

Course Syllabus

SUMMER 2012

Georgia State University College of Education
DEPARTMENT OF EDUCATIONAL POLICY STUDIES

EPEL 8330 Advanced Law, Policy, and Governance

Course Title:

EPEL 8330 Advanced Law, Policy, and Governance
WIKISPACE

<http://edlaw-gsu.wikispaces.com/>

Instructor:

PROFESSOR THOMAS W. GLANTON, JR.

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Office Hours: By appointment

Course Location:

Meeting Times: 4:30pm to 8:30pm Tuesdays

Course Description:

Advanced Law, Policy, and Governance. This course is designed to help students understand the role of law, policy, and governance from a regulatory, constitutional, statutory, and judicial perspective. Students will explore how each of these mechanisms has shaped and influenced America's current educational landscape and the implications for school leadership.

GSU College of Education Conceptual Framework:

"Preparing informed, empowered, committed, and engaged educators"

Teaching Strategies:

Teaching /learning strategies will include: class discussion, group assignments, student presentations and lecture. Online learning will involve class discussions and reflections as well as reading assigned material. As part of the class, students will be required to be actively engaged in leadership activities and duties in their schools and/or districts that will help them meet course objectives.

Course Objectives: These objectives are linked to the GSU Conceptual Framework and the ELCC Standards listed below:

This course provides an overview of the legal systems and governance structure of public schools, with a particular emphasis on the legal issues that face students, parents, and public school employees. (GSUCF—Prepare educators who are informed by research, knowledge, and reflective practice. ELCC Standard 6).

This course is designed to provide information on the constitutional and statutory provisions that effect public schools. Prior knowledge of schools law will be helpful. (GSUCF-Prepare educators who are informed by research, knowledge, and reflective practice. ELCC Standard 6).

Upon completion of this course, students will have:

1. the ability to use available resources to conduct research on legal topics. (GSUCF=Prepare educators who are informed by research, knowledge, and reflective practice. ELCC Standard 6).
2. an understanding of how law influences the organization and administration of public schools. (GSUCF-Prepare educators who are informed by research, knowledge, and reflective practice. ELCC Standards 3, 5, 6).
3. the ability to analyze current school practices, noticing potential legal issues. (GSUCF – Prepare educators who are informed by research, knowledge and reflective practice. Prepare educators who are empowered to serve as change agents. ELCC Standards 5, 6).
4. an awareness of the rights and responsibilities of students, teachers, staff, and administrators. (GSUCF – Prepare educators who are informed by research, knowledge, and reflective practice. Prepare educators who are empowered to serve as change agents. ELCC Standards 5, 6).
5. an understanding of the changing landscape of educational governance and policy. (GSUCF – Prepare educators who are informed by research, knowledge, and reflective practice. ELCC Standard 6).
6. an understanding of the evolution of the federal, state, and local role in educational governance. (GSUCF – Prepare educators who are informed by research, knowledge, and reflective practice. ELCC Standards 3, 6).

ELCC Standards:

3.2 c: Candidates demonstrate an understanding of how to apply legal principles to promote educational equity and provide safe, effective, and efficient facilities.

3.3 a: Candidates use problem-solving skills and knowledge of strategic, long-range, and operational planning (including applications of technology) in the effective, legal, and equitable use of fiscal, human, and material resource allocation and alignment that focuses on teaching and learning.

5.3: Candidates make and explain decisions based upon ethical and legal principles.

6.1d: Candidates demonstrate an understanding of the policies, laws, and regulations enacted by local, state, and federal authorities that affect schools, especially those that might improve educational and social opportunities.

6.3b: Candidates apply their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit students and their families.

Expected Student Outcomes:

Upon completion of this course students should have:

- An understanding of the social and political context in which laws and policy are developed
- An understanding of how law and policy influence the organization and administration of public schools
- An understanding of the history and organization of the public school system
- The ability to analyze current school practices, noting potential legal and policy controversies
- An awareness of the rights and responsibilities of students, teachers, staff and administrators

In addition to the course specific objectives as listed, students will be expected to provide evidence of mastery of the following:

1. Written communication skills
2. Oral communication skills
3. Collaboration
4. Critical thinking, including the ability to compare, contrast, and draw conclusions.

