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Schedule Information: EDLE 612 Section 601 Spring 2005

Course Location: Hammond Middle School/Room TBD

Meeting Times: Thursday, 4:30 p.m.-7:30 p.m.; January 27th-April 21st, 2005

Course Description:

Provides legal foundations of U.S. public schools. Examines general principles of statutory and case law and applies judicial decisions to educational environments. Focuses on legal responsibilities, constraints, and opportunities of public school officials. Includes a component on Special Education law.

Purpose of Course:

Legal problems with students, parents, and community organizations are increasing in number and complexity and official reactions and solutions to these problems are likely to be subjected to judicial review. A wrong step can land the school administrator into court—with the accompanying expense, notoriety and always embarrassment.

Litigation cannot be avoided entirely, but school systems, administrators and teachers can minimize it and increase their chances of success in suits that are filed by knowing the law, anticipating problems and taking precautionary steps.

The body of school law, both statutory and case has increased by leaps and bounds in the last decade. Colleges and universities preparing prospective teachers and administrators have offered courses in school law. Some state legislatures and state boards of education have prescribed training in school law as one of the prerequisites for certification.

This course should achieve the following objectives:

1. Inform students of the legal basis of their chosen profession.
2. Familiarize students of legal principles as they affect public schools.
3. Give each student the general principles of law, both statutory and common, as they apply to the state in which they are employed or expect to be employed.
4. Help students through well-rounded school law courses to serve proficiently in the profession of education.

Assignments:

Class 1 January 27, 2005

Course Overview

The Legal System (Chapter 1)
Sources of American Law
Powers and Functions of Courts
Understanding Judicial Decisions

Historical Perspective (Chapter 2)
Free School System
Fees

Class 2 February 3, 2005

Role of Federal Government (Chapter 3)
Federal Control
Commerce Clause
General Welfare Clause

Governance of Public Schools (Chapter 4)
State and Local Education Agencies
Delegation of Legislative Powers
School Officers
School Board Meetings

Class 3 February 10, 2005

Church and State (Chapter 5)
First Amendment
Establishment Clause
Free Exercise Clause
Prayers and Bible Reading
Textbooks and Transportation
Equal Access Act

Brief #1 Due (Topic: Religion)

Class 4 February 17, 2005

School Attendance (Chapter 6)
Compulsory Attendance
Homeless Children
Home Instruction
Vaccinations

**The Instructional Program** (Chapter 7)
Promotion
Sex Education
Academic Freedom
Evolution versus Creationism

**Class 5** February 24, 2005

**Student Rights** (Chapter 8 & 9)
Common Law
Statutory Protection
Constitutional and Substantive Due Process
In Loco Parentis
Corporal Punishment
Freedom of Expression and Speech
Publications
Search and Seizure
Child Abuse
Drug Testing

**Class 6** March 3, 2005

**Rights of Handicapped** (Chapter 10)
Individuals with Disabilities Education Act
Extended School Year
Related Services
Free Appropriate Education
AIDS

Brief #2 Due (Topic: Students)

**Class 7** March 10, 2005

**Mid-term Exam** (Chapters 1-10)

**Class 8** March 17, 2005

**Torts** (Chapter 11)
Negligence
Elements of Negligence
Strict Liability
Defense for Negligence
Educational Malpractice

Brief #3 Due (Topic: Torts)

**Class 9** March 24, 2005 SPRING BREAK/NO CLASS
Class 10 March 31, 2005

**Defamation and Student Records** (Chapter 12)
Defamation Per Se and Per Quod
Privilege
Public Figures and Public Officials
Malice
Student Records

**School District Liability** (Chapter 13)
Sovereign Immunity
Licensee and Invitee
Eleventh Amendment Immunity

**POINT OF LAW PAPER DUE**

Class 11 April 7, 2005

**Certification, Contracts and Tenure** (Chapter 14)
Certification
Teacher Contracts
Grounds for Termination
Incompetency
Insubordination
Reduction in Force
Scope of Teachers’ Duties

**Teacher Rights and Freedom** (Chapter 15)
First Amendment
*Connick v. Myers*

**Due Process Rights of Teachers** (Chapter 16)
Substantive Due Process
Procedural Due Process
Hearings
*Roth v. Bd. Of Regents*
*Perry v. Sindermann*

