

**AUGUSTA STATE UNIVERSITY
COLLEGE OF EDUCATION
DEPARTMENT OF EDUCATIONAL LEADERSHIP, COUNSELING,
AND SPECIAL EDUCATION**

**EDLR 6430: SCHOOL LAW
THREE SEMESTER HOURS**

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COURSE DESCRIPTION

This course examines the legal and fiduciary roles and responsibilities of the school administrator in a competency-based school leadership context. Leadership candidates will examine and demonstrate an understanding of significant aspects of Federal and Georgia laws, regulations, policies, rules, and judicial decisions affecting education; necessary to create a supportive learning environment focused on success for all learners.

NOTE: The content of this course is intended only for educational purpose and does not, in any way, constitute legal advice. Leadership candidates are urged to seek legal advice from qualified attorney when needed.

REQUIRED TEXTS

Essex, N. L. (2008). *School law and the public schools: A practical guide for education leaders* (4th Ed.). Boston: Pearson.

Web-based Livetext account is required for all students registered in this course.

COURSE OBJECTIVES

Upon completion of this, and within a multicultural framework, the students will be able to develop an understanding and ability to apply knowledge, skills, and professional dispositions necessary to:

1. Identify and explain the legal framework and structure governing public education.
2. Understand and explain the implications of broad constitutional issues relating to education.
3. Understand and explaining the applications of federal statutes, laws, and regulations (FERPA, IDEA, NCLB, ADA, Patriot Act, etc.) relevant to effective administration of public schools.
4. Understand and explain the applications of the laws, rules, regulations, and policies, of appropriate state education agencies.
5. Demonstrate an understanding of significant legal issues affecting students and student rights.
6. Demonstrate an understanding of significant legal issues affecting employees and employee's rights.

7. Demonstrate an understanding of significant legal issues affecting school finance and fund management.
8. Demonstrate an understanding of significant legal issues affecting school facilities management.
9. Apply relevant legal principles to cases emanating from site-based experiences.
10. Understand the application of school law to influence larger education agenda and policies to promote success for all students

CONCEPTUAL FRAMEWORK: *Understanding for teaching, teaching for understanding*

The preparation of educators is the most critical of all professions, without educators there are no other professions. The professional educator is the key element in the learning process. Building on the key elements of the professional educator, the Conceptual Framework of the unit of Augusta State University consists of a vision and mission with an overarching theme to produce **prepared, able, and responsive** professionals to teach diverse learners.

Prepared Dimensions (PD):

P2: Use self assessment and analysis to form the basis for collaboration with colleagues and the development of a desired to be a lifelong learner.

P3: Participate in graduate study to extend and refine the knowledge base of educators to build expertise.

P4: Possess an understanding of the central concepts, tools of inquiry, and structures of the discipline(s) or their professional field of study and be able to create learning experiences that enable all students to learn.

P5: Understand how students learn and develop (intellectually, socially, and individually) and be able to provide developmentally appropriate learning opportunities and support for these opportunities.

P6: Demonstrate knowledge of how to implement effective verbal and non-verbal information and technology techniques to foster active inquiry, collaboration, and supportive interaction in educational settings.

Able Dimensions (AD):

A2: Create learning environment that encourages positive social interaction, active engagement in learning, and curriculum goals.

A3: Plan, guide, and support instruction based upon knowledge of subject matter, the learners, the community, and curriculum goals.

A5: Ability to teach and work in authentic settings with diverse populations of learners.

Responsive Dimensions (RD):

R1: A respect for the dignity of all persons. All children can learn and have the right to an opportunity to do so.

R2: Preparation in the subject area(s) to be taught or the professional field of study must be accompanied by the skill and dispositions to translate knowledge into creating and supporting meaningful experiences for diverse learners.

R3: Understanding of how students differ in their approaches to learning and demonstrate meeting their educational needs in fair, caring, non-discriminatory, and equitable manners.

R4: Ability to be a reflective practitioner who continually evaluates the effects of his/her choices and actions on others (students, parents, and other professionals in the learning community) and actively seeks the opportunity to grow professionally.

R5: Fostering relationships with schools colleagues, parents, and agencies in the larger community to support the learning and well-being of all students.