Class Participation:

This course will be conducted in a seminar format. Class participation and attendance in class are required. Come to class prepared to participate in all class activities, (e.g., read all assigned readings and complete assignments prior to class).

Participation in class includes:

- Providing informed opinions and relevant commentaries on concepts and experiences;
- Raising insightful, thought-provoking questions;
- Showing respect for other's views and allowing others a time to speak;
- At all times displaying a professional demeanor (which includes turning off all electronic devices);
- Being in class on time.

Absences from class and being tardy will result in points being deducted from your class participation grade.

Class Schedule and Assignments and Grading:

Class schedules, meeting dates, and specific assignments will be at the discretion of the instructors.

Grading Scale:

The following grading scale will be used:

A	95 - 100
A-	91 - 94
B+	87 - 90
B	83 - 86
B-	80 - 82
C	75 - 79
C-	70 - 74
F	Less than 70

DISCLAIMER

This course syllabus provides a general plan for the course. Deviations from the syllabus as necessary are at the discretion of the instructor. Students will be notified of any changes.

Any questions, concerns, or issues about the course requirements must be discussed with the instructor before they are due.

Use of Technology:

The Professional Standards Commission requires technology Standards for Educators. Telecommunication and information technologies will be integrated throughout this course, and all candidates will be encouraged to use technology to improve their learning and meet Georgia Technology Standards for Educators. During this course, candidates will be provided with opportunities to explore and use instructional media, especially microcomputers.

Diversity Statement:

Issues of diversity will be addressed in the course through readings and discussion. Georgia State University provides program accessibility and accommodations for persons defined as disabled under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990. A number of services are available to help disabled students with their academic work.

Academic Honesty:

Georgia State University expects that students will pursue their academic programs in an ethical, professional manner. Any work that students present in fulfillment of a program or course requirements should represent their own efforts, achieved without giving or receiving any unauthorized assistance. Academic dishonesty is the giving, taking, or presenting of information or material by a student that unethically or fraudulently aids that student or another on work which is to be considered in the determination of a grade, the completion of academic requirements, or the enhancement of the student's record or academic career. **Students are responsible for the Georgia State University's policy on Academic Honesty published in the student handbook.**

Confidentially:

Real schools, real people, and real situations will routinely be discussed throughout this course. Students are expected to maintain professional standards of confidentiality both in and out of class. Whenever possible, avoid the use of names, schools, and other identifying information when discussing events and situations.

Course Policies:

Quality of Work

Your written assignments should be thoughtful and well written. All assigned papers need to be typed with 12 point font and 1 inch margins. The type should be double-spaced. Proper organization of ideas as well as appropriate use of grammar and mechanics is essential for full credit on assignments.

Professional Reciprocity

Within this course, as in life, you will gain as much as you give. I will make a conscious effort to honor your lives and responsibilities outside of the realm of your work as a graduate student. If at any time you wish to be challenged beyond what you are experiencing in class, or if you feel that you are overwhelmed by the expectations, please give me a call. I will be happy to discuss the issues with you and determine the degree to which your concerns can be met while sustaining the integrity of this program.

Active learning

Participation includes attendance and collaboration, but it also includes active and appropriate involvement in the group as a whole. You need to be prepared to ask thoughtful questions and make thoughtful comments about the readings during each discussion and/or postings. Likewise, you need to actively listen to others so your comments and contributions can support the coherence and collegiality within the class.

Students are required to categorize all written assignments by ELCC standards.

Assessments

Assessment will be determined using a breath of review of the student's work and participation over the semester both in class and in school including the following:

Student will participate in class discussions focused upon the aspects of the law under discussion at that specific point.

Student assignments to individual or pairs of students will require them to lead discussion in the area of the law being explored.

Students will be required to present short papers in support of specific sides of cases that effect the operation of schools.

Students in school assignments will focus on the application of policy developed to meet the requirements of legislative law and case law developed by the state and federal judiciary.

