3, 5.3, 6.1, and 6.3 of the NCATE standards approved in 2002 (see http://www.npbea.org/ELCC/ELCCStandards%20_5-02.pdf).

An understanding of educational law is acquired as a result of a variety of pedagogical methods employed in the course including lecture, small and large group discussion, assigned readings, small-group activities, and independent work. Through this variety of instructional strategies, students are provided with fundamental knowledge in the curricular area of educational law. During simulated clinical experiences, opportunities are provided for students to analytically assess various legal dilemmas, to evaluate and reflect on these analyses, and to develop new, broader understandings of the principles of public school law.

PERFORMANCE OUTCOMES:
At the conclusion of the course, the student will have achieved the following objectives:

- The student will be able to outline and explain the organizational structure of public schools to include its internal and external political systems (11.3).
- The student will be able to outline and explain the general structure of the federal and state court systems and how the impact policy decisions (11.1, 11.4).
- The student will be able to explain why school principals should understand the issues in educational law to develop and administer a safe school environment that promotes the health and safety of all [5,3].
- The student will be able to demonstrate through case scenarios how the following legal topics impact the school principal's professional position: church-state relation, instructions programs, student rights, rights of disabled students, teacher rights, contract, and tort liability (11.2).
- The student will be able to demonstrate knowledge of resources in education law where further information can be found.
- The student will be able to explain the legal rights and responsibilities of school principal [11.2 11.3].
- The student will be able to critique and recommend changes to current school policies based upon the legal aspects learned in this class and offer this critique in a manner suitable for presentation to a local board of education [2.4, 11.2, 11.2, 11.5, 11.7]

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III. TEXT

IV. COURSE REQUIREMENTS
A. Graded Requirements (may vary based on course format and length of course)

- Contribute to discussions.
- Section quizzes covering the assigned reading materials on a unit basis.
- Mid-Term and Final Examination
- Brief cases in education.
- Completed assignments
B. Evaluation: Grades are awarded for each of the course requirements listed above. The final grade for the course will be calculated on the basis of the total points you have accumulated as a percentage of possible points:

<table>
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<tr>
<th>Points</th>
<th>Grade</th>
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<tbody>
<tr>
<td>94 – 100%</td>
<td>A</td>
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<tr>
<td>90-93.9</td>
<td>A-</td>
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<tr>
<td>87-89.9</td>
<td>B+</td>
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<tr>
<td>84-86.9</td>
<td>B</td>
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<tr>
<td>80-83.9</td>
<td>B-</td>
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<td>77-79.9</td>
<td>C+</td>
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<td>74-76.9</td>
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<td>67-69.9</td>
<td>D+</td>
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<td>64-66.9</td>
<td>D</td>
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<td>60-63.9</td>
<td>D-</td>
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<td>59.9 or below</td>
<td>F</td>
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C. Non-Graded Requirements: Students will be given occasional assignments to complete in preparation for an upcoming class, and will be given occasional assignments/projects during class sessions.

D. Peer review, collaboration, and Technology: This course will require that you will be involved with peer review of your work. This includes assignments prepared outside of class as well as in-class assignments. In addition, the course requires that students use various technologies to communicate with one another and the professor to provide feedback on assignments.

E. Work in this course must adhere to the Student Policy: Academic Dishonesty (MSUM Student Handbook, 1998-1999). "The University expects all students to represent themselves in an honest fashion that includes presentation of original ideas and giving credit for the ideas of others. Faculty determine the occurrence of academic dishonesty. When the instructor has convincing evidence of academic dishonesty, including plagiarism, the following action may be taken: 1. Assign a failing grade to the paper, examination, report, etc., on which the student cheated. 2. Assign a failing grade for the course in which the student cheated" (p. 56).

Dishonesty can be divided into four categories and defined as follows:

1. Cheating: Intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise.
2. Fabrication: Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
3. Facilitation academic dishonesty: Intentionally or knowingly helping or attempting to help another commit and act of academic dishonesty.
4. Plagiarism: Intentionally or knowingly representing the words or ideas of another as ones own in any academic exercise.

F. Students with disabilities who believe they may need an accommodation in this class are encouraged to contact Greg Toutges, Coordinator of Disability Services at 477-5859 (Voice) or 1-800-627-3529 (MRS/TTY), CMU 114 as soon as possible to ensure that accommodations are implemented in a timely fashion.

