

University of North Texas at Dallas
Summer 2012 (5W1) SYLLABUS
June 4 - July 6 (T, W, R) 7pm – 10 pm

EDAD 5390D			
Campus Level School Law - 3 Hrs			
Department of Educational Administration			Division of Teacher Education and Human Services
Instructor Name:	Dr. Dana T. Bedden		
Office Location:			
Office Phone:	972-600-5001		
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Office Hours:	Before class by appointment		
Classroom Location:	DAL1 Room 204		
Class Meeting Days & Times:	Tuesday, Wednesday, and Thursday 7:00 p.m. – 9:50 p.m.		
Course Catalog Description:	This course is intended to provide an understanding of pertinent constitutional, statutory, administrative, and case law related to the operation of public schools. Content includes the legal framework within which schooling takes place and how it directs and influences the decisions that campus-based administrators make. Focus is on how the leader's daily decisions are shaped by ongoing legal issues and the intent of policy or regulatory assurances.		
Required Text:	American Public School Law by Alexander and Alexander. Publisher: Thomason West, 2012, 8 th Edition.		
Recommended Text:	The Educator's Guide to Texas School Law by Walsh, Kemerer and Maniotis. Publisher: University of Texas Press, 2010, 7 th Edition.		
Learning Resources:	<p>UNT Dallas Library: http://www.unt.edu/unt-dallas/library.htm</p> <p>UNT Dallas Bookstore: http://www.unt.edu/unt-dallas/bookstore.htm</p> <p>U.S. Constitution Online: http://www.usconstitution.net/const.html</p> <p>Lexis-Nexus Texas Constitution and Statutes: http://www.statutes.legis.state.tx.us/</p> <p>Education Law Association: http://educationlaw.org/index.php</p> <p>State Bar of Texas School Law Section: http://www.schoollawsection.org/</p> <p>Lexis-Nexis Free Case Law: http://www.lexisone.com/lx1/caselaw/freecaselaw?searchType=keywordSearch&fclSearch=brown&action=FCLSearchCaseByTerms&pageLimit=10&format=CITE&pageNumber=1&sourceID=302&citation=&searchTerm=brown&sourceCandidate=selectSource&sourceType=Federal&sourceCandidate=302&relativeDate=1-NONE&fromDate=&toDate=&party=&judge=&counsel</p>		
Course Objectives:	<p>At the conclusion of this course, students will:</p> <ol style="list-style-type: none"> 1) Understand local, state, and federal laws 2) Recognize key education-related provisions of the U.S. Constitution, federal statutes, Texas Constitution and statutes, including provisions of the Texas Education Code. 3) Learn key court rulings that establish school law parameters at the campus level. 4) Understand how Board policies and administrative regulations/directives translate the law into real work requirements and application. 5) Develop a rudimentary knowledge of basic legal terminology and the court system so administrators can decipher legal materials and effectively participate in basic school law related discussions, workshops and conferences. 		