Assessment Rubric:

Exceeds Expectations	Exceeds expectations on final paper based upon an assessment of the school system's treatment of first amendment rights of students and teachers as determined by a review of the system's policy manual. Participates in classroom discussions with a high level of knowledge of the topic at hand. In school and written assignments completed on time and to the level of graduate school expectation.
Meets Expectations	Acceptable final paper based upon an assessment of the school system's treatment of first amendment rights of students and teachers as determined by a review of the system's policy manual. Acceptable participation in classroom discussions. In school and written assignments meet graduate level expectations.
Developing	Minimally acceptable final paper bases upon an assessment of the school system's treatment of first amendment rights of students and teachers as determined by a review of the system's policy manual. Minimal participation in classroom discussion. In school and written assignments completed to an acceptable graduate level expectations.
Unsatisfactory	Unsatisfactory final paper based upon an assessment of the school system's treatment of first amendment rights of students and teachers as determined by a review of the system's policy manual. Lack of student participation in class discussion. In school and written assignments not completed or done in a fashion not compatible with graduate level expectations.

Restrictions:

This course is offered to graduate level students in specialist or doctoral programs.

This syllabus provides an outline or guide for this course and changes as to content; class schedules, specific assignments or other requirements are at the sole discretion of the instructors.

ATTENDANCE POLICY:

Class time is critical to understanding the course. The knowledge and insight gained in class cannot be obtained through reading alone or getting notes from classmates. Attendance will be taken at the beginning of each class period. ABA accreditation standards require that students maintain regular and punctual attendance in all courses. This course has 14 regularly scheduled classes. All students are required to attend class, unless excused. This means students must arrive at class on time and attend the entire class. Attendance will be taken at the beginning of class. Grades of students who consistently arrive late or have excessive absences will be reduced as deemed appropriate by the professor.

Course Requirements/Assignments:

All assignments are due on the date listed.

All written work for this class must be done using A.P.A. (5th Ed.). Required are: title page, 12-point font, double spacing, one inch margins, and reference pages when appropriate. Proper citing of references based on APA is required.

A) Class Participation – 10%

Critically respond to the readings in the textbook and supplementary material.

Voluntarily participate in classroom discussions. Keep in mind that analysis, critique, interpretation, and debate are fundamental to meaning, especially in a field such as education where few absolutes exist. You are encouraged to read deeply and reflect upon each week's material. **Come to class prepared to share your thoughts and questions as an active member of a professional learning community.**

Online Class Discussion

We will use WIKI for our on-line discussion activity. By Wednesday of each week I will pose a topic or question(s). **Each student must post a response to the topic or questions(s) by midnight FRIDAY.** You are to read each of your fellow students' postings and **respond to a minimum of one of their postings each week. You will have until midnight on MONDAY to respond to your fellow students' postings.**

Of course, you are also allowed to respond to a fellow student's response to your posting. I suggest that you not wait until the last minute to make your original posts or your responses. By posting early, you increase the opportunity for meaningful and thoughtful discussions. I will monitor the discussion activity for quality of each person's response.

B) Summarize Two (2) Journal Articles – 40% (20% each)

The articles are to be **directly related to school law**. **PLEASE NOTE - Journal of Law and Education is excellent source for articles**. Papers should be 1½ - 2 pages in length. Articles are to come from educational and/or law journals. **You must divide papers into the following sections:**

- **Summary of Article,**
- **Implications for Educational Leadership** (what does this article mean for educational leaders – **what should they do or not do?**),
- **Personal Reflections/ Reactions section** (what do you think of the article?)
(Articles from referred journals are usually better researched and using such articles could positively affect the quality of your summary and thus your grade)

Each student is to make two brief (5 minute maximum) presentations on an article of his/her choosing that addresses school law, policy, or governance issues.

C) Case Study - 40%

You are encouraged to use reference materials as you respond to the questions.