**Brief #4 Due (Topic: Employees)**

Class 12 April 14, 2005

**Discrimination in Employment** (Chapter 17)
Race Discrimination
Sex Discrimination
Age Discrimination
Handicapped Discrimination
Desegregation of Public Schools (Chapter 19)

Finance (Chapter 20)
Serrano v. Priest
Rodríguez v. San Antonio

School Property & Buildings (Chapter 21)

TAKE HOME FINAL EXAM DISTRIBUTED (Chapter 11-21)

Class 13 April 21, 2005

Final Examination Due
Evaluation of Course

Text:


Readings:
Contemporary articles pertinent to the course will be distributed as deemed appropriate by the professor.

Class Requirements:

1. Mid-term Examination 30%
2. Final Examination 35%
3. Point of Law Paper & Presentation* 25%
4. Briefs** 8%
5. Participation/Attendance 2%

*Writing Assignment: Point of Law Paper & Presentation

Choose one of the following topics and write a 6-10 page paper, with citations. In addition, a one-page abstract of the paper will be distributed to all class members at the time of its presentation to the group.
Analysis of the protection of students’ rights

Federal and/or state legislation summary (Current issues affecting education)

Reflection on IEP or 504 plan experience

Federal and/or state legislation impact report (Current issues affecting education)

Case study reflection: *Brown vs. Board of Education*, Fifty Years Later

Employee Rights and Responsibilities

The due date for the paper is March 31st. The presentations will be done March 31st, April 7th, and April 14th.

**Briefs:**

1. 1 Brief (Topic – Religion) **February 10th**
2. 1 Brief (Topic – Students) **March 3rd**
3. 1 Brief (Topic – Torts) **March 17th**
4. 1 Brief (Topic – Employees) **April 17th**

*All Briefs should be current 1992-2005, unless they represent a landmark case which is NOT IN THE TEXTBOOK….do not brief cases from your text. Refer to sample brief distributed in class to use as a guide.

**Grading:**

Candidates’ grades are based on their proficiency with respect to the candidate outcomes stated above. Each outcome will have an oral (class participation) and a written component. The outcomes are weighted as described below:

*Grading Scale*

A+ = 100 points  
A = 95 - 99 points  
A - = 90 - 94 points  
B+ = 85 - 89 points  
B = 80 - 84 points  
B - = 75 - 79 points  
C = 70 - 74 points  
F = 69 points or below

**Candidate Outcomes:**

1. Candidates will demonstrate orally and in writing an informed perspective on major topics in education law.
2. In discussions and in writing, candidates will evaluate their school’s and/or their school division’s application of education law to specific situations.
3. Candidates will apply education law in case study activities that involve small and large group discussions and written reflections.
In addition to the student outcomes stated above, the following process goals are identified for this course:

**Teaching and Learning:**

1. Discussion is an important part of this course. All candidates are expected to make multiple, thoughtful contributions to each class discussion, based on careful reading of the text and consideration of what classmates have previously said.

2. Writing is an important activity for many roles within schools. Therefore, the process of writing will be emphasized so that candidates will achieve the following objectives:
   - develop greater confidence in their ability to write expository, analytical, and persuasive prose;
   - learn how to review their own work and the work of others to eliminate errors and maximize clarity; and
   - produce written products immune to criticism from a skeptical public.

   All written work is expected to be submitted on time as indicated in the writing assignments schedule below. All written work must be edited carefully before being submitted so that candidates are turning in their best work.

**Classroom Climate:**

A positive climate depends on cooperation among all students and with the instructor. Candidates need to work together to ensure that everyone has the confidence to participate honestly and energetically. Every candidate is expected to:

1. be fully prepared for each class session;
2. be attentive to others and respond thoughtfully and respectfully;
3. work toward a common purpose;
4. persevere through the common challenge of understanding education law; and
5. affirm one another’s successes and help one another overcome weaknesses.

**Relationship of Student Outcomes to Program Goals:**

This course serves as the foundation for understanding the legal process related to education in the Master’s sequence in Education Leadership. All of the program goals are active, to a greater or lesser degree, in this course. Candidates will:

- engage in reflective practice with regard to education law (internship-related assignments);
- strengthen and improve their communication skills through class discussion and paper writing
• understand the legal implications and responsibilities associated with cultural, economic, and learning diversity;
• reflect on the ethical implications of applying education law to everyday situations in schools and school divisions; and
• learn how to use the Internet to obtain legal information.