<p>Texas Principal Standards and Competencies</p>	<p><u>This course supports the following competencies:</u></p> <p>Competency 002: The principal knows how to communicate and collaborate with all members of the school community, respond to diverse interests and needs, and mobilize resources to promote student success.</p> <ul style="list-style-type: none"> • Demonstrate effective communication through oral, written, auditory, and nonverbal expression • Use effective conflict management and group consensus building skills. • Develop and implement strategies for effective internal and external communications • Respond to pertinent political, social, and economic issues that exist in the internal and external environment <p>Competency 003: The principal knows how to act with integrity, fairness, and in an ethical and legal manner.</p> <ul style="list-style-type: none"> • Model and promote the highest standard of conduct, ethical principles, and integrity in decision making, actions, and behaviors • Implement policies and procedures that promote professional educator compliance with The Code of Ethics and Standard Practices for Texas Educators • Apply knowledge of ethical issues affecting education • Apply legal guidelines to protect the rights of students and staff and to improve learning opportunities • Apply laws, policies, and procedures in a fair and reasonable manner • Articulate the importance of education in a free democratic society • Serve as an advocate for all children <p>Competency 006: The principal knows how to implement a staff evaluation and development system to improve the performance of all staff members, select and implement appropriate models for supervision and staff development, and apply the legal requirements for personnel management.</p> <ul style="list-style-type: none"> • Implement effective, legal, and appropriate strategies for the recruitment, selection, assignment, and induction of campus staff <p>Competency 007: The principal knows how to apply organizational, decision-making, and problem-solving skills to ensure an effective learning environment.</p> <ul style="list-style-type: none"> • Frame, analyze, and creatively resolve campus problems using effective problem-solving techniques to make timely, high-quality decisions <p>Competency 009: The principal know how to apply principles of leadership and management the campus physical plan and support system to ensure a safe and effective learning environment.</p> <ul style="list-style-type: none"> • Apply local, state, and federal laws and policies to support sound decision making related to school programs and operations
<p>Instructional Method:</p>	<p>Instruction will include reading assigned text, selected cases and other professional literature to highlight significant points. Students will be asked to write briefs. Briefs will be used for student presentation of cases. Students are expected to actively participate in the case method of teaching (discussion teaching) to elucidate the legal principals, practical application and situational settings discussions to illustrate aspects of the law. Students are expected to read the assigned material for this course thoroughly and carefully. Lecture, class discussions, student presentation, case analysis and exam(s) will be included in the instruction for this course.</p>
<p>Reading and Writing Requirement:</p>	<p>This course requires a great deal of reading. Several cases per topic will be highlighted as part of the study of school law. Each student will also be responsible for providing several case briefs as outlined below. Each case brief is expected to be a highlight of the key information not a reading of everything on the topic or case.</p>
<p>Brief (Writing) Requirements:</p>	<p>As an aid to case analysis, students will be asked to prepare short briefs of cases. Each brief must include: (1) citation, (2) the issue or issues, (3) the facts, (4) the holding, and (5) the rationale.</p>

Course Outline: This schedule is subject to change by the instructor. Any changes to this schedule will be communicated by the instructor in class.

Calendar & Assignments

Lecture and Discussion Topics

<p>Week 1 - Class 1 – 6/5</p>	<p><u>Introduction to the Course</u> A. Discuss Syllabus B. Class expectations and overview of course C. Cases 1. Parts of a Case 2. Writing a brief</p> <p><u>Chapter 1: The Legal System</u> A. This course topic seeks to explain the general nature of the law and provide you with a basic understanding of the sources of law in the United States before embarking on the study of public school law.</p> <p><u>Chapter 3: Role of Federal Government</u> A. This course topic seeks to explain the sources of federal role in education, the provisions of the constitution, Bill of Rights, fundamental rights and the impact of federal judiciary interpretations.</p>
<p>Class 2 – 6/6</p> <p>Write Briefs for Selected Key Cases related to Church and State</p>	<p><u>Chapter 4: Overview of Governance of Public Schools</u> A. This course topic will center on discussing the state’s broad powers to govern education, sovereignty and prerogative to provide for the general welfare. It will also cover state and local educational agencies powers delegated by the state constitution and the legislature as well as judicial powers related to education.</p> <p><u>Chapter 5: Church and State</u> A. This course topic will provide the student with a review of some of the antecedents of religious strife, which led America’s founding fathers to attempt to separate church and state by guaranteeing “free exercise of religion” and prohibiting “an establishment of religion” in the First Amendment.</p>
<p>Class 3 – 6/7</p>	<p><u>Chapter 6: School Attendance</u> A. This course topic will focus on compulsory attendance and legal requirements. The school attendance issue can be divided into two basic macro legal questions: (1) whether the state can compel a child to attend school and (2) whether a child has a federal constitutional right to attend school.</p>
<p>Week 2 - Class 4 – 6/12</p>	<p><u>Chapter 7: Instructional Program</u> A. This course topic will attempt to synthesize the various legal aspects of the public school instructional program under general concepts, including reasonableness of academic requirements, school as a marketplace of ideas, the right to teach and learn, substantive due process and instruction, bilingual education, evolution and creationism, and student testing and promotion.</p>
<p>Class 5 – 6/13</p>	<p><u>Chapter 8: Student Speech and Expression</u> A. This chapter seeks to capture the essence of the student and public school relationship from the perspectives of both common law and constitutional law with regard to First Amendment speech and expression.</p>
<p>Class 6 – 6/14</p> <p>Write Briefs for Selected Key Cases Related to Search and Seizure</p>	<p><u>Chapter 9: Search and Seizure:</u> A. The Chapter outlines the right of privacy guaranteed by the Fourth Amendment’s prohibition against government search of “person” or the person’s “things,” without “probable cause” and the differences that exist between the requirements for police and school officials.</p>

