

GEORGE MASON UNIVERSITY
College of Education and Human Development
Schools and the Law
EDLE 412, Section 001, Spring 2011

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Office Hours: By appointment

Schedule Information

Location: Thompson Hall L019
Meeting Times: Wednesdays, 4:30 – 7:10 pm

COURSE DESCRIPTION:

Prerequisites: EDUC 300

Course description from the University Catalog: This course provides an extensive overview of legal and ethical issues in schools. In the course, students will review and analyze key legal and ethical principles, read court decisions, and examine federal and state statutes.

NATURE OF COURSE DELIVERY:

Teaching methodologies for this course will include verbal and written responses, large-group discussions, small-group discussions, student presentations, case study analysis, role-play activities, and Internet communication.

LEARNER OUTCOMES:

This course is designed to enable students to:

1. Understand major issues and topics in school law and demonstrate that understanding both orally and in writing;
2. Explain court decisions and key federal and state statutes that influence schools;
3. Understand and evaluate their legal and ethical responsibilities in specific situations related to schools and education.
4. Interpret and apply key provisions of relevant state and federal statutes and regulations.
 - Individuals with Disabilities in Education Act (IDEA)
 - Section 504 of the Rehabilitation Act of 1973 (Section 504)
 - Americans with Disabilities Act (ADA)
 - Title VI of the Civil Rights Act
 - NCLB Act (formerly ESEA)
5. Recognize the role of the courts in determining constitutional and statutory rights of all students and teachers.

6. Identify social, economic and political factors affecting educational rights of all students and teachers.
7. Understand the connections and interactions between federal, state and local policies and procedures.
8. Facilitate parental communication and involvement in decision-making processes for all students.

PROFESSIONAL STANDARDS:

This course addresses the legal and ethical components of Standard 1: Candidate Knowledge, Skills, and Dispositions set by the National Council for Accreditation of Teacher Education which states:

Candidates shall complete a well planned sequence of courses and or experiences in professional studies in which they acquire and learn to apply knowledge about...school law and policy.

REQUIRED TEXT:

Cambron-McCabe, N., McCarthy, M., & Thomas, S.B. (2009). *Legal Rights of Teachers and Students*. (2d ed.) Boston, MA: Allyn & Bacon. ISBN-10:0-205-57936-1.

Students are encouraged to subscribe to the National School Boards Association's Legal Clips via email at (it is free): <http://www.nsba.org/site/page.asp?VID=1&TRACKID=&CID=373&DID=8614>

Classroom Materials

All students are expected to maintain a binder that contains all reading notes, class notes, student products, and class handouts. Other readings as necessary may be assigned.

COURSE REQUIREMENTS, PERFORMANCE-BASED ASSESSMENT, AND EVALUATION CRITERIA:

A. Requirements:

1. Class Participation (10 Points): Due to the course format and schedule, attendance is essential. Absences are reflected in a student's grade. Students are required to attend all classes, participate in discussions, and read the assigned material prior to each class. A point will be deducted for every absence not excused. (An understanding of legal principles is cumulative.)
2. Case Study Briefs (20 Points Total): Each student will be responsible for turning in 4 case study summaries detailing the facts, issue(s), decision, and personal reflections concerning the impact of the court decision. Case summaries are due at the beginning of class on the day the class will be discussing the case.
3. Collaborative Lesson Plan and Presentation (20 Points Total): Students will work in groups to design a lesson plan to present as a group in class (10 points for the lesson plan). The purpose of the lesson plan is for students to assume the role of a professional charged with updating colleagues relative to a legal or ethical issue of contemporary interest. Students must get approval from the course instructor and submit a plan that clearly outlines the presentation two weeks prior to the scheduled date. Students should consider the date and topic as indicated in the weekly schedule. Each collaborative group will be responsible for making a 30 minute presentation.

4. Mid-Term and Final Exam (30 Points Total; 15 Points each): Students will take an exam based on the text and class discussions. Each test will be an objective assessment of background knowledge, awareness of legal and ethical issues, and implications for educational practice.
5. Legal Issue Analysis Outline and Paper (20 Points Total): Students will write a 4-6 page paper on a selected legal issue, which must be different from the issue researched as part of the collaborative lesson and presentation assignment. Students must get instructor approval but might consider free speech rights of students or teachers, drug testing of students, legal constraints related to hiring and firing of teachers, the rights of special education parents and students, religious practices and schools, disciplinary procedures, race-based assignment of students, single-gender classes, bullying, and sexual harassment.

