

EDUG 740-61 SCHOOL LAW FOR ADMINISTRATORS – SPRING 2013**Meeting Dates: 1/23, 30; 2/6, 13, 27; 3/6; 4/10, 17, 24; 5/1.****Instructor: Peter A. Mutarelli, EdD.****COURSE DESCRIPTION**

The study of the American legal system as it impacts both public and private education. Aspects of Constitutional law, case law, contract law, tort law and common law will be examined through the reading of case briefs, analysis of pertinent cases, and practical application to the student's particular setting. This course also satisfies requirements for child abuse certification and SAVE legislation.

Required text:

Looney, Susan D. Education and the Legal System: A Guide to Understanding the Law (2004). Pearson Education, Inc. Upper Saddle River, NJ.

STUDENT LEARNING OUTCOMES AND ASSESSMENT**Outcome**

1. Students will attain comprehensive *Professional Knowledge* by gaining an understanding of the various types of law and their relationship to education.
2. Students will develop *Strategic Decision-Making skills* by examining the policy statements and contractual documents of various school boards, local schools, and teacher's unions.
3. The student will develop an attitude of *Learning to Learn* by becoming familiar with the most recent legislation and regulations which apply to education.
4. Students will develop *Caring Leadership Skills* by applying the learned concepts of the course in practical experiences.

Assessment

Readings/Case analysis/Discussion board.

Field Research/Class Discussion

Case Analysis/Readings

Field Research/Final Project

NYS CONTENT REQUIREMENTS ADDRESSED IN THIS COURSE

- (c) Communicate and work effectively with parents, staff, students, community leaders, and other community members from diverse backgrounds, providing clear, accurate written and spoken information that publicizes the school's goals, expectations, and performance results, and builds support for improving student achievement;**
- (d) Lead comprehensive, long-range planning, informed by multiple data sources, to determine the present state of the school, identify root causes of problems, propose solutions, and validate improvements with regard to all aspects of the school, including but not limited to:**
 - (2) instructional strategies and the integration of technology;**
 - (3) classroom organization and practices;**
 - (4) assessment;**
 - (5) student support services, including the provision of services to students with disabilities (and students who are English language learners);**
 - (6) professional support and development;**
 - (7) succession planning;**
 - (8) student, family, and community relations;**
 - (9) facilities development; and**
 - (10) planning with colleges for providing curricula and experiences for college students preparing to become educators that will enhance their learning and the learning of the school's students;**
- (e) Effect any needed educational change through ethical decision-making based upon factual analysis, even in the face of opposition;**
- (g) Set a standard for ethical behavior by example, encouraging initiative, innovation, collaboration, mutual respect, and a strong work ethic;**
- (i) Create the conditions necessary to provide a safe, healthy, and supportive learning environment for all students and staff;**
- (k) Apply statutes and regulations as required by law, and implement school policies in accordance with law; and**
- (l) Maintain a personal plan for self-improvement and continuous learning**
- (m) Build mutually beneficial collaborative relationships with social service and health service providers to meet the needs of students.**

COURSE REQUIREMENTS AND EXPECTATIONS

1. **Attendance**: Regular posting to all forums.
2. **Assigned Readings**: Chapters and cases must be read as assigned to insure full class participation.
3. **Discussion Forum**: Significant contributions to all of the posted discussions.
4. **Case Analyses**: - Submit the case analyses as described herein. Due dates are posted within this syllabus. Due to the intensity and regularity of assignments, any items submitted past the due date will be subject to point reductions.
5. **Personal Learning Plan**: Submit a Personal Learning Plan at the end of the course indicating what you feel you still need to learn in the area of School Law and your plan of action to gain the additional learning.

5. **Final project**:

Option A: Choose one major area of education law from one of the class sessions. Research recent legislation and/or judicial decisions in this area and write a review of your research findings. Confine yourself to the last 15 years. Your paper should include your analysis of major trends in the area you have chosen over this time period and the implications for future policy making decisions. Paper **must not exceed** 15 pages including title page, table of contents, abstract and reference pages. **Due May 1, 2013.**

Option B: Identify one major area within your current work situation that may be problematic or pertinent from a legal standpoint. Using the principles, concepts, and theories from course lectures, discussions, presentations and readings, describe the issue in detail and suggest possible changes, improvements, adaptations, etc. to address the issue. For each detail of your plan, note any specific related principle, concept, legal reference, case or text reference. Paper must not exceed 15 pages including title page, table of contents, abstract and reference pages. **Due May 1, 2013.**

The final project will be evaluated on the basis of content, application and synthesis of knowledge, proper format and attention to established conventions of English grammar and usage. The final paper must be commensurate with graduate level work. All papers must include a title page, table of contents, abstract of 150 – 200 words, and a bibliography/webliography. APA style is required.