Specific competencies, identified by the Virginia Department of Education (VA DOE), Standards for School Leaders, identified by the Interstate School Leaders Licensure Consortium (ISLLC), and NCATE guidelines are listed below.

VA DOE: 3b, 3f, 6a, 6b, 6f
ISLLC: 2-P20, 3-K3, 3-K7, 3-P21, 5-P16, 6-K1, 6-K2, 6-K3, 6-K8, 6-P1, 6-P5
NCATE relevant guidelines: Political and Community Leadership (11.1, 11.2)

In addition to the above noted specific competencies, candidates will develop an explicit understanding of Virginia’s “Child Abuse and Neglect Recognition and Intervention Act (Code of Virginia 22.1-98). Such understanding will include:
1. Recognizing child abuse and neglect
2. Reporting child abuse and neglect
3. Intervention following a child protective services investigation

Nature of Course Delivery:

Teaching methodologies for this course will include verbal and written responses, large-group discussions, and Internet communication.

Internship in Education Leadership—EDLE 791:

Although the internship is a separate course, the Education Leadership Program has integrated internship activities into the required courses for licensure. The content of this course will focus on Political Leadership (Area IV), item #11, “Education Law, Public Policy and Political Systems”.

Course Materials:

Readings:

Textbook:


Other readings may be assigned. These will be provided free of charge in class.
Classroom Materials:

All candidates are expected to maintain a binder/notebook that contains all reading notes, class notes, student products, and class handouts.

Outside-of-Class Resources:

All candidates are expected to have access to a personal computer that is linked to the Internet and the ability to use basic word processing, e-mail, and appropriate websites.

Course Procedures:

Absence From Class:

Candidates are expected to attend every class for its entirety. Emergencies sometimes arise, however. If you need to be absent from class, you are expected to notify the instructor in advance by telephone or e-mail. If you miss more than one class, you will lose participation points. If you come to class more than 30 minutes late or leave more than 30 minutes early, your participation points for that session will be reduced.

Late Work:

Candidates are expected to submit their work on time. If work is submitted later than one week after it is due, it will not be accepted. Any attempt to submit work past the one-week deadline will result in no credit for the assignment.

Re-submitting Written Work:

Candidates may revise and re-submit graded work to improve their performance. Such revisions are due not later than one week after receiving feedback on the previous draft. An assigned grade may be re-considered, but grades will not be negotiated with students.

ADA INFORMATION:

This syllabus is subject to change based on the needs of the class. The Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in the series, programs, or activities of all State and local Governments. Under ADA a disability is defined as a physical or mental impairment that substantially limits a major life activity such as: learning, working, walking, speaking, hearing, breathing, and/or taking care of oneself. If a student has disability and needs course adaptations or accommodations because of that disability, it must be established with the faculty, in writing, at the beginning of the semester so arrangements can be made. Please call the Disability Resource Center for required documentation (703-993-2474).
TOPICS/CONTENTS COVERED
(Content may change, depending on the needs of the class.)

Sources of American Law
Constitutions
   General Welfare Clause; First Amendment; Fourth Amendment, Fifth Amendment, Fourteenth Amendment
Common Law
Statutory Law
Administrative Law
Structure of Government
   The Legislative Branch
   The Executive Branch
   The Judicial Branch
Organization, Powers, and Functions of Courts
   State Courts; Federal District Courts; Federal Appellate Courts,
   United States Supreme Court
Understanding Judicial Decisions

Legal Research
Review of Court Structure
American Court Reports
   Virginia Reports
National Reporter System
Federal Reporter Series
   Federal Supplement
   Federal Reporter
   Federal Rules Decisions
United States Supreme Court
   United States Reports
   Supreme Court Reporter
   United States Supreme Court Reports Lawyer’s Edition
   U.S. Law Week
   CCH Supreme Court BulletinDigests
   American Digest System
   West’s Key Number System
   State Digests
   Federal Digests
Citators
   Shepard’s Citations
Legal Periodicals
Other Sources
Local Legal Research Facilities
   Fairfax County Courthouse Law Library
   GMU Law Library
   Library of Congress Law Library