<p>Week 3 - Class 7 – 6/19</p>	<p><u>Chapter 10: Student Rights: Common Law, Due Process and Statutory Protections</u> A. This course topic will capture the essential features of the sources of law and to explain their measures in relation to the liberties and freedoms of students. The chapter provides an explanation of common law and its general reliance on the standard of “reasonableness.” The chapter also delves into the various aspects of constitutional due process and its bifurcation into substance and process--substantive due process as giving meaning to rights and procedural due process, the check on government when those rights are denied. An explanation of the federal and state statutory protections such as prohibitions against the sexual harassment of students, and school and teacher obligations to prevent the abuse of children in providing a safe and secure environment for learning.</p>
<p>Class 8 – 6/20</p>	<p>Mid-Course Examination</p>
<p>Class 9 – 6/21 Write A Brief for Selected Key Cases Related to Student Due Process Rights</p>	<p><u>Chapter 11: Rights of Students with Disabilities</u> A. This course topic is organized around the primary statutory provisions of the EAHCA that form the basis for the education and protection of children with disabilities. This chapter also discusses the legal aspects of AIDS (Acquired Immunodeficiency Syndrome) affecting children with disabilities and public schools.</p>
<p>Week 4 - Class 10 – 6/26</p>	<p><u>Chapter 12: Tort Liability</u> A. This course topic covers liability for both common law torts and constitutional torts, often referred to as civil rights liability. The chapter commences with a discussion of the three types of common law torts: intentional interference, strict liability, and negligence. Because negligence is most frequently litigated, the elements of negligence will be discussed: (1) duty, (2) standard of care, (3) proximate or legal cause, and (4) injury or actual loss. This discussion is followed by the defenses for negligence: (1) contributory negligence, (2) comparative negligence, (3) assumption of risk, (4) immunity, and (5) exculpatory releases.</p>
<p>Class 11 – 6/27</p>	<p><u>Chapter 13 Defamation and Student Records:</u> A. This course topic will review the legal history of defamation, defamation in public schools, the types of defamation and defenses for defamation. Including, defamation as it relates to student records. The topic will also review the federal student records act, FERPA, and current litigation.</p>
<p>Class 13 – 6/28 Write A Brief for Selected Key Cases Related to Tort Liability</p>	<p><u>Chapter 15: Certification, Contracts, and Tenure</u> A. This course topic deals with the eligibility and certification of teachers, tenure, contractual relationships, and the condition under which those relationships can be terminated. The constitutional elements of obligation of contracts as provided for in the U.S. Constitution will also be discussed.</p>
<p>Week 5 – Class 14 – 7/3 Write A Brief for Selected Key Cases Related to Due Process for Teachers</p>	<p><u>Chapter 16: Teacher Rights and Freedoms</u> A. The course topic will focus on the legal relationship between the teacher and the school board based upon three sources of law: (1) the constitutional rights and freedoms of the teacher as a citizen; (2) the statutory relationships that govern the conduct of the public schools; and (3) the contractual conditions of employment including the public employee’s relationship with the public employer. <u>Chapter 17: Due Process for Teachers</u> A. This course topic will discuss four types of due process including the two most important to educators: substantive and procedural due process.</p>
<p>Class 15 - 7/4</p>	<p>Holiday</p>
<p>Class 16 – 7/5</p>	<p>Final Examination</p>

Course Evaluation Methods

This course will utilize the following instruments to determine student grades and proficiency of the learning outcomes for the course.

- **Exams:**
Students will be required to complete two examinations – Midterm and Final Exam(s).
- **Attendance and Participation:**
Students are expected to be prepared for discussions and questions related to the assigned readings and information. Regular and prompt class attendance and active participation are required in order to meet the requirements of this course. Instructional methods are outlined above.
- **Grades:**
Student course grades will be based upon class participation, law briefs, midterm exam, and final exam using the following percentages.

Class Participation/Attendance – 15%
Midterm Exam – 35%
Case Briefs – 15%
Final Exam – 35%

- **Grading Legend:**
A = 90 – 100
B = 80 – 89
C = 70 – 79
D = 60 – 69
F = 59 and below

University Policies and Procedures

Students with Disabilities (ADA Compliance):

The University of North Texas Dallas faculty is committed to complying with the Americans with Disabilities Act (ADA). Students' with documented disabilities are responsible for informing faculty of their needs for reasonable accommodations and providing written authorized documentation. For more information, you may visit the Office of Disability Accommodation/Student Development Office.