STANDARDS ADDRESSED:

The course addresses the following standards:

GA PSC/ISLLC Leadership Standard(s)

S3: An educational leader implements a continuous organizational improvement and approach to developing and managing organization, operations, and resources as prescribed in GA law, rules, and regulations and in a way that contains costs and maximizes benefits for students, parents, and taxpayers.

S5: An educational leader acts with integrity, fairness, and in a legal and ethical manner based on knowledge and understanding of Georgia and Federal laws, regulations, and judicial decisions affecting education.

S6: An educational leader demonstrates an understanding of, responding to, and influencing the larger political society, legal and cultural context.

Board of Regents Principles:

QA1. The University System will ensure the success of teacher and leader candidates on certification examinations for all demographic groups.

C3. Educational leadership programs will be the shared responsibility of colleges of education, arts and sciences, business, other academic units (as appropriate), and school partners.

C4. University Systems institutions that prepare educational leaders will collaborate with area school systems to work on seven goals (increase student achievement, nominate, prepare, mentor BELs, etc).

R1. All universities that prepare teachers and educational leaders will implement aggressive recruitment policies to raise the caliber, to expand the diversity of candidates, and balance supply and demand.

Technology Competencies

1. Demonstrate ability to operate a computer system in order to successfully utilize software.
2. Demonstrate knowledge of uses of computers for problem solving, data collection, information management, communications, presentations, and decision-making.
3. Demonstrate skill in using productivity tools for professional and personal use, including word

processing, database, spreadsheet, and print/graphic utilities.

METHOD OF INSTRUCTION

The method of instruction shall be a mix of approaches including assigned field-based experiences, enriching discussion sessions, seminars, presentations, and direct lecture focused on the following:

- School governance within the United State’s judicial framework and structures.
- Federal laws and schools.
- Sate legal framework and schools.
- Students and the law.
- School employees and the law.
- School facilities and the law.
- School finance and the law.
- Application of school law to authentic experiences in education.
- The school administrator as a legal and ethical exemplar.

COURSE SCHEDULE

Period	Topic	Strand	Reference	Assignments
Class 1	1. Federal Laws and Schools. 2. State Legal Framework and Schools.	<ul style="list-style-type: none"> • Introduction to the class. • The US constitution and education. • The US legal structure and education. • State and local district legal structures and education. 	Chapter 1 (text) Other references.	<u>Main Assignment #1:</u> See main assignment for details. Due next class.
Class 2	Students and the Law Part I.	<ul style="list-style-type: none"> • Freedom 	Chapters 2, 3, & 5 (text). Other references.	Main Assignment #1 due <u>In-class Assignment #1</u> Complete <u>any two</u> of the three case studies at the end of Chapter 2. Due during class period. <u>Main Assignment #2</u> See assignment handout for details.
Class 3	Students and the Law: Part II.	<ul style="list-style-type: none"> • Curriculum & Instruction • Protection • Student Record 	Chapters 4, 11, & 12 (text). Other references.	Main assignment #2 due. <u>In-class assignment #2</u> Professor will assign Case studies at the end of chapters 3, 5, 11 to groups of students as appropriate (2-3 students per group). Due during class period. <u>Main Assignment #3</u> See main assignment for details.
Class 4	School Employee and the Law:	<ul style="list-style-type: none"> • Employment 	Chapter. 6, 7, 8, 9, 10,	Main Assignment #4 due. <u>In-class Assignment #4</u>

		<ul style="list-style-type: none"> • Freedom • On the Job • Other Legal Issues 	(text). Other references.	<p>Explain the rights of non-custodial parents vs. custodial parents. Due during class period.</p> <p><u>Main Assignment #5</u> See details in main assignment. Due next class.</p>
Class 5	<p>1. School Finance & Facilities and the Law</p> <p>2. The School Administrator as a Legal-Ethical Exemplar</p>	<ul style="list-style-type: none"> • Taxation for public education and use of public funds • Case laws in education funding • Legal-ethical dilemmas 	Chapter 13 (text). Other references.	<p><u>Main Assignment #6</u> See details in main assignment.</p>

PERFORMANCE ASSESSMENT

Specific Assignment Descriptions

Main Assignment #1 (25 points)

- Draw and annotate a schematic diagram depicting where and how your school or school system fits into the overall Federal and State legal framework and structure.
- Write a descriptive narrative summary of your depiction.
- Bring your write-up to class for a discussion session.