Governance of the Public Schools
State and Local Education Agencies
Delegation of Legislative Powers
School Officers
School Board Meetings

Religion in the Public Schools
First Amendment
Establishment Clause
Free Exercise Clause

Religion in the Public Schools
Prayers and Bible Readings
Textbooks and Transportation
Equal Access Act

The Instructional Program
Promotion
Sex Education
Academic Freedom
Textbook Selection and Censorship in the Schools
Copyright Law

Special Education—The Current Legal Environment
Individuals with Disabilities Education Act
Related Services
Free and Appropriate Education
AIDS

“Torts”
Negligence
Elements of Negligence
Strict Liability
Defense for Negligence
Education Malpractice
Litigation in Student Activities Programs

Student Rights
Due Process
In Loco Parentis
Corporal Punishment
Freedom of Expression and Speech
Publications
Search and Seizure
Defamation and Student Records
   Negligence
   Elements of Negligence
   Strict Liability
   Defense for Negligence
   Educational Malpractice

Student Safety
   “Child Abuse and Neglect Recognition and Intervention” (Code of Virginia 22.1-98)

Compulsory School Attendance
   Home Instruction
   Private Schools
   Homeless Children

Certification, Contracts, and Tenure
   Certification
   Teacher Contracts
   Grounds for Termination
   Incompetence
   Insubordination
   Reduction in Force
   Scope of Teachers’ Duties
   First Amendment
   Pickering vs. Board of Education
   Connick vs. Myers

Due Process of Teachers
   Substantive Due Process
   Procedural Due Process
   Hearings
   Roth vs. Board of Regents

Discrimination in Employment
   Race Discrimination
   Sex Discrimination
   Age Discrimination
   Handicapped Discrimination

Presentations
   Assessment of Learning

RESOURCES:
   National School Boards Association
   Legal Clips – Free service of NSBA Office of General Counsel
   Look specifically @School Law Issues
   http://www.nsba.org/cosa/
Education Law Association
300 College Park
Dayton, OH 45469-2280
Phone: 937-229-3589
e-mail: ela@udayton.edu
Website: http://www.educationlaw.org
(Student membership available)

Web sites
http://www.ljx.com

http://www.access.digex.net/~edlawinc/

http://lawinfo.com/legal_research/legal_research_invds.html

http://www.lawinfo.com/links/federal

http://www.lawinfo.com/links/federal/constitution.html

http://www.law.cornell.edu

http://www.law.emory.edu/FEDERAL/


Public Laws: http://thomas.loc.gov

Bills: http://thomas.loc.gov

Congressional Record: http://thomas.loc.gov


Federal Register: http://www.access.gpo.gov/su_docs/aces/aces002.html

United States Supreme Court Decisions:

1990-present: http://www.law.cornell.edu/supct.table.html


6th Circuit: 1995-present: http://www.law.emory.edu/6circuit

Western District Kentucky: http://www.kywd.uscourts.gov/

Virginia Tech Library: http://www.refserver.lib.vt.edu/refhtmn/subjects/law.html

Law Schools/Universities


Chicago-Kent College of Law
  http://www.kentlaw.edu

Columbia
  http://www.columbia.edu/cu/academics.html

Cornell Law School
  http://www.law.cornell.edu

Emory Law Library Electronic Reference Desk
  http://www.law.emory.edu/LAW/refdesk/reference/legal

Indiana University School of Law
  http://www.law.indiana.edu/law/research/lindiana/html

Loyola Law School
  http://www.law.lmu.edu

Texas Tech University – Southwest Bank Web
  http://bankweb.ttu.edu

The Legal Information Institute at Cornell Law School
  http://www.law.cornell.edu/statutes.html#state

University of California – Berkeley
  http://www.berkeley.edu

University of California – Davis
  http://www.ucdavis.edu

University of California – Hastings College of Law
  http://www.uchastings.edu

University of California – Los Angeles
  http://www.law.ucla.edu

University of Texas School of Law
  http://tarlton.law.utexas.edu/library/library.html

University of Southern California
  http://www.usc.edu/dept/law-lib

Villanova
  http://www.law.vill.edu