Grading system - Grades will be based on the following:

Analysis of 8 cases.....	90 points
Personal Learning Plan	30 points
Final Paper (CRLA)	90 points
<u>Attendance & Discussion Forums</u>	90 points
TOTAL	300 POINTS

COURSE GRADE CRITERIA	
POINTS	FINAL GRADE
275-300	A
265-274	A-
255-264	B+
245-254	B
235-244	B-
225-234	C
<225	F

COURSE ACTIVITIES

Session 1:

Introduction to course objectives, requirements, and materials.

- Pre-test: an evaluation of current knowledge of the law as it effects education
- Overview of course content
- US Legal System: Federal, State, local courts
- Types of cases: Criminal, civil
- Glossary of legal terminology
- Analyzing cases: the case analysis format
- Understanding case citations

Required Reading Assignment for next class session:

Chapters 1 & 2 of Looney text, Chapter 7 of Casenotes

Session 2:

Tort Liability in Schools

- Respondeat Superior
- Immunity
- Types of torts
- Components of tort negligence
- Contributory vs. Comparative Negligence
- Legal considerations

Case analysis #1:

Analyze the case assigned using the case analysis techniques presented in first class session.
Paper not to exceed 2 pages.

Discussion Forum 1:

Post a response to the forum question and respond to the post of at least one other student.

Required Reading Assignment for next class session:

Chapter 3 of Looney text, Chapter 2 of Casenotes.

Session 3:**Church/State Issues**

- First amendment issues
- Prayer in school
- School events
- Displays and celebrations

Case analysis #2:

Analyze the assigned case using the appropriate case analysis techniques. Paper should not exceed 2 pages.

Discussion Forum 2:

Post a response to the forum question and respond to the post of at least one other student.

Required Reading Assignment for next class session:

Chapters 5 of Looney text and Chapter 12 of Casenotes.

Session 4:**Students and the Law – Student's Rights**

- Freedom of expression
- School Sponsored speech
- Dress
- Search and Seizure

Case analysis #3:

Analyze the case assigned using the appropriate case analysis techniques. Paper should not exceed 2 pages.

Required reading Assignment for next class session:

Chapter 6 of Looney text and Chapter 12 of Casenotes.

Session 5:**Students and the Law – Student Discipline**

- Corporal Punishment
- Procedural Due Process
- Substantive Due Process
- Suspension
- Expulsion
- School Safety

Case analysis #4:

Analyze the assigned case using the appropriate case analysis techniques. Paper should not exceed 2 pages.

Required Reading Assignment: Chapter 4 in Looney text. Also, review information from website provided dealing with IDEA law.

Session 6:**Students and the Law – Students with Disabilities**

- Discipline of students with disabilities
- History – IDEA
- Free and appropriate
- IEP's
- 504 Plans
- Least Restrictive Environment
- Related Services

Case analysis #5:

Analyze the assigned case using the appropriate case analysis techniques. Paper should not exceed 2 pages.

THE FINAL PROJECT DISCUSSION FORUM:

Use this forum to post your reflections, ideas, research finds and any other items pertaining to your completion of your final project. Class members should use this forum to share their ideas and borrow liberally from each other in preparation of completing their final papers. This forum constitutes the ONLINE session throughout the month of March and April. Each class member is required to visit this forum at least twice each week while the forum is open, post significantly to it, read other members posts and respond to those that may interest you. This forum will be open until July 1.

Required Reading Assignment for next class session: Chapter 7 in Looney text.

Session 7:**Teachers and the Law – Teachers’ Rights**

- Freedom of expression
- Academic freedom
- Dress
- Religion
- Privacy
- Other issues

Case analysis #6:

Analyze the assigned case using the appropriate case analysis techniques. Paper should not exceed 2 pages.

Required Reading Assignment for next class session:

Chapter 10 in Looney text and Chapters 9, 10 and 11 in Casenotes.

Discussion Forum 3:

Post a response to the forum question and respond to the post of at least one other student.

***Remember to visit the Final Project Forum.**

Session 8:**Teachers and the Law – Employment and Tenure**

- Procedural Due Process
- Collective Bargaining
- Dismissal
- Certification and licensing

Case analysis #7:

Analyze the assigned case using the appropriate case analysis techniques. Paper should not exceed 2 pages.

***Remember to visit the Final Project Forum.**

Required Reading Assignment for next class session:

Chapter 8 & 9 in Looney text and Chapter 13 of Casenotes.

Session 9:**Equal Protection Under the Law**

- Racial discrimination
- Age discrimination
- Sex discrimination
- Harassment

Parents' Rights

- FERPA
- Grades
- Alternative schooling
- Communication

Course wrap-up

- Post-test
- Course and Teacher Evaluation Survey
- Title IIa Survey

Case analysis #8:

Analyze the assigned case using the appropriate case analysis techniques. Paper should not exceed 2 pages.

Discussion Forum:

***Remember to visit the Final Project Forum.**

Final Project is due by May 1.