D) Final Paper - 10%

June 5	Importance of Education
	Brown v. Board of Education, 347 U.S. 483 (1954)(separate but equal overturned) San Antonio v. Rodriguez, 411 U.S. 1 (1973)(inequality of financial support by counties) Plyler v. Doe, 457 U.S. 202 (1982)(legality of denial of education for children of undocumented aliens)
June 12	Unequal Treatment by Race and Sex Affirmative Action and the use of race
	Swann v. School District No. 1, 402 U.S. 1 (1971) (remedies for racial segregation) United States v. Virginia, 518 U.S. 515 (1996)(availability of equal program for women) Department of Education Regulations permitting same sex classes - 71 Fed. Reg. 62530-62543 (October 25, 2006) Higher Education: Grutter v. Bollinger, 123 S. Ct. 2325 (June 23, 2003)(diversity and application of strict scrutiny) Gratz v. Bollinger, 123 S.Ct. 2411 (June 23, 2003)(same) Elementary and Secondary Education: Parents Involved in Community Schools v. Seattle School District No. 1, Meredith v. Jefferson County Board of Education, Nos. 05-908, 05-915 (S. Ct. June 28, 2007)(use of race to compel integration)
*June 19	Sex Harassment, Title IX
	Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688 (statutory prohibition of discrimination on the basis of sex in educational programs receiving federal financial assistance) Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)(harassment) Cohen v. Brown University, 101 F3d 155 (1 st Cir. 1996)(sports under Title IX) Communities for Equity v. Michigan High School Athletic Ass’n, 178 F.Supp.2d 805 (W.D.Mich. 2001)(nontraditional seasons for women’s sports under Title IX and 14 th Amendment)
June 26	Education of Children with Disabilities
	Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982) (legal standard) Polk v. Central Susquehanna Intermediate Unit 16, 853 F.2d 171 (3d Cir. 1988) (legal standard) Honig v. Doe, 484 U.S. 305 (1988) (“stay-put” provision) Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999) – related services Knable ex rel. Knable v. Bexley City School Dist., 238 F.3d 755 (6th Cir. 2001) - creation of Individualized Education Program L.B. ex rel K. B. v. Nebo School District, 379 F.3d 966 (10 th Cir. 2004) – inclusion and Least Restrictive Alternative

	<p>Schaefer v. Weast, 546 U.S. 49 (2005) – burden of proof</p> <p>Winkelman ex rel Winkelman v. Parma City Schools, 550 U.S. 516 (2007) – rights of parents under IDEA</p> <p>Fitzgerald v. Fairfax County School Board, 556 F.Supp.2d 543 (E.D.Va. 2008)(discipline and manifestation hearing under IDEA)</p> <p>Forest Grove School District v. T.A., 557 U.S. 2484 (2009)</p> <p>Payne v. Peninsula School District, 653 F.3d 863 (9th Cir. 2010)(en banc)(constitutional claim against school district for abuse of student with disabilities)</p> <p>Section 504 of the Rehabilitation Act of 1974, 20 U.S.C. 794-794a</p> <p>United States v. Board of Trustees for the University of Alabama, 908 F.2d 740 (11th Cir. 1990)(provision of sign-language interpreters for college students under 504)</p>
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*July 10	Religion and Schools
	<p>Engel v. Vitale, 370 U.S. 421 (1962)(mandatory prayer in public schools)</p> <p>Lemon v. Kurtzman, 403 U.S. 602 (1971)(state aid to parochial schools)</p> <p>Widmar v. Vincent, 454 U.S. 263 (1981)(religious meeting at state university under the Constitution)</p> <p>Equal Access Act, 20 U.S.C. 4071-4074</p> <p>Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)(religious group meeting at high school under EAA)</p> <p>Lee v. Weisman, 505 U.S. 577 (1992)(prayer at graduation at public school)</p> <p>Rosenberger v. University of Virginia, 515 U.S. 819 (1995)(religious group's publication at state university)</p> <p>Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993)(use of public school building for religious purposes)</p> <p>Good News Club v. Milford, 533 U.S. 98 (2001)(religious club meeting at public school under the Constitution)</p> <p>Zelman v. Simmons-Harris, 536 U.S. 639 (2002)(public vouchers used at parochial schools)</p> <p>Walz v. Egg Harbor, 342 F.3d 271 (3d Cir. 2003)(student distributing religious gifts at school)</p> <p>Locke v. Davey, 540 U.S. 712 (2004)(public monetary support to student at religious college)</p> <p>Christian Legal Society of the University of California, Hastings College of the Law v. Martinez, 130 S.Ct. 2971 (2010)(student religious organization and law school's nondiscrimination policy)</p> <p>Additional non-required reading - Morgan v. Swanson, 659 F.3d 359 (5th Cir. 2011)(en banc)(student distributing religious material at school)</p>
July 17	Student Rights
	<p>Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)(free political speech and schoolchildren)</p> <p>Goss v. Lopez, 419 U.S. 565 (1975)(suspension of students and Due Process)</p> <p>New Jersey v. TLO, 469 U.S. 325 (1985)(searches of students and the Fourth Amendment)</p> <p>Vernonia School District 47J v. Acton, 515 U.S. 646 (1995)(mandatory urinalysis of student-athletes and the Fourth Amendment)</p> <p>Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)(discipline of students for indecent speech and the First Amendment)</p> <p>Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)(removal of articles from high school newspaper)</p> <p>Pottowatomie County v. Earls, 536 U.S. 822 (2002)(urinalysis of students in extracurricular activities)</p> <p>Morse v. Frederick, 551 U.S. 393 (2007)(speech about drug use)</p> <p>Gillman v. School Board for Holmes County, Florida, 567 F.Supp.2d 1359 (N.D.Fla. 2008)(ban on wearing symbols advocating fair treatment of homosexuals)</p> <p>Safford Unified School District v. Redding, 129 S.Ct. 2633 (2009)(strip search of middle school girl)</p>

