Syllabus

Course Overview

This course emphasizes understanding, analysis, and application of laws and legal issues affecting P–12 schools, students, and school employees, and it illustrates a proactive approach with a focus on prevention and resolution of legal problems. This course is for teachers, counselors, social workers, and current or future administrators. Case studies, current articles, state and federal statutes, and school district policies supplement the text. Because it is impossible to complete a comprehensive study of school law in a 10-week course, this course will focus on the legal issues that most affect schools and on accessing information to help resolve or prevent legal problems. You will conduct legal research using HeinOnline and other Internet resources. Actual legal cases are the primary sources of information for this course.

A note about the terminology in this course: *learners* refers to those enrolled in this course, and *students* refers to people who are studying in public and private institutions and affected by the laws discussed in this course.

Field Experiences

You must complete 24 hours of fieldwork to complete this course successfully. The fieldwork provides you with field-based opportunities to observe and participate in learning experiences that strengthen your understanding of course content.

The field experiences for this course include the following activities:

Unit 3 – Local School Boards Assignment

This activity requires that you develop a list of interview questions to elicit responses from a district leader about the following:

- State statutes and state board rules and whether they limit the authority and power of the local boards.
- Federal education law, for example, the Every Student Succeeds Act of 2015 (ESSA), and how it may affect the power of local boards.
- The role of the superintendent in relation to the local board.
- The role of the local school board in relation to the superintendent's management of the operations and resources of the district.

You will schedule and conduct an interview with your district superintendent (or one in a neighboring district office) concerning the powers of local boards. Upon completion, you will summarize the interview. **Note:** This field experience will take a minimum of six hours.

Unit 5 – Special Education Services Interview Summary Assignment

This activity requires that you interview someone in your school district who is knowledgeable about special education services, for example, a person in a leadership role in special services such as a special education director or coordinator, or a lead teacher. The interview will focus on how the district is addressing the needs of special education students. The interview should consist of the following questions, as well as others you develop:

- What is the percentage of special education students in your district (or if a charter or private school, in your school)?
- What percentage of district (or school) funds is spent on special education services?
- What percentage of the district's (or school's) special education teachers are certified in their field?
- What is the district's (or school's) philosophy concerning special education? For example, is it total inclusion? How does this philosophy work out in practice?
- What problems has the district (or school) experienced in the past few years concerning special education services?

Upon completion, you will summarize the interview. **Note:** This field experience will take a minimum of six hours.

Unit 6 – Child Abuse Interview Summary Discussion

This activity requires that you interview someone at a school who has made several reports to the state or county child protection authorities. This may be a school counselor, social worker, or school nurse. You will focus the interview on how the district addresses issues associated with child abuse. You must develop questions to understand the procedures in your state and district on reporting child abuse, your interviewee's philosophy concerning the issue of child abuse, and information about cases previously reported. Upon completion, you will summarize the interview. **Note:** This field experience will take a minimum of six hours.

Unit 8 – Ethical Violations Assignment

Secure a copy of your state's teacher code of ethics. Most states have a published educators' code of ethics; if your state does not, you may use one from a national organization or your local district or school.

Develop a list of examples of ethical violations that may result in administrative action.

Meet with your school principal (or other appropriate school administrator) to share your examples and explain how you plan to present the examples with a group of at least three teachers. Discuss with the principal what they see as the most common ethics issues in your state involving teachers.

Meet with a group of at least three teachers and discuss the examples. In the meeting, respond to the following questions and post your responses in the discussion area. Include key points from your meeting with the principal and fellow teachers.

- What are the possible consequences for a violation of the educators' code of ethics in your state?
- How does an educators' code of ethics differ from legal statutes and case law?
- What responsibilities should and do educators have if they discover or know of a colleague violating the educators' code of ethics?
- In your opinion, should anything be added to or deleted from the educators' code of ethics? Why?

Upon completion of the meetings, you will summarize the main points in the discussion in Unit 8. **Note:** This field experience will take a minimum of six hours.

Discussion Participation Guidelines

Discussion activities are a key component of your course. In each unit, you will engage in critical discussions with other learners on topics raised in the unit. As part of each discussion, you will review and respond to the posts of other learners. Your responses should be substantive, going beyond a statement like "I agree" or "Good job." Respectfully challenge others' assumptions. Explain why you agree or disagree, ask questions, and make suggestions for improvements. You may engage in as much discussion as you wish. In fact, you are encouraged to engage in extended discussions with multiple learners. An active discussion enriches everyone's learning.

You will be evaluated on the substance of your response and the quality of your writing. Be sure to proofread your responses. Errors in spelling or grammar detract from the quality of your message.

You are expected to post your initial responses to discussion topics by **Wednesday** of the assigned week. This timing allows enough time for learner-to-learner interaction. Your responses to other learners are due by the end of the unit (typically Sunday), unless otherwise indicated. If you will have difficulty working with this schedule, contact your instructor before the beginning of the unit.