Main Assignment #2 (25 points)

1. Interview your school district's attorney to find out the legal boundaries of the powers of the following:

- a. The school board
- b. The superintendency
- c. The school principal
- d. Teachers

Write a report summarizing your interview.

OR

2. Explain the Patriot Act and its implication for school administration in terms of:

- a. students rights
- b. employee rights
- c. student discipline
- d. school safety

Main Assignment #3 (25 points)

- It is the end of the year. You have followed the activities of a tenured teacher throughout the year and finally you have decided recommended that the teacher be terminated for cause.
- Outline the procedure you must follow.
- Write legally defensible notice to the teachers informing of possible termination.
- You must cite relevant case laws a part of your documentation to back up your actions.

Field Experience Assignment (prepared, able, and responsive)

Main Assignment #4 (50 points)

- Select five legal issues that have occurred or are of concern to you in your school.
- Write a narrative description stating clearly the facts relating to each of the issues separately.
- Choose any two of the legal issues you described.
- Do a through search of the legal considerations involved in the selected issues, including relevant statutes, case laws, rules and regulations.
- Write a three-page legal brief for each issue stating the detailed facts, the legal issues, the supporting statutes, rules, regulations, and case laws relating to each of the issues.
- Include a recommendation on how the issues can be legally resolved based on your knowledge
- Please cite relevant legal references to provide appropriate backing for your brief.
- Prepare a power-point presentation of your briefs and present for in-class discussion.

Grading:

I. Assignments will be graded based on the parameters outlined in the rubric included in the assignment handout.

II. Assignment points:

4 In-class Assignments @ 15 pts each	= 60 pts.
Main Assignments # 1, 2, & 3 @ 25 pts each	= 75 pts
Field Experience Assignment	= 50 pts
Class Participation	= 15
TOTAL	= 200 pts

Grade:

> 179 points = 90%>	A
160-179 points = 80% – 89.99%	B
140 -159 points = 70% – 79.99%	C
120-139 points = 60% – 69.99%	D
<120 points = 59.99 %<	F

Assessment Procedure

Paper presentations will count toward 10% of each paper's overall grade. The instructor encourages PowerPoint presentations. There is no page minimum for each paper expect otherwise directed by the instructor; each topic chosen must be answered completely. However, pre-determined limits will be imposed on the presentation time. The grade for each paper will be determined by how thorough each topic is covered. A minimum of four references are required for each paper with one reference always being the text, two professional journal references (hard copy or online versions), and one other source. Apart from the text, none of other references should be older than January, 2000. Each paper is to be original and typed on white bond paper, using 12 fronts, double spaced, and **APA style**.

Assignments will not be accepted beyond the due date and will not be graded (i.e., the grade will be zero). If you cannot attend class, it is your responsibility to turn in any assignment due before class begins on the due date. Example: Class begins at 4:30 p.m. on the 30th, and you cannot attend; you must have the assignment in my possession by 4:29:59 p.m. on the 30th to receive a grade other than zero.

NOTE

Modifications may be made to the scope, depth and sequence of the details as contained in this syllabus based on progresses in the class.

OTHER INPORTANT INFORMATION

APA Style

All written work for the College of Education follows the American Psychological Association (APA) style manual, fifth edition (2001). Your cover page, running head, in-text citations, reference list, grammar and mechanics must reflect this style manual. General assistance with APA style is available through the Augusta State University Writing Center and online at <http://owl.english.purdue.edu/owl/resource/560/01/>

Clinical Lab Sessions

Three different clinical lab sessions will be conducted during the 5-week session. These are voluntary, and you may ‘come and go’ at any time during that time. The purpose of the lab sessions is to allow individuals or project group members to review/clarify any course assignments, seek feedback on project plans, seek help with drafts of issues paper, appropriate graduate writing skills, etc. There will be no penalty for non-attendance at these sessions.