PLEASE NOTE: Students are required to submit a 1-2 page outline of their issue paper for review and suggestions (worth 5 points).

- B. Performance-based assessments:** This course includes two performance-based assessments: a collaborative lesson plan and presentation and a legal issue paper. These are described above in the Requirements.
- C. Criteria for evaluation:** Assessment of each performance is guided by the assessment rubrics.

D. Course Procedures:

Absence from Class: Students are expected to attend every class for its entirety. Emergencies sometimes arise, however, and if you need to be absent from class, please notify the instructor in advance by telephone or e-mail. Maximum class participation points will be earned by students who attend all classes, are on time and do not leave early.

Late Work: Students 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. In order to be fair to the rest of the students, one point will be deducted for each day the issue paper, issue paper outline, collaborative lesson plan, etc. is late. An assignment is considered late if it is not submitted at the **beginning** of class. Assignments will not be accepted after 7 days. Students should begin their assignments early in case of a last minute personal emergency or illness; extensions are not an option.

Make-up Work: Students will **not** be permitted to make up the participation points. In the event that there is an illness, funeral, family issue or personal emergency that causes a student to miss a class, please note that each student will be given an opportunity to write up to three total responses to short essay questions that are selected by the Instructor, and worth up to 1 extra point per essay response.

Religious Holidays: If a student must miss class because of a recognized religious holiday, please see Instructor for no penalty make-up instructions. You will need to submit a written request for accommodation before the holiday.

Approved Curricular and Extracurricular Activities: If a student must miss class for a **university sanctioned** requirement, please submit a written request to the Instructor.

Plagiarism: Plagiarism is the act of using other people's ideas and passing them off as one's own. Plagiarism is a serious matter and students are encouraged to meet with the instructor about citations and references. Also, the student writing center is available to help students.

Exams: There will be no alternative exam times. Students should drop the course if they are unable to take an exam.

Classroom Climate: A positive climate depends on cooperation among all students and with the instructor. Students need to work together to ensure that everyone has the confidence to participate honestly and energetically. Every student 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.

Course Feedback: Course feedback is welcome at any time throughout the course. It can be submitted anonymously, if desired. You are encouraged to share problems or suggestions at any time with your Instructor.

Electronic Devices: Regarding electronic devices (such as laptops, cell phones, etc..) please be respectful of your peers and your instructor and do not engage in activities that are unrelated to class. Such disruptions show a lack of professionalism and may affect your participation grade.

Core Values Commitment: The College of Education and Human Development is committed to collaboration, ethical leadership, innovation, research-based practice and social justice. Students are expected to adhere to these principles.

Grading scale:

| Requirements | Points |
|--|--------|
| Participation | 10 |
| Case Briefs (4 total, 5 points each) | 20 |
| Collaborative Lesson Plan | 5 |
| Collaborative Lesson Plan Presentation | 15 |
| Mid-Term Exam | 15 |
| Legal Issue Analysis Paper Outline | 5 |
| Legal Issue Analysis Paper | 15 |
| Final Exam | 15 |

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|------------------------|
| 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 |

COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT STATEMENT OF EXPECTATIONS:

All students must abide by the following:

- Students must adhere to the guidelines of the George Mason University Honor Code [See <http://academicintegrity.gmu.edu/honorcode/>]
- Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services (ODS) and inform the instructor, in writing, at the beginning of the semester. [See <http://ods.gmu.edu/>]
- Students must follow the university policy for Responsible use of Computing[See <http://universitypolicy.gmu.edu/1301gen.html>]
- Students are responsible for the content of university communications sent to their George Mason University email account and are required to activate their account and check it regularly. All communication from the university, college, school, and program will be sent to students solely through their Mason email account.
- Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor. Cell phones, pagers, and other communication devices are not allowed in this class. Please keep them stowed away and out of sight. Laptops or tablets (e.g. iPads) may be permitted for the purpose of taking notes only---it is the responsibility of the student to notify the instructor if you choose to do so. Engaging in activities not related to this course (gaming, email, chat, etc) demonstrate a lack of professionalism and will affect your participation grade.
- Students are expected to exhibit professional behaviors and dispositions at all times