ED7823 Standards Alignment Table

Course Competency	Specialization Outcome	Education Preparation Provider (EPP) Outcome	National Educational Leadershiop Preparation (NELP) Building Level Standards	National Educational Leadership Preparation (NELP) District Level Standards	Minnesota Board of School Administrators (MN BOSA)	Professional Standards for Educational Leaders (PSEL)	CAEP Key Area(s)	Special Education Leadership (SEL)
1. Interpret how the law affects P–12 operations.	SO: 4, 7	1, 2, 3, 5, 7, 8, 14.1, 14.3, 14.4, 14.6	1.1, 2.1, 2.2, 3.1, 3.2, 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	1.1, 2.1, 2.2, 3.1, 3.2, 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	Subpart 1—1A.4, 1B.1, 1C.1, 1D.1, 1D.2, 1D.3, 1E.1, 1J.1, 1J.4, 1J.5, 1J.6, 1J.7, 1K1, 1K2, 1K3, 1K5, 1M1, 1M2, 1M5	1c, 2a, 2b, 2d, 2f, 3d, 5a, 6a, 9c, 9e, 9h, 9k, 10i	Data literacy- u01d1 Data Analysis – u05a1, u06a1 Collaborative skills- u03a1, u06d1 Technology- u01d1 Dispositions- u08a1, u09a1, u03a1, u02a1, u05a1, u05d1, u07d1, u09a2 Laws- u01a1, u01d1, u02a1, u02d1, u03a1, u03d1,	SEA.5.K2 SEA.5K.3 SEA.5S.1 SEA.5S.4

Course Competency	Specialization Outcome	Education Preparation Provider (EPP) Outcome	National Educational Leadershiop Preparation (NELP) Building Level Standards	National Educational Leadership Preparation (NELP) District Level Standards	Minnesota Board of School Administrators (MN BOSA)	Professional Standards for Educational Leaders (PSEL)	CAEP Key Area(s)	Special Education Leadership (SEL)
							u04a1, u04d1, u05a1, u05d1, u06a1, u06d1, u07a1, u07d1, u08a1, u08d1, u09a1, u09d1, u10a1, u10d1 Code of Ethics- u04a1, u08a1, u09a1, u07a1, u02d1, u04d1, u05d1, u07d1, u08d1, u09d1, u10d1 Diversity- u02a1, u05a1, u01d1, u05d1	
2. Identify legal issues in P–12 Education and resolve potential and actual disputes.	SO: 4, 6, 7	1, 2, 3, 5, 7, 8, 14.1, 14.3, 14.4, 14.6	1.1, 2.1, 2.2, 3.1, 3.2, 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	1.1, 2.1, 2.2, 3.1, 3.2, 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	Subpart 1—1A.4, 1B.1, 1C.1, 1D.1, 1D.2, 1D.3, 1E.1, 1.J1, 1J.4, 1J.5, 1J.6, 1J.7, 1K1, 1K2, 1K3, 1K5, 1M1, 1M2, 1M5	1c, 2a, 2b, 2d, 2f, 3d, 5a, 6a, 9c, 9e, 9h, 9k, 10i	Data literacy- u01d1 Data Analysis – u05a1, u06a1 Collaborative skills- u03a1, u06d1 Technology- u01d1 Dispositions- u08a1, u09a1, u03a1, u02a1, u05a1, u05d1, u07d1, u09a2	SEA.5.K2 SEA.5K.3 SEA.5S.1 SEA.5S.4

Course Competency	Specialization Outcome	Education Preparation Provider (EPP) Outcome	National Educational Leadershiop Preparation (NELP) Building Level Standards	National Educational Leadership Preparation (NELP) District Level Standards	Minnesota Board of School Administrators (MN BOSA)	Professional Standards for Educational Leaders (PSEL)	CAEP Key Area(s)	Special Education Leadership (SEL)
							Laws- u01a1, u01d1, u02a1, u02d1, u03a1, u03d1, u04a1, u04d1, u05a1, u05d1, u06a1, u06d1, u07a1, u07d1, u08a1, u08d1, u09a1, u09d1, u10a1, u10d1 Code of Ethics- u04a1, u08a1, u09a1, u07a1, u02d1, u04d1, u05d1, u07d1, u08d1, u09d1, u10d1 Diversity- u02a1, u05a1, u01d1, u05d1	
3. Use supervisory, evaluation, and discipline techniques appropriate to a P–12 educational setting.	SO: 1, 2, 3, 4, 5, 6, 7	1, 2, 3, 4, 6, 7, 8, 14.1, 14.3, 14.4, 14.6	1.1, 2.1 ,2.2, 3.1, 3.2, 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	1.1, 2.1 ,2.2, 3.1, 3.2, 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	Subpart 1— 1A.4, 1B.1, 1C.1, 1D.1, 1D.2, 1D.3, 1E.1, 1J1, 1J.4, 1J.5, 1J.6, 1J.7, 1K1, 1K2, 1K3, 1K5, 1M1, 1M2, 1M5	1c, 2a, 2b, 2d, 2f, 3d, 5a, 6a, 9c, 9e, 9h, 9k, 10i	Data literacy- u01d1 Data Analysis – u05a1, u06a1 Collaborative skills- u03a1, u06d1 Technology- u01d1 Dispositions- u08a1,	SEA.5.K2 SEA.5K.3 SEA.5S.1 SEA.5S.4