Student Evaluation of Teaching Effectiveness Policy:

The Student Evaluation of Teaching Effectiveness (SETE) is a requirement for all organized classes at UNT. This short survey will be made available to you at the end of the semester, providing you a chance to comment on how this class is taught. I am very interested in the feedback I get from students, as I work to continually improve my teaching. I consider the SETE to be an important part of your participation in this class.

Exam Policy:

Exams should be taken as scheduled. No makeup examinations will be allowed except for documented emergencies (See Student Handbook).

Academic Integrity:

Academic integrity is a hallmark of higher education. You are expected to abide by the University's code of conduct and Academic Dishonesty policy. Any person suspected of academic dishonesty (i.e., cheating or plagiarism) will be handled in accordance with the University's policies and procedures. Refer to the Student Code of Conduct at http://www.unt.edu/csrr/student_conduct/index.html for complete provisions of this code.

Bad Weather Policy:

On those days that present severe weather and driving conditions, a decision may be made to close the campus. In case of inclement weather, call UNT Dallas Campuses main voicemail number (972) 780-3600 or search postings on the campus website www.unt.edu/dallas. Students are encouraged to update their Eagle Alert contact information, so they will receive this information automatically.

Attendance and Participation Policy:

The University attendance policy is in effect for this course. Class attendance and participation is expected because the class is designed as a shared learning experience and because essential information not in the textbook will be discussed in class. The dynamic and intensive nature of this course makes it impossible for students to make-up or to receive credit for missed classes. Attendance and participation in all class meetings is essential to the integration of course material and your ability to demonstrate proficiency. Students are responsible to notify the instructor if they are missing class and for what reason. Students are also responsible to make up any work covered in class. It is recommended that each student coordinate with a student colleague to obtain a copy of the class notes, if they are absent.

Diversity/Tolerance Policy:

Students are encouraged to contribute their perspectives and insights to class discussions. However, offensive & inappropriate language (swearing) and remarks offensive to others of particular nationalities, ethnic groups, sexual preferences, religious groups, genders, or other ascribed statuses will not be tolerated. Disruptions which violate the Code of Student Conduct will be referred to the Center for Student Rights and Responsibilities as the instructor deems appropriate.

Parts of a Case

Citation: Name of the plaintiffs and defendants and where the case can be found, i.e. *Chappel v. Franklin Pierce School District*, 426 P.2d 471 (Wash. 1967). Decided by the Supreme Court of Washington, April 6, 1967.

Resume of the Case: Action taken, relief sought, lower court's findings, holdings of the present court, and final action taken.

Headnotes: Key Numbers beside each headnote indicate subject or issue dealt with. There may be from one to several headnotes that tell what the court decided. For example, Civil Rights Key Note 3; Constitutional Law, 211; Constitutional Law 224 are sex discrimination cases; Schools 172; et cetera.

Of Counsel: Attorneys for the parties are then listed. These are the attorneys of record.

Factual Materials: Following the list of attorneys of record, the court goes into the facts of the case. Ordinarily, these are not at issue, since on appeal the question is whether some error in law has occurred; that is, did the appellant receive a fair trial? Some facts are important as to the resolution of the case, and some are not. The appellate court does not question the facts, but searches for error in the law.

Name of Judge: The name of the judge who wrote the majority opinion will appear at the beginning of the factual material.

Members in Text: Each of the footnotes is then taken up by number and reasoning given. Match each numbered portion of the text of the decision with its corresponding headnote.

Body of the Decision: There may be as many as 130 pages, but some cases are as short as one or two pages.

Concurring Opinions: A majority judge gives his or her reasons for "concurring" with the decision of the majority, which may be slightly different from those of the majority.

Dissenting Opinions: If any, these will tell why that particular judge was unable to concur in the majority's conclusion, and his or her reasons. Sometimes the dissents exceed the majority's opinions in length, as those of the four Chief Justices in the *Rodriguez* case.

Finding of the Court: Affirmed; reversed; affirmed in part; reversed in part; reversed and remanded for a new trial on the merits.

Sample Brief Form

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

Topic: Assault and Battery

Relief Sought: Students 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, Martin 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 rights 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 F.2d 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 it is reasonable, properly administered and so as not to cause harm, and is 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.