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Campus Resources

- The George Mason University Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops, and outreach programs) to enhance students’ personal experience and academic performance [See <http://caps.gmu.edu/>]
- The George Mason University Writing Center staff provides a variety of resources and services (e.g. tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share knowledge through writing [See <http://writingcenter.gmu.edu/>]
- For additional information on the College of Education and Human Development, Graduate School of Education, please visit our website [See<http://gse.gmu.edu/>]

Tentative Weekly Schedule and Assignment Due Dates:

| Class | | Topic | Reading Assignment | Assignments Due |
|-------|---------|---|--------------------|-----------------|
| 1 | Jan. 25 | Review Syllabus, Course Requirements and Expectations Introduction to Legal System and Reading Court Cases | | |
| 2 | Feb. 1 | Legal Framework of Public Education | Chapter 1 | |

| | | | | |
|----|----------|---|--|---|
| | | Discuss Collaborative Presentations | | |
| 3 | Feb. 8 | Tort Liability/Negligence/Defamation/Damages | Chapter 2 | Case Brief 1 Due (5 points) |
| 4 | Feb. 15 | Church and State | Chapter 3 | Case Brief 2 Due (5 points) |
| 5 | Feb. 22 | Instructional Issues/Curriculum/Copyright | Chapter 4 | Come prepared to work on Collaborative Lesson Plan in class |
| 6 | Feb. 29 | Student Expression, Association and Appearance Mid Term Exam Review | Chapter 5 | Case Brief 3 Due (5 points) |
| 7 | March 7 | Student Classifications | Chapter 6 | Mid-Term Exam (15 points) |
| 8 | March 21 | Rights of Students with Disabilities | Chapter 7 | Collaborative Lesson Plan Due (5 points) |
| 9 | March 28 | Student Discipline/Search and Seizure | Chapter 8 | Case Brief 4 Due (5 points) |
| 10 | April 11 | Collaborative Lesson Plan Presentations Discuss Legal Issue Analysis Paper | No reading assignment. Prepare for your presentation. | Presentations Due (15 points) |
| 11 | April 18 | Terms of Employment/Teacher Contracts/Rights | Chapter 9 (skip pages 216-225) Chapter 10 | Legal Issue Paper Outline Due (5 points) |
| 12 | April 25 | Discrimination in Employment Termination of Employment | Chapter 11 Chapter 12 | Legal Issue Paper Due (15 points) |
| 13 | May 2 | Course Conclusion | | Final Exam (15 points) |

Weekly Discussion Focus:

Class 1 (January 25th): Review Course Requirements/Introduction to Legal System (Focus on Collaborative Presentation, Case Briefs, Legal Research)

Guiding Questions: What are the various sources of legal authority affecting school law? How do I read a case? What constitutional amendments apply to school law? What is the difference between federal and state court? What states make up the Fourth Circuit? How do court cases impact the classroom teacher? What is a statute? What is required of me in this course? What is the first assignment that is due in this course? How can I start to prepare for the collaborative presentation? How do I brief a case? What is the holding versus the analysis? What is a dissenting/concurring

opinion? What are the major legal databases? How can teachers stay current in legal issues? How do I find a law review article and a case?

Class 2 (February 1st): Chapter 1, Legal Framework/Follow-up on Collaborative Presentations and Case Briefs

Guiding Questions: Why do states have primary control over education? What is the federal role in education? What control and responsibility do local school boards have over education? What is expected of me for the collaborative presentation? How will I select a topic for the collaborative presentation? What if I fail to meet with my collaborative group? Whose responsibility is it to contact the group members? How will this assignment be graded? How should I dress for the presentation? What are the key parts of a case study summary?

Class 3 (February 8th): Chapter 2, Tort Liability/Negligence

Guiding Questions: What is a tort and what are the different kinds? When are school personnel liable for student injuries? What are the factors that courts will consider in determining negligence? What are the defenses to negligence?