Course Competency	Specialization Outcome	Education Preparation Provider (EPP) Outcome	National Educational Leadershiop Preparation (NELP) Building Level Standards	National Educational Leadership Preparation (NELP) District Level Standards	Minnesota Board of School Administrators (MN BOSA)	Professional Standards for Educational Leaders (PSEL)	CAEP Key Area(s)	Special Education Leadership (SEL)
							u09a1, u03a1, u02a1, u05a1, u05d1, u07d1, u09a2 Laws- u01a1, u01d1, u02a1, u02d1, u03a1, u03d1, u04a1, u04d1, u05a1, u05d1, u06a1, u06d1, u07a1, u07d1, u08a1, u08d1, u09a1, u09d1, u10a1, u10d1 Code of Ethics- u04a1, u08a1, u09a1, u07a1, u02d1, u04d1, u05d1, u07d1, u08d1, u09d1, u10d1 Diversity- u02a1, u05a1, u01d1, u05d1	
4. Interpret and reconcile the differences among historic, legal, and	SO: 1, 3, 4, 6	1, 2, 3, 4, 6, 7, 8, 14.1, 14.3, 14.4, 14.6	1.1, 2.1, 2.2, 3.1, 3.2 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3, 7.1, 7.3, 7.4	1.1, 2.1, 2.2, 3.1, 3.2 3.3, 4.3, 5.1, 5.3, 6.1, 6.2, 6.3,	Subpart 1— 1A.4, 1B.1, 1C.1, 1D.1, 1D.2, 1D.3, 1E.1, 1J1, 1J.4, 1J.5, 1J.6, 1J.7,	1c, 2a, 2b, 2d, 2f, 3d, 5a, 6a, 9c, 9e, 9h, 9k, 10i	Data literacy- u01d1 Data Analysis – u05a1, u06a1	SEA.5.K2 SEA.5K.3 SEA.5S.1 SEA.5S.4

Course Competency	Specialization Outcome	Education Preparation Provider (EPP) Outcome	National Educational Leadershiop Preparation (NELP) Building Level Standards	National Educational Leadership Preparation (NELP) District Level Standards	Minnesota Board of School Administrators (MN BOSA)	Professional Standards for Educational Leaders (PSEL)	CAEP Key Area(s)	Special Education Leadership (SEL)
social factors that influence and regulate P–12 education.				7.1, 7.3, 7.4	1K1, 1K2, 1K3, 1K5, 1M1, 1M2, 1M5		Collaborative skills- u03a1, u06d1 Technology- u01d1 Dispositions- u08a1, u09a1, u03a1, u02a1, u05a1, u05d1, u07d1, u09a2 Laws- u01a1, u01d1, u02a1, u02d1, u03a1, u03d1, u04a1, u04d1, u05a1, u05d1, u06a1, u06d1, u07a1, u07d1, u08a1, u08d1, u09a1, u09d1, u10a1, u10d1 Code of Ethics- u04a1, u08a1, u09a1, u07a1, u02d1, u04d1, u05d1, u07d1, u08d1, u09d1, u10d1 Diversity- u02a1, u05a1, u01d1, u05d1	

Course Competency	Specialization Outcome	Education Preparation Provider (EPP) Outcome	National Educational Leadershiop Preparation (NELP) Building Level Standards	National Educational Leadership Preparation (NELP) District Level Standards	Minnesota Board of School Administrators (MN BOSA)	Professional Standards for Educational Leaders (PSEL)	CAEP Key Area(s)	Special Education Leadership (SEL)
5. Demonstrate effective writing skills and correct use of APA formatting, grammar, punctuation, and mechanics.	SO: 7	10, 11 ,14.5	5.2,5.3, 6.3, 7.2	5.2,5.3, 6.3, 7.2	1F1, 1F2, 1F8, 1G2, 1A7, 1L1	2e, 8c, 9g, 10b		

Course Competencies **(Read Only)**

To successfully complete this course, you will be expected to:

1. Interpret how the law affects P–12 operations.
2. Identify legal issues in P–12 education and resolve potential or actual disputes.
3. Apply supervisory, evaluation, and discipline techniques appropriate to a P–12 education setting.
4. Reconcile the differences among the historic, legal, and social factors that influence and regulate P–12 education.
5. Demonstrate effective writing skills including correct use of APA formatting, grammar, punctuation, and mechanics.

Course Prerequisites

This course requires access to a P–12 classroom and/or educational stakeholders in a P–12 school or district. Prerequisite(s): ED5320 or ED7820.

Syllabus >> Course Materials

Required

The materials listed below are required to complete the learning activities in this course.

Integrated Materials

Many of your required books are available via the VitalSource Bookshelf link in the courseroom, located in your Course Tools. Registered learners in a Resource Kit program can access these materials using the courseroom link on the Friday before the course start date. Some materials are available only in hard-copy format or by using an access code. For these materials, you will receive an email with further instructions for access. Visit the Course Materials page on Campus for more information.