Attendance

Augusta State University requires class attendance. Roll is taken at each class. You are responsible for signing-in and indicating your arrival time. If you leave class early, you are to sign-out and note the time as well. In our case, since we meet just eight times, a candidate can not miss time that equals more than TWO classes. On the third absence, the candidate will receive a grade of “F” for the course. There are no excused absences in this course.

Academic Honesty

Candidates are expected to read and strictly adhere to the entire Academic Honesty policy found in the *2009–10 Augusta State University Catalog*. In part, the policy reads:

Academic honesty requires the presentation for evaluation and credit of one’s own work, not the work of others...Plagiarism is the failure to acknowledge indebtedness. It is always assumed that the written work offered for evaluation and credit is the student’s own unless otherwise acknowledged. Such acknowledgement should occur whenever one quotes another person’s actual works, whenever one appropriates another person’s ideas, opinions, or theories, even if they are paraphrased, and whenever one borrows facts, statistics, or other illustrative materials unless the information is common knowledge. (p.43)

Pipeline Accounts

Candidates are encouraged to check their Pipeline accounts daily. Candidates are responsible for any assignments or deadlines sent to them via Pipeline. If you have trouble accessing your Pipeline account, you should contact Information Technology Services at 737-1676. Computers and printers are available free of charge in computer labs throughout campus as well as the

library and campus internet cafes for candidates who do not have access from a home computer.

Candidates with Disabilities

Candidates with disabilities who are registered with the Office of Disability Services should schedule an appointment with the instructor before the second week of class to discuss academic accommodations. If the candidate does not initiate this meeting, it is assumed no special accommodations or modifications will be necessary to meet the requirements of this course. You may make an appointment by calling the Counseling and Testing Center (706) 737-1471 or visit their office located in the Quadrangle, next to Fanning Hall (Business Office).

Please let me know promptly about problems or concerns with assignments or requirements of the course.

Cell Phone and Pager Policy

Candidates are asked to mute or turn off cell phones and/or pagers during class time. Violations will be addressed on an individual basis.

Department of Educational Leadership, Counseling, and Special Education Website

Candidates are invited to visit the departmental website at: <http://www.aug.edu/clinical>. A variety of forms, some interactive, may be downloaded from the website. There are also newsletters, registration information and announcements which students will find useful. Most forms are in Adobe Acrobat. All campus computers have Adobe Acrobat Reader installed and students can download Adobe Acrobat Reader for their home computer at no charge from: <http://www.adobe.com/products/acrobat/>

SUGGESTED READING

Educational Issues & Case Laws

Issue	Statutes/Case laws	Comments
Federal Laws and Schools State laws and School	US federal constitution, regulations, and case laws. State constitution, statutes, regulations, and case laws.	
Religion in schools	<i>Engel v. Vitale</i> , 370 U.S. 421 (1962). <i>Lee v. Weisman</i> , 505 U.S. 577 (1992). <i>Murray v. Curlett</i> , 374 U.S. 203 (1963). <i>Lemon v. Kurtzman</i> , 403 U.S. 602 (1971). <i>Santa Fe Independent School District v. Jane Doe</i> , 120 S.Ct. 2266(2000). <i>Chandler v. Siegelman</i> , 230 F.3d 1313 (2000).	School-sponsored prayer. Prayer at school activities. Prayer and bible reading. Aid to parochial schools. Prayer at school events.
Students & The Law: Freedom of Expression	<i>Tinker v. Des Moines Independent Community School District</i> , 393 U.S. 503 (1969). <i>Bethel School District No. 403 v. Fraser</i> , 478 U.S. 675 (1986). <i>Sherman v. Community School District 21</i> , 980 F.2d, 437 (1992).	Freedom of expression. Nonpolitical speech. Patriotic exercises.
Students & The Law: Curriculum & Instruction	<i>Pierce v. Society of Sisters</i> , 268 U.S. 510 (1925). <i>Edwards v. Aguillard</i> , 482 U.S. 578 (1987). <i>Hartzell v. Connell</i> , 679 P.2d 35 (1984). <i>Palmer v. Merluzzi</i> , 868 F.2d 90 (1989). <i>Beeson v. Kiowa County School District</i> , 569 P.2d 801 (1977). <i>Plessy v. Ferguson</i> , 163 U.S. 537 (1896). <i>Brown v. Board of Education of Topeka</i> , 347 U.S. 483 (1954).	Compulsory attendance. Teaching of evolution. School fees. Extracurricular activities. Married students. Desegregation.