G. Recommended Brief Format illustrated at the end of this syllabus and under Content on D2L.

H. Conceptual Framework:

Minnesota State University Moorhead candidates are becoming professionals who are knowledgeable, reflective, humanistic, and creative.
Knowledgeable: MSUM candidates display competence in their subject matter, built upon a strong grounding in liberal studies. MSUM candidates understand the principles of learning, assessment and technology. They understand and apply legal and ethical considerations to all aspects of their work. MSUM candidates are able to integrate theory and practice, and view learning as an active process. MSUM candidates demonstrate the ability to model connections between philosophical foundations and best practices in the field. As life-long learners, MSUM candidates engage in research and complex thinking. They design opportunities for others to seek knowledge and to understand themselves as members of the world community.

Reflective: MSUM candidates engage in thoughtful analysis of the meaning and significance of their actions, decisions, and results with regard to their work in order to assess progress in meeting this guiding principle. It is through this reflective process that candidates improve instruction, implement new ideas, abandon ineffective methodologies, and enhance learning outcomes for their students. MSUM candidates are skilled at analyzing their teaching from a variety of perspectives and identifying connections between teaching strategies and student learning. In addition, candidates utilize a variety of techniques to question their procedures and consider alternatives for instruction and student growth. MSUM candidates recognize learning, motivational, and developmental variables and relate those dimensions to their teaching practices. Finally, MSUM candidates bring a questioning spirit to received wisdom and conventional practice when needed.

Humanistic: MSUM candidates value the personal worth of each individual. This is based on a belief in people's potential and innate ability to develop to their fullest. MSUM candidates' actions are grounded in knowledge of different cultural and ethnic groups within the world community, and in knowledge of the influence of culture and history, ethnicity, language, gender and socio-economics on one's life. This knowledge base informs candidates' decision-making as they create environments that promote freedom, compassion, and success for all learners. MSUM candidates are fair-minded in their interactions with others, as well as sensitive to and accepting of individual differences. Further, MSUM candidates have an understanding of aesthetics and the diversity that is part of the human experience and will incorporate this knowledge into their work. MSUM candidates recognize and accommodate a variety of linguistic and nonlinguistic interpersonal skills in their actions with others. MSUM candidates foster resiliency in the students with whom they work and model these qualities in their own work.

Creative: MSUM candidates understand the powerful resources of the arts and sciences and use their knowledge of these areas to bring the best of their imaginative and creative acts into the classroom. MSUM candidates recognize the important role creativity plays in the design of instruction and classroom environment. They will, for themselves and for their students, meet new situations with resourcefulness, excitement and curiosity, with an investigative attitude, and with the ability to pose, seek and design solutions to problems. MSUM candidates are cognizant of the aesthetic elements of the world and draw on that knowledge to make curricular decisions designed to help students not only learn about aesthetics, but to also learn how to think about the world at large.

Reasoned Action Leadership

In the Reasoned Action leadership model, the research on and our knowledge of the activities and principles of teaching surround all other components of the school leadership process. This portion of the knowledge base then serves as a conceptual framework for those aspects of education, which deal most specifically with school leadership. In this manner – with the principles of teaching encompassing the principles of administration – the interdependence of teachers and administrators is given recognition and reinforcement.

The Performance Nucleus – Inside the conceptual frame, a performance nucleus exists which is best described as an “input – output leadership performance scheme.” It represents a development process, which begins with the curricular organization of the Tri-College University educational administration program. In the Reasoned Action Leadership model, the curriculum is organized into five broad areas or curricular building blocks (I – Personal and Professional Development; II – Instructional Leadership; III – Organizational Leadership; IV – Political and Community Leadership; V – Role Specialization. Education 632/732 is a part of Block II.
The instruction planned is intended to affect students and to be affected by students. In-class experiences are planned which (a) assist students in becoming more aware of their own personal nature, talents, and abilities, and (b) allow for a professor-to-student and student-to-student developmental influence of personal, value-orientated characteristics. Acceptable academic performance in this course and positive participation in the planned activities, coupled with possession of necessary idiographic characteristics, should facilitate acceptable reasoned action.