Book

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson. ISBN: 9780133905427.

External Resource

Please note that URLs change frequently. While the URLs were current when this course was designed, some may no longer be valid. If you cannot access a specific link, contact your instructor for an alternative URL. Permissions for the following links have been either granted or deemed appropriate for educational use at the time of course publication.

- A2Z Homeschooling. (2018). Number of homeschoolers in US 2018–2019. https://a2zhomeschooling.com/thoughts_opinions_home_school/numbers_homeschooled_students/
- American Civil Liberties Union. (n.d.). https://www.aclu.org/
- Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986) [PDF]. https://www.oyez.org
- Brunner, B., & Rowen, B. (2017). Timeline of affirmative action milestones. http://www.infoplease.com/spot/affirmativetimeline1.html
- Cleveland Board of Education v. Loudermill (1985) [PDF]. http://www.oyez.org
- Cornell Law School. (n.d.). Legal Information Institute. https://www.law.cornell.edu/
- Educational Testing Service (ETS). (n.d.). http://www.ets.org/
- Edwards v. Aguillard (1987) [PDF]. http://www.oyez.org
- Epperson v. Arkansas (1968) [PDF]. http://www.oyez.org
- Fisher v. University of Texas (2013) [PDF]. http://www.oyez.org
- Gardiner, M. E., & Tenuto, P. L. (2015). Reflections of practicing school principals on ethical leadership and decision-making: Confronting social injustice. *The Journal of Values-Based Leadership, 8*(2). https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1127&context=jvbl
- Gratz v. Bollinger, 539 U.S. 244 (2003) [PDF]. http://www.oyez.org
- Grutter v. Bollinger, 539 U.S. 306 (2003) [PDF]. http://www.oyez.org
- Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988) [PDF]. https://www.oyez.org/cases/1987/86-836
- Lynch, M. (2015, September 7). The eight principles of ethical leadership in education. https://www.theedadvocate.org/the-eight-principles-of-ethical-leadership-in-education/
- Mauro, T. (2009, June 29). Chief Justice Roberts speaks on too-long briefs, too many questions. http://legaltimes.typepad.com/blt/2009/06/chief-justice-roberts-speaks-on-toolong-briefs-too-many-questions.html
- Morse v. Frederick, 551 U.S. 393 (2007) [PDF]. https://www.oyez.org
- National Association of Elementary School Principals. (n.d.). https://www.naesp.org/
- National Center for Education Statistics. (n.d.). Fast facts. https://nces.ed.gov/fastfacts/display.asp?id=91
- National Policy Board for Educational Administration. (2015). Professional standards for educational leaders [PDF]. http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf
- National School Boards Association. (n.d.). https://www.nsba.org/
- PDK International. (n.d.). Phi Delta Kappan online. https://www.kappanonline.org/
- Ricci v. DeStefano, 557 U.S. ___ (2009) [PDF]. http://www.oyez.org
- Safford Unified School District v. Redding (2009) [PDF]. http://www.oyez.org
- Schuette v. Coalition to Defend Affirmative Action (2014) [PDF]. http://www.oyez.org/
- Tennessee Secondary School Athletic Association v. Brentwood Academy, 551 U.S. ___ (2007) [PDF]. http://www.oyez.org
- Tinker v. Des Moines Independent Community School District (1969) [PDF]. http://www.oyez.org
- U.S. Department of Education. (n.d.). *Family Educational Rights and Privacy Act (FERPA).* https://www.ed.gov/
- U.S. Department of Education. (n.d.). https://www.ed.gov/
- U.S. Department of Health & Human Services. (n.d.). *Summary of the HIPAA privacy rule*. https://www.hhs.gov/
- Westfield State University. (n.d.). Citation guides: Citing legal materials. https://lib.westfield.ma.edu/c.php?g=354010&p=2387828
- ASCD. (n.d.). http://www.ascd.org/Default.aspx
- Education Week. (n.d.). https://www.edweek.org/ew/index.html
- FindLaw. (n.d.). https://www.findlaw.com/
- National Association of Secondary School Principals. (n.d.). https://www.nassp.org/
- Supreme Court of the United States. (n.d.). https://www.supremecourt.gov/

Suggested

The following materials are recommended to provide you with a better understanding of the topics in this course. These materials are not required to complete the course, but they are aligned to course activities and assessments and are highly recommended for your use.

Optional

The following optional materials are offered to provide you with a better understanding of the topics in this course. These materials are not required to complete the course.

External Resource

Please note that URLs change frequently. While the URLs were current when this course was designed, some may no longer be valid. If you cannot access a specific link, contact your instructor for an alternative URL. Permissions for the following links have been either granted or deemed appropriate for educational use at the time of course publication.