	Threats by Students, Teachers' First Amendment Rights
	<p>Doe v. Pulaski County Special School District, 306 F.3d 616 (8th Cir. 2002)(en banc)(threats of violence by students)</p> <p>Porter v. Ascension Parish School Board, 393 F.3d 608 (5th Cir. 2004)(threats of violence by students)</p> <p>Wisniewski v. Board of Education of the Weedsport Central School District, 494 F.3d 34 (2d Cir. 2007)(threats of violence by students)</p> <p>Lowry v. Watson Chapel School District, 540 F.3d 752 (8th Cir. 2008)(student protest of dress code)</p> <p>Barr v. Lafon, 538 F.3d 554 (6th Cir. 2008)(ban of confederate flag on student clothing)</p> <p>Nuxholl v. Indian Prairie School District, 523 F.3d 668 (7th Cir. 2008)(students' free speech rights to make negative comments about homosexuality)</p> <p>Pickering v. Board of Education of Township High School, 391 U.S. 563(1968)(teacher's free speech rights)</p> <p>Lee v. York County School Division, 484 F.3d 687 (4th Cir. 2007)(teacher's right to post material on classroom bulletin board)</p> <p>Downs v. Los Angeles Unified School district, 228 F.3d 1003 (2000)(teacher's placement of material on hallway bulletin board)</p> <p>Omokehinde v. Detroit Board of Education, 563 F.Supp.2d 717 (E.D. Mich. 2008)(application of Garcetti v. Ceballos, 537 U.S. 410 (2006) to teacher's free speech rights)</p>
	Bullying Parents' rights
	<p>Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)(student-onstudent sex harassment)</p> <p>Brief for the United States in Doe v. Merrill School District, No. 10-1028 (6th Cir.)(student-on-student sexual harassment and deliberate indifference standard)</p> <p>T.K and S.K, individually and on behalf of L.K. v. New York City School Department of Education, 779 F.Supp.2d 289 (E.D. N.Y. 2011)(student-onstudent bullying based on disability)</p> <p>Pratt v. Indian River Cent. Sch. Dist., 2011 WL 1204804 (N.D.N.Y. March 20, 2011)(student-on-student bullying based on a student's sexual orientation)</p> <p>U.S. Department of Education "Dear Colleague" letter on bullying, issued October 26, 2010.</p> <p>Pierce v. Society of Sisters, 268 U.S. 510 (1925)(legality of placement of child in religious school)</p> <p>Wisconsin v. Yoder, 406 U.S. 205 (1972)(legality of state law compelling school attendance for Amish children)</p> <p>Parents United for Better Schools v. School District of Philadelphia, 148 F.3d 260 (3d Cir. 1998)(challenge to distribution of condoms by high school)</p>

www.lawnerds.com/guide/reading.html

GA School Codes - <http://www.lexis-nexis.com/hottopics/gacode/default.asp>

Some additional readings will be distributed in class. Also, see Addendum.

Legalclips.nsba.org for up-to-date legal cases

Helpful Websites

<http://www.aclu.org/issues/student/hmes.html> (information regarding various liberties)

<http://www.ed.gov/> (U.S. Department of Education home page)

<http://www.Yahoo.com/Government/Law/> (basic, law-related directory)

<http://www.findlaw.com/> (access U.S. Supreme Court and circuit courts of appeals decisions)

<http://www.edweek.org/> (find current event articles in education)

<http://www.usnews.com/> (find current events with school law implications)

<http://www.nea.org> (find information regarding a teachers' union)

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<http://edlaw-gsu.wikispaces.com/>