It is intended that the combined impact of the encompassing conceptual frame and the leadership performance nucleus of the model employed in this course is such that outputs – the leadership behaviors of educators – are consistent with the current research and knowledge of the field as well as with the program faculty’s beliefs about the essential character and performance requirements for school leaders as they develop effective schools.

### IV. COURSE OUTLINE

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<thead>
<tr>
<th>Day</th>
<th>Topics and Standards Addressed</th>
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<tbody>
<tr>
<td>June 6th - 7th</td>
<td>• SYLLABUS REVIEW</td>
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<td>June 8th - 10th</td>
<td>• ROLE OF THE FEDERAL GOVERNMENT IN EDUCATION. (Chapter 3—pp. 69-114) Reserved State Powers; Federal Control of Education; Constitutional Rights and Freedom of Individuals:</td>
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<td>June 11th - 13th</td>
<td>• CHURCH AND STATE ISSUES—Chapter 5—Pages 171-289 THE IMPACT ON TEACHERS AND STUDENTS - Antecedents of the First Amendment; Released Time for Religious Education; Prayer and Bible Reading in the Public Schools; Flag Salute</td>
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<td>June 14th - 15th</td>
<td>• THE INSTRUCTIONAL PROGRAM - Curriculum and the Pall of Orthodoxy; Obscenity and Sex; Films; Evolution v. Creationism; Student testing &amp; promotion; Grading &amp; academic requirements; Bilingual education programs. (Chapter 7—pp. 344-412).</td>
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<td>Date</td>
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<td>June 16th-17th</td>
<td>• Mid-Term Exam</td>
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<td>June 18th-19th</td>
<td>• <strong>STUDENT RIGHTS</strong>: Speech, Expression, and Privacy - In Loco Parentis; Constitutional Due Process; Freedom of Speech and Expressions; Student Publications; Search and Seizure; Gangs, and violence in schools (Chapter 8—pp.413-500, Appendix B pp. 1148-1159).</td>
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<td>• <strong>DEFAMATION &amp; STUDENT RECORDS</strong> - Chapter 12 pp. 690-729</td>
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<td>June 20th-21st</td>
<td>• <strong>DISCRIMINATION</strong> - Race Discrimination, Equal Protection, Sex Discrimination, Title VI, title VII, title IX (Chapter 17—pp. 919-981)</td>
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<td>June 22nd-23rd</td>
<td>• <strong>RIGHTS OF THE HANDICAPPED STUDENTS</strong> (Chapter 10—pp.561-637 and Appendix B—1148-1159)- Historical Perspective; Free Appropriate Public Education; Private School Placement; Related Services; Discipline of Handicapped Students</td>
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<td>• <strong>TEACHER RIGHTS &amp; FREEDOMS</strong> (Chapter 15—pp. 827-886) - Teacher Freedoms (Freedom of Speech and Expression; Freedom of Religion; Loyalty; Privilege Against Self- Incrimination)</td>
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<td>• <strong>CERTIFICATION, CONTRACTS, AND TENURE, DUE PROCESS RIGHTS OF TEACHER; DEFAMATION &amp; TEACHERS</strong> (Chapter 14 &amp; 16—pp. 777-826 and 887-918) - Teacher Dismissal (Procedural Due Process Dismissal of Tenured Teachers), all cases.</td>
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<td>• <strong>Final Exam</strong></td>
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VII. WRITING CASE BRIEFS AND REACTION SUMMARIES
The case briefs and reaction summaries required in this course must follow a prescribed format. The first portion follows a traditional legal briefing style in which you identify the following elements:

1. Identification of the Case
2. Action Sought
3. Facts of the Case
4. Questions to be Answered by the Court(s)
5. Answers Given by the Court
6. Reasons for that Answer
7. Significance of the Case

Following this section, you should provide an extended discussion of what you believe to be the significance of this case. This section is your opportunity to apply problem analysis and judgment skills from your own personal perspective and experiences. The sample on the following page is provided as an example for the format to be used in completing the Case Brief and Reaction Summary assignments.

Samples of different level of law case citations:
1) 521 S. W.2nd 76 (Ky. 1975) -- Vol. 521, South Western Reporter, second series,
Format for Briefs:

**Brief**

1. Identification of the Case: Thomas v. Central City School Board, 410 N.W.2d 825 (Minn. 1987)

2. Action Sought: Damages

3. Facts of the Case: During an egress from the school building, a member of the class under the supervision of Karen H. Gardner was hit, fell and was injured.