- Alexander, K., & Alexander, M. (2018). *The law of schools, students and teachers (in a nutshell)* (6th ed.). West Academic Publishing. ISBN: 9781640204249.
- Bradley, L., Meyers, M., & Winterman, K. (2017). *School law for public, private and parochial educators* (2nd ed.). Rowman & Littlefield. ISBN: 1475837933.
- Regents of the University of California v. Bakke, 438 U.S. 265 (1978) [PDF]. https://www.oyez.org

Unit 1 >> The Legal System, Education, and Church and State Conflicts

Introduction

The disciplines of law, politics, and pedagogy converge in public education. They often create conflicts and questions regarding where authority lies. When does the federal government have the final authority? What about the state government? Where do parental rights enter? Why does one court rule one way and then another reverse that opinion? Who gets to go before the U.S. Supreme Court?

These questions may baffle even legal experts, and they seem beyond the scope of what an educator might need to learn. However, it is important to know where to turn for a final decision and to understand enough about the U.S. legal system and its history to make sense of current conflicts and rulings. It is important to know how to obtain the full text of a decision versus a summary of it. Similarly, it is important to be able to judge the credibility and biases of various websites.

This unit introduces you to the U.S. legal system as it relates to education. There are three basic sources for laws affecting schools: federal and state constitutions; statutes developed by the U.S. Congress or state legislatures; and case law, often referred to as *common law* or laws made by the courts. It is important that you focus on the relationships among various courts and their authority; do not become submerged in details yet. This unit will help you to be able to describe what is required of districts to ensure compliance with federal and state constitutional provisions, statutory law, standards, and regulatory applications. It will also enable you to evaluate a board action in which local policy was adjusted to ensure compliance.

Besides the legal framework for public education, you will examine the relationship of the First and the Fourteenth Amendments to the U.S. Constitution and the general legal relationship of church and state. This unit will enable you to apply legal precedents toward specific school policies or procedures and understand how the separation of church and state affects student attendance laws.

If you have ever experienced a parental objection to students reading a specific book or singing certain songs at a holiday concert, you have dealt with a First Amendment issue. If you have a good understanding of these issues, you will be better able to prevent and address the conflicts that arise regularly in schools.

Everson v. Board of Education (1947) was the first case involving religion and public education that was decided by the Supreme Court. This case was the beginning of a host of other cases on religion and public education. In fact, the Supreme Court has resolved more cases about the religion clause of the First Amendment than any other subject. The First Amendment states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Although the language seems clear, a maze of cases makes this study compelling. The chapters and exercises in this unit will take you through this maze.

Although the Fourteenth Amendment (1868) refers specifically to Congress, the federal courts have applied its provisions to states. Section 1 of the amendment reads: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." In fact, the federal courts have used this section to apply the entire Bill of Rights to the states. School boards are established by state law; therefore, they are also subject to the prohibitions of the Fourteenth Amendment.

Essential Questions

1. What is *church*?
2. What is *state*?
3. Why are they separate?

References

U.S. Const. amend. I.

U.S. Const. amend. XIV.

Learning Activities

u01s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 1, "Legal Framework Affecting Public Schools," pages 1–15.
  - This chapter contains an introduction to basic concepts of law, including the U.S. Constitution, state constitutions, statutes, case law, and federal and state court systems.
- Chapter 2, "Religion and the Public Schools," pages 16–52.
  - School prayer, vouchers, religion in public schools, the scientific theory of evolution, and the use of public school facilities are among the issues covered in this chapter.

Internet Article

Use the Internet to read the following:

- How to Brief a Case.

Multimedia

- Listen to Welcome to Education and the Law, a brief audio presentation from Dr. Stephen O'Brien.
- View the Church-State Supreme Court Cases Timeline.

Optional Multimedia

- Take Education and the Law: Quiz 1 to assess your knowledge of legal terms and their definitions.

Optional Readings

Use the Internet to complete the following:

- National Center for Education Statistics. (n.d.). Fast facts. https://nces.ed.gov/fastfacts/display.asp?id=91

The following optional texts may be available in the Capella University Library:

- Alexander, K., & Alexander, M. (2018). *The law of schools, students and teachers (in a nutshell)* (6th ed.). West Academic Publishing.
- Bradley, L., Meyers, M., & Winterman, K. (2017). *School law for public, private and parochial educators* (2nd ed.). Rowman & Littlefield.

APA Resources

Capella's preferred style guide is the *Publication Manual of the American Psychological Association*, often referred to as the APA manual. Refer to the following resources to help you learn how to cite and reference legal materials according to APA standards.

- Use Academic Writer for guidance in citing sources and formatting your paper in proper APA style. See the Evidence and APA section of the Writing Center for instructions on accessing and using Academic Writer.
- Westfield State University. (n.d.). Citation guides: Citing legal materials. https://lib.westfield.ma.edu/c.php?g=354010&p=2387828

u01s1 - Learning Components

- Describe requirements of districts to ensure compliance with federal and state constitutional provisions, statutory law, standards, and/or regulatory applications.

u01s2 - State Statutes

This study will help you prepare your assignments and unit discussions throughout the course.

Research

Use the Internet to complete the following:

- Find the key language in your state's constitution related to education and the key language in the U.S. Constitution related to education.
  - You will need to know these parameters when you confront a legal problem as an administrator. There is no need to submit your findings.
- Locate your state's statutes online through a standard Web search or the Capella library's Database Guide: HeinOnline.
  - Note: HeinOnline has replaced Nexis Uni and LexisNexis.