	<i>Brown v. Board of Education of Topeka</i> , 349 U.S. 294 (1955). <i>Board of Education of the Hendrick Hudson Central School District v. Rowley</i> . 458 U.S. 176 (19820).	IDEA & Substantive educational rights.
<i>Student & The Law: Protection & Discipline.</i>	<i>New Jersey v. T.L.O.</i> 469 U.S. 325 (1985). <i>Bethel School District No. 403 v. Fraser</i> , 478 U.S. 675 (1986). <i>Berg v. Glen Cove City School District</i> , 853 F. Supp. 651 (1994). <i>Goss v. Lopez</i> , 419 U.S. 565 (1975). <i>Gonzales v. McEuen</i> , 435 F. Supp. 460 (1977). <i>Ingram v. Wright</i> , 430 U.S. 651 (1977).	Searches and seizures. Discipline. Health – Immunization. Suspension. Expulsion. Corporal Punishment.
Student & The Law: Student Records	<i>Owasso Independent School District No. I-011 v. Falvo</i> , 534 U.S. 426 (2002).	Family Educational Rights & Privacy Act (FERPA)
School Employees and The Law: Recruitment & On the Job	<i>Fowler v. Board of Education of Lincoln County</i> . 819 F.2d 657 (1987). <i>Pickering v. Board of Education of Township High School District</i> . 391 U.S. 563 (1968). <i>East Hartford Education Association v. Board of Education of Town of East Hartford</i> . 562 F.2d. 838 (1977). <i>Barcheski v. Board of Education of Grand Rapids Public Schools</i> . 412 N.W. 2d. 296 (1987). <i>Board of Regents of State Colleges v. Roth</i> . 408 U.S. 564 (1972).	Academic freedom. Freedom of expression. Dress Impropriety with students. Non-renewal & Dismissal.
School Employees and The Law:	<i>Erb v. Iowa State Board of Public Instruction</i> . 216 N.W.2d 339 (1974). <i>Gillett v. Unified School District No. 276</i> . 605 P.2d 105 (1980).	Adulterous teacher. Criminal Activities.
School Facilities and The Law	<i>Lamb’s Chapel v. Central Moriches Union Free School District</i> , 508 U.S. 384 (1993). <i>Bronx Household of Faith v. Community School District No. 10</i> , 127 F. 3d 207 (1997).	Use of school facilities. Use of facility by outside religious groups.
School Finance and the Law	<i>San Antonio Independent School District v. Rodriguez</i> . 411 U.S. 1 <i>McDaniel v. Thomas</i> , 285 S.E.2d 156 (1981).	School finance.

BIBILOGRAPHY

LaMorte, M. W. (1999). *School Law: Cases and concepts (6th Ed.)*. Boston: Allyn and Bacon.

Paterson, F. R. A. and Beckman, J. C. (2008). *The Georgia school administrator’s legal guide*. Bulverde, TX: OMNI Publishers, Inc.

Tuner D. G. and Turner R. (1990). *South Carolina educators and the law (2nd Ed.)*. Columbia, SC: Triangle Distribution Company.

Assignment Grading Rubric

Scoring Parameters		Below Stated Parameter (D/F: Substantial points deducted OR no points earned)	Approaches Stated Parameter (C: Appreciable number of points deducted)	Meets Stated Parameter (B/A: Few points deducted)	Exceeds Stated Parameter (A+: No points deducted)
1	Closely follows the guidelines as directed by the assignment.				
2	Work is very thorough and thoughtful; Includes all significant facts and issues relevant to the assignment				
3	Relevant educational leadership standards-elements aligned to the assignment are clearly stated.				
4	Cites statutes, case laws, rules, and regulations that are relevant to the assignment.				
5	Writing or presentation indicates sound preparation, organization, neatness, clarity, grammar, spellings, formatting errors, etc.				
6	Responses include personal reflection on how lessons learned in assignment contribute to own leadership practices and platform.				
7	Follows APA format in citation and references.				