Case Brief (1) Due: *Spears v. Jefferson Parish School Board

Class 4 (February 15th): Chapter 3, Church and State Relations

Guiding Questions: Does voluntary prayer, silent meditation, or graduation prayer violate the First Amendment? May a teacher lead a prayer if no student objects? Can students pray at graduation or at sporting events? Must teachers and students recite the Pledge of Allegiance? Must you give equal emphasis to evolution and creationism in science class? To what extent can public schools teach about religion? What is the difference between the Establishment Clause and the Free Exercise Clause? Do courts still use the *Lemon* test? What are some of the other tests that courts will consider? How does the First Amendment apply to these cases? What is the Equal Access Act? Must schools permit all non-curriculum student groups to meet during non-curricular time?

Case Brief (2) Due: *Santa Fe Independent School District v. Doe

Class 5 (February 22nd): Chapter 4, Instructional Issues/Curriculum/Copyright

Guiding Questions: Who determines the school curriculum? What if a teacher disagrees with it? Library censorship: Is there a student right to information? What can and can't be banned? Can teachers photocopy pages from a book/magazine/website and distribute them to their students?

***Small Group: Work with group on collaborative lesson plan presentation.**

Class 6 (February 29th): Chapter 5, Student Expression Rights

Guiding Questions: Reflect on Justice Fortes' famous quote "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." How free are students to distribute unpopular or controversial views in school-sponsored and underground publications? Do dress codes unconstitutionally restrict students' freedom of speech? How does the First Amendment apply to these cases? Could a student be disciplined for speech that occurs off-campus? What if a student posts a threat to harm a teacher or another student on her or his personal website?

Case Brief (3) Due: *Tinker v. Des Moines

Class 7 (March 7th): Chapter 6, Student Classifications

Guiding Questions: Are separate but equal schools inherently unequal? What is the difference between *de facto* and *de jure* segregation? Should race be considered in student school assignments?

What is the Equal Protection Clause? How does the Fourteenth Amendment apply to this topic? What impact has the *Brown* decision had on the public school system? What is the difference between Title VII and Title IX?

***Mid Term Exam**

Class 8 (March 21st): Chapter 7, Rights of Students with Disabilities

Guiding Questions: Should special education law be reformed? What is the difference between the IDEA, Section 504 and the ADA? What does FAPE mean? What does LRE mean? What is an IEP? Is transportation considered a related service? How does IDEA address student discipline? What is a manifestation determination? Must a student with a disability who is expelled be provided educational services? Do suspension rules differ for students with disabilities? What is a stay-put provision? May students with disabilities make up classroom work during suspension/expulsion?

***Collaborative Presentation Lesson Plan Due**

Class 9 (March 28th): Chapter 8, Student Discipline/Search and Seizure

Guiding Questions: Can students be disciplined for off-campus conduct? Does a temporary suspension require procedural due process? Is corporal punishment prohibited? How does the Eighth Amendment apply to corporal punishment? What Amendment prohibits illegal search and seizure? When can students be searched? What evidence or standard does a school need before conducting a search? What is the difference between probable cause and reasonable suspicion? When and how can teachers search student lockers?

Case Brief (4) Due: *New Jersey v. T.L.O

Class 10 (April 11th): Collaborative Presentations Due/Discuss Legal Analysis Paper

***Collaborative Presentations**

Class 11 (April 18th): Chapters 9 and 10 (skip pages 216-225), Terms of Employment, Teacher Contracts, Teacher Rights

Guiding Questions: Can a teacher's First Amendment rights to free speech be curtailed both in and outside the classroom? What is the *Pickering* balancing test? Can a teacher be dismissed for private activities that occur outside of school? Can a teacher be dismissed because s/he is a homosexual, pregnant out of wedlock, or divorced? What role do community standards play in teacher dismissal? Is there a right of teacher privacy under the Fourteenth Amendment?