Optional Readings

Use the Internet and the Capella library to browse the following:

Primary Websites

- Cornell Law School. (n.d.). Legal Information Institute. https://www.law.cornell.edu/
- School of Education Legal Research Guide.
- FindLaw. (n.d.). https://www.findlaw.com/
- Supreme Court of the United States. (n.d.). https://www.supremecourt.gov/

Secondary Websites

- American Civil Liberties Union. (n.d.). https://www.aclu.org/
  - Search for "student rights."
- ASCD. (n.d.). http://www.ascd.org/Default.aspx
  - Search for "publications" or "education leadership."
- Education Week. (n.d.). https://www.edweek.org/ew/index.html
  - Search the archives.
- National Association of Elementary School Principals. (n.d.). https://www.naesp.org/
  - Search for "It's the Law" features in back issues of *Principal* magazine.
- National Association of Secondary School Principals. (n.d.). https://www.nassp.org
  - If you are a member of NASSP, you have access to the Principal's Online School Law Guide.
- National School Boards Association. (n.d.). https://www.nsba.org/
- PDK International. (n.d.). Phi Delta Kappan online. https://www.kappanonline.org/
- U.S. Department of Education. (n.d.). https://www.ed.gov/
- U.S. Department of Education. (n.d.). Family Educational Rights and Privacy Act (FERPA). https://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html

u01s2 - Learning Components

- Summarize court opinions that address educational issues.

u01s3 - Assignment Preparation

Church and state issues occupy the attention of many school administrators. Despite landmark cases such as *Lemon v. Kurtzman* (1971), new issues involving religion arise frequently. In this case, the court found that two states violated the establishment clause of the U.S. Constitution by making state financial aid available to "church-related educational institutions."

Use the Capella University Library and the Internet to complete the following in preparation for this unit's discussion and assignment:

- Locate your state statute or constitutional provision on prayer in school and school vouchers.
- Find at least one peer-reviewed journal article on church-state issues such as school prayer and vouchers.
  - See the Education Program Guides or Ask a Librarian for support searching the library for articles.
- Read the assignment instructions and scoring guide to ensure that you understand all requirements.

Reference

Lemon v. Kurtzman. (1961). Retrieved from https://www.oyez.org/cases/1970/89

u01s3 - Learning Components

- Describe requirements of districts to ensure compliance with federal and state constitutional provisions, statutory law, standards, and/or regulatory applications.

u01s4 - Fieldwork Interview Preparation

You will have four opportunities to interview people in specific positions within your district during this course. In preparation for related activities, complete the following:

- **Unit 3: Local School Boards assignment:**
  - Review the Unit 3 Sample Interview Template [DOC], assignment instructions, and scoring guide.
  - Schedule your interview as soon as possible so you have time to complete your assignment.
- **Unit 5: Special Education Services Interview Summary assignment:**
  - Review the Unit 5 Sample Interview Template [DOC], assignment instructions, and scoring guide.
  - Schedule your interview as soon as possible so you have time to complete your assignment.
- **Unit 6: Child Abuse Interview Summary discussion:**
  - Review the Unit 6 Sample Interview Template [DOC] and discussion instructions.
  - Schedule your interview as soon as possible so you have time to prepare your post.
- **Unit 8: Ethical Violations assignment:**
  - Read the assignment instructions.
  - Schedule your interview as soon as possible so you have time to complete your assignment.

u01s5 - Your Online ePortfolio

Online ePortfolios serve two key purposes: 1) to support learning and reflection, and 2) to be used as a showcase tool. Your learning journey can be documented, and ePortfolios contribute to lifelong learning and growth through reflection and sharing. Online ePortfolios can also be shared with employers and peers to present artifacts that demonstrate your accomplishments at Capella.

Using ePortfolio to Prepare for Your Capstone

Your program may culminate in a capstone course. At that time you may be required to show evidence of your learning throughout the program by referring to multiple assessments that you have created. You will be telling a story about your learning throughout the program using artifacts you have collected during many of these courses.

Using ePortfolio to Build Your Career

As you are preparing to tell your story in the professional world, leverage your ePortfolio artifacts to demonstrate the knowledge and competencies you have gained through your program in professional conversations, performance reviews, and interviews.

To do that, reflect on the knowledge and skills you have gained from your courses and the elements you have put in your portfolio, along with how you have already applied these things to your professional life or how you might apply them in the future.

Next, create your story or talking points to tell your professional story.

Saving Your Documents to ePortfolio

You will need a place to store your documents in an organized fashion so that you can access them at a later date. Do not rely on the courseroom to store your assignments for you as you will lose access to the courseroom after you have completed the course. Capella uses a cloud-based portfolio platform to facilitate your organization of the artifacts you create throughout your program.

To make an online portfolio useful, it is essential that it is organized clearly and that important files of any format are accessible. Read the Online ePortfolio Guidelines [PDF] to ensure you set up your online portfolio correctly. For more information on ePortfolio visit the Campus ePortfolio page.