4. Question to be Answered by the Court: Was the defendant, the school principal or the teacher negligent?

5. Answer(s) Given by the Court(s): Lower Court - School Board and Teacher, no; principal, yes. Appellate Court - Affirmed (same decision). Supreme Court - No negligence.

6. Reasons: (1) The principal had well planned scheme to govern egress and ingress of pupils; (2) he talked with teachers, parents, and pupils concerning his plan; (3) he personally supervised much class movement. (4) The teacher was competent, and only a freak circumstance prevented her from being and governing class movement the day of the accident.

7. Significance of the Case [for schools]

In this portion, you write a narrative summary describing your own impressions of the significance/importance of this case. Generally, it should be no more than six paragraphs in length. ... (Limit the brief and reaction summary to one page. Single spaced.)

**SAMPLE BRIEF**

**Citation:** Simms v. Sch. Dist. No. 1, Multnomah Co., 508 P.2d 236 (Ore. 1973)

**Topic:** Assault and Battery
Relief Sought: Student brought action to recover damages against school district and one of its teachers for assault and battery.

Issue(s): (1) Did teacher wantonly shove student into door? (2) May teacher use reasonable force to move a disruptive child from the classroom? (3) Did the trial judge err in instructions to the jury?

Facts: Plaintiff, Richard Simms, 14, brought action for assault and battery against district and a teacher, Marvin Weitz, alleging that he was wantonly shoved into a door and glass window, breaking the window and injuring his arm. Defendant denied the allegations and said that while plaintiff was being removed from the classroom by reasonable force, the incident occurred, but that it was within the teacher's right to do so. Plaintiff demurred to teacher's defense; court overruled the demurrer. Case went to a jury which returned a verdict in favor of both defendants. Plaintiff appealed. Plaintiff was enrolled in a "model" school for disadvantaged, and had a poor record.

Finding of the Trial Court: For defendant school district and teacher.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: Teachers may use reasonable force to remove a child from the classroom if he is a disruptive element therein. The district's regulation on corporal punishment read in part: "Except in the event of forcible and physical resistance to the teacher's authority, corporal punishment shall be administered only after the teacher has procured in advance the approval of the principal." The issue of whether or not the student offered "forcible and physical resistance to the teacher's authority" was for the jury to decide. The judge told the jury that it was for it to decide whether or not the teacher used reasonable force within the meaning of the regulation. A teacher stands in loco parentis to the child, and shares the parents' right to obtain obedience to reasonable demands by force. In Ware v. Estes, 328 F.Supp. 657 (TX 1971), affirmed, 458 F2d 1360 (1972) the federal courts held that corporal punishment is not cruel and inhuman treatment under the Eighth Amendment. We hold that the child has no constitutional grounds to object to corporal punishment so long as they are reasonable, properly administered and so as not to cause harm, and are legally authorized. Nor do we consider as inadmissible the teacher's written report prepared on the day of the act for his principal on grounds that it is self-serving. The teacher was subject to cross examination regarding all aspects of the report, including its authenticity and reliability and accuracy. Clearly the court did not abuse its discretion in this case.

Significance: Teachers owe students a duty for their care and safety. But they must also have the authority to maintain good order in the classroom, requiring students to perform their duties. A teacher does not breach his duty to the child where, as a result of disruptive behavior, the student must be removed from the room, so long as the force used is reasonable, legally permitted, and does not leave lasting injury to the student.

Resources

School Law
A
http://lawsource.com/also/ American Law Sources on-line
C
http://www.leginfo.ca.gov/calaw.html California Code
http://goldmine.cde.ca.gov/ California Department of Education
http://www.courtinfo.ca.gov/ California Courts
http://www.mcn.org/a/celr/ California Education Law Report
http://www.fsu.edu/~crimdo/law.html Cecil Greek's Searchable Law Sites Homepage
http://www.fsu.edu/~crimdo/other.html Cecil Greek's Other Law Sites Homepage
http://www.cessso.org/ Chief State School Officers Council
http://lcweb2.loc.gov/ammem/amlaw/lawhome.html Congressional Documents and Debates