***Legal Issue Analysis Outline Due**

Class 12 (April 25th): Chapters 11 and 12, Discrimination in Employment, Teacher Dismissal

Guiding Questions: How do current teachers address legal problems in their schools? What is their recourse if their rights have been violated? What factors can be a basis for a discrimination suit? How have the courts addressed discrimination regarding gender, race, religion, age, language and disability in employment? What type of due process is afforded to teachers who are dismissed? Can a tenured teacher be dismissed? What are the specific causes for dismissal? What amendment guarantees due process? What is the difference between non-renewal and dismissal? When does a teacher become "tenured" in Virginia or in other states?

***Legal Issue Analysis Paper Due**

Class 13: (May 2nd): Course Conclusion and Final Exam

***Final Exam**

Note: This syllabus is subject to change based on the needs of the class and Mason schedule requirements.

ASSESSMENT RUBRIC(S)

Legal Issue Analysis Paper Rubric

| | Masterful and Compelling | Appropriate and Articulate | Weak and Not Very Convincing |
|---|--------------------------|----------------------------|------------------------------|
| Criteria | 3 | 2 | 1 |
| 1. Includes a well-written introduction to the paper, which identifies the selected legal issue in education | | | |
| 2. Includes a well-written description of the legal issue; defining and explaining the importance of the issue in education. | | | |
| 3. Includes a well-written analysis of the legal issue and how it impacts education. | | | |
| 4. Presents a clear discussion of the legal issue; including information such as cases, articles, and relevant laws that increase understanding of the issue. | | | |
| 5. Provides a clear conclusion and wrap-up of the paper. | | | |
| 6. Has been carefully edited for spelling and grammar | | | |
| 7. Includes at least four relevant references. | | | |
| 8. Is no less than 4 pages and no more than 6 pages. | | | |
| Comments: | | | |

Collaborative Lesson Plan Rubric

| | Masterful and Compelling | Appropriate and Articulate | Weak and Not Very Convincing |
|--|--------------------------|----------------------------|------------------------------|
| Criteria | 3 | 2 | 1 |
| 1. Includes a well-written description of the legal issue; defining and explaining the importance of the issue in education. | | | |
| 2. Briefly reviews and explains the supporting materials; including information such as cases, articles, and relevant laws that increase understanding of the issue. | | | |
| 3. Provides a clear and thorough outline of the lesson. | | | |
| 4. Has been carefully edited for spelling and grammar. | | | |
| 5. Includes at least five relevant and current (2000 – present) references. | | | |
| Comments: | | | |

Collaborative Presentation Rubric

| Criteria | Does Not Meet | Approaching | Meets | Exceeds |
|---------------------------------|--|---|--|--|
| Nonverbal Skills | | | | |
| Eye Contact | Does not attempt to look at audience at all, reads notes the entire time | Only focuses attention to one particular part of the class, does not scan audience | Occasionally looks at someone or some groups during presentation | Constantly looks at someone or some groups at all times |
| Facial Expressions | Has either a deadpan expression or shows a conflicting expression during entire presentation | Occasionally displays both a deadpan and conflicting expression during presentation | Occasionally demonstrates either a deadpan OR conflicting expression during presentation | Consistently appropriate expressions, never notice a deadpan or conflicting expression |
| Vocal Skills | | | | |
| Enthusiasm | Shows absolutely no interest in topic presented | Shows some negativity toward topic presented | Occasionally shows positive feelings about topic | Shows strong positive feelings about topic during entire presentation |
| Vocalized Pauses (uh, um, like) | 10 or more are noticed | 6-9 are noticed | 1-5 are noticed | No vocalized pauses noticed |
| Content | | | | |
| Topic Announced | Audience has no idea what the report is on | Vaguely tells audience what report is over | Vaguely tells audience what report is over | Clearly explains what the report is covering |
| Time frame | Presentation is less than minimum time | | | Presentation falls within required time frame |
| Visual Aid | Poor, distracts audience and is hard to read | Adds nothing to presentation | Thoughts articulated clearly, but not engaging | Visual aid enhances presentation, thoughts articulated and keeps interest |
| Completeness of Content | One or more points left out | Majority of points glossed over | Majority of points covered in depth, some points glossed over | Thoroughly explains all points |
| Professionalism of Presentation | Mumbles, audience has difficulty hearing, confusing | Thoughts don't flow, not clear, does not engage audience | Thoughts articulated clearly, though does not engage audience | Presentation is organized and the interest level of the audience is maintained |