Privacy Statement

Capella complies with privacy laws designed to protect the privacy of personal information. While you may voluntarily share your own information publicly, you are obligated to protect the personal information of others that may be associated with your academic or professional development. Before sharing information and material in any ePortfolio that is set up to be shared externally to your program at Capella, please consider privacy obligations in relation to protected populations who may be included or referenced in your academic or clinical work. Refer to the Family Educational Rights and Privacy Act (FERPA) and/or the Health Insurance Portability and Accountability Act (HIPAA) if you have specific questions or concerns about your choices.

u01a1 - Case Brief

Overview

The ability to locate and brief (summarize) cases related to education law is an important skill. Creating a brief helps you better understand a case and provides a shorthand way to read and review cases. You will use this skill throughout your career as an administrator. For your first assignment, you will write a legal brief.

Instructions

Use the links in Resources to complete the following:

- Read How to Brief a Case.
- Find a written court opinion related to education. Use your textbook, the Internet, or HeinOnline to conduct your search.
    - Note: HeinOnline has replaced Nexis Uni and LexisNexis.
- Prepare a formal brief of the case; that is, identify the facts, issue, and decision. In addition, brief the case in *paragraph form*—the form that you will use in the rest of this course.

Note that there are two sections to this assignment:

- A formal briefing of the case.
- A separate briefing in paragraph format.

This assignment is the only time you will need to brief a case formally in this course.

Check the Resources area for other resources that may be useful as you complete the assignment.

Additional Requirements

- If possible, write no more than one sentence each for the facts, the issue, and the decision. Although you may use the text from the court case, it is often better to summarize in layman's terms.

After your instructor has added comments to your submission, you will have an opportunity to revise and resubmit this assignment in a timeline provided by the instructor.

Course Resources
How to Brief a Case
Westfield State University. (n.d.). Citation guides: Citing legal materials. https://lib.westfield.ma.edu/c.php?g=354010&p=2387828
Capella University Library
Database Guide: HeinOnline
FastCase from HeinOnline
School of Education Legal Research Guide

u01a2 - Vouchers and School Prayer Presentation

Overview

Issues of school vouchers and school prayer have been discussed and adjudicated at federal and state levels. For this assignment, submit a PowerPoint presentation with detailed presenter's notes.

Instructions

Complete the following:

- Summarize recent events in your state regarding school prayer and vouchers for students to go to private schools.
  - If there have been no recent events in your state, explain why you think that is the case.
- Cite your state's statute or constitutional provision on vouchers and school prayer. If no constitutional provision or statute exists, include that fact.
- Predict the future of school prayer and vouchers in your state.

Organize your presentation with the following headings:

- **Constitutional Provision Concerning Vouchers.**
- **Recent Events Concerning Vouchers.**
- **Predictions on the Future of Vouchers.**
- **Constitutional Provision on School Prayer.**
- **Recent Events Concerning School Prayer.**
- **Predictions on the Future of School Prayer.**

Additional Requirements

- Use appropriate legal APA style.
- Include a title slide and a references slide at the end of your presentation.

Check the Resources area for other resources that may be useful as you complete the assignment.

Course Resources
How to Brief a Case
School of Education Legal Research Guide
Citation Guides: Citing Legal Materials
Capella University Library: PowerPoint Presentations
Guidelines for Effective PowerPoint Presentations [PPTX]

u01d1 - Public Schools

The First Amendment to the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Supreme Court has resolved more cases dealing with First Amendment rights than any other subject.

Home schooling has become a very important topic for educators and parents. For your initial post to this discussion, either create a PowerPoint presentation and attach it to your post, or write a narrative response. In your presentation or narrative, respond to the following:

- Provide the numbers and percentages of students in your state attending public, public charter, private, and home schools. It may be difficult to find accurate numbers on home schools for your state. For an estimate, you may use the "Number of Homeschoolers in US 2018–2019" page on the A2Z Homeschooling website, linked in Resources.

- Post 2–3 paragraphs that describe how your state defines *public school*, including charter schools. If you have difficulty finding the definition in your state statutes, look at your state's constitution.
- Cite your state's statutes regarding public schooling (including charter schools), private schooling, and home schooling.
- Determine who may teach in a home school and how the home school is monitored.
- Evaluate public, public charter, private, and home schooling and argue which form you believe best. Defend your choice using your knowledge of pedagogy and legal principles.

Check the Resources area for other resources that may be useful as you complete your discussion post.

Note: Any information or thoughts that are not your own must be cited and referenced.

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

General Discussion Tips

Format your posts with headings and paragraphs based on the discussion directions to make it easier for other learners to read your posts. In this discussion, for example, possible headings could include: Numbers of Students; Definition of Public School; State Statutes; Home Schools; Opinion.

It is always a good idea to write your posts using Microsoft Word, run spell-check and grammar check, and then post to the discussion by copying and pasting from the Word document into the discussion area.

References

U.S. Const. amend. I.

Course Resources

Graduate Discussion Participation Scoring Guide

A2Z Homeschooling. (2018). Number of homeschoolers in US 2018–2019. https://a2zhomeschooling.com/thoughts_opinions_home_school/numbers_homeschooled_students/

Guidelines for Effective PowerPoint Presentations [PPTX]

Unit 2 >> Fundamental Fairness Under the Law

Introduction

The law protects people's rights and is a force for fairness in society. The equal protection provisions of the Fourteenth Amendment apply the Constitution's protections to citizens of each state. Therefore, it is important for school administrators to understand how the courts have interpreted and enforced these protections in the United States.

Essential Questions

1. What is a *dispute*?
2. Who says what happens in a legal dispute?

Learning Activities

u02s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 12, "School Desegregation," pages 315–329.
  - *Brown v. Board of Education* (1954) was the foundational case that ruled that "separate but equal" schools are *not* equal. The question remains: Is segregation still an issue? What is *de jure* segregation?
- Chapter 13, "Public School Finance," pages 330–339.
  - Although the Capella School of Education has a separate course on public school finance, this section has an excellent overview of the litigation surrounding funding. The 1973 *San Antonio Independent School District v. Rodriguez*, a landmark case, is covered in this chapter.

Internet Resources

Use the Internet to read the following:

- Brunner, B., & Rowen, B. (2007). Timeline of affirmative action milestones. Retrieved from http://www.infoplease.com/spot/affirmativetimeline1.html

Supreme Court Oral Argument Audio

Read the linked transcripts or listen to at least part of the following Supreme Court oral arguments by searching for each case on Oyez.org, then clicking "Oral Argument" under "Argument":

- Fisher v. University of Texas (2013) [PDF]. Available from http://www.oyez.org
- Gratz v. Bollinger, 539 U.S. 244 (2003) [PDF]. Available from http://www.oyez.org
- Grutter v. Bollinger, 539 U.S. 306 (2003) [PDF]. Available from http://www.oyez.org
- Ricci v. DeStefano, 557 U.S. ___ (2009) [PDF]. Available from http://www.oyez.org
- Schuette v. Coalition to Defend Affirmative Action (2014) [PDF]. Available from http://www.oyez.org/
- Tennessee Secondary School Athletic Association v. Brentwood Academy, 551 U.S. ___ (2007) [PDF]. Available from http://www.oyez.org

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Multimedia

Listen to the audio Brown Versus Board of Education.

Optional Multimedia

Learn about legal terms and definitions as they pertain to education and the law in Flashcards Exercise 1.

u02s1 - Learning Components

- Describe requirements of districts to ensure compliance with federal and state constitutional provisions, statutory law, standards, and/or regulatory applications.

u02s2 - Assignment Preparation

Your Unit 3 assignment requires you to interview a superintendent, district office employee, administrator, or similar role who is knowledgeable about local school boards. If you are from a large district and cannot get an interview with the superintendent or a senior district official, you may interview any administrator you consider knowledgeable.

Note that the interview must be with an administrator, *not a school board member*. Arrange this interview as soon as possible so you have enough time to complete the assignment by the end of Unit 3.

Note: Try to limit the interview time to no more than 30 minutes to be respectful of busy schedules. Afterward, consider sending your interviewee a handwritten thank-you note for their time and information.

To prepare for the interview, read the assignment description and scoring guide and the Unit 3 Sample Interview Template [DOC].

u02s3 - Assignment Preparation

Learners in the P–12 programs that fall under the Professional Education Unit (PEU) are expected to develop the professional attitudes, values, and beliefs that support student learning and development. They are also expected to demonstrate the professional dispositions in their interactions with students, families, colleagues, and communities.

The dispositions include the following:

1. Fosters a sense of community by modeling effective, fair, and ethical interpersonal behaviors.
    - Provides positive reinforcement when appropriate; seeks to solve problems; is involved beyond minimum expectations; encourages others to share ideas; participates in group/team collaboration; accepts consensus; offers assistance where possible.
2. Maintains a high level of competence and integrity in one's practice.
    - Engages in ongoing self-reflection while seeking constructive criticism to improve interactions with students; identifies his/her strengths and needs while working to update skills and knowledge and adjust dispositions accordingly; organizes information and materials to facilitate all students' success.
3. Demonstrates flexibility, comfort with uncertainty, and willingness to take risks.
    - Adapting to changes in the workplace (schedules, school closures, safety drills, and so on); taking advantage of the teachable moment; trying unfamiliar technology and techniques; and encouraging students and peers to take appropriate risks.
4. Recognizes one's own biases and respects the diversity of others.
    - Incorporating diverse perspectives; using practices that respectfully reflect the diversity of both the community and beyond; responding respectfully to diverse opinions and lifestyles; providing participants opportunities to share cultures; and creating a climate of inclusivity.
5. Exhibits professional demeanor and professional behavior.
    - Exhibiting personal integrity; being punctual; dressing professionally; respecting personal boundaries with regard to sharing or seeking information of a personal/intimate nature; using correct language and avoiding slang/colloquialisms when interacting with students; sensitive and professional use of social media.
6. Takes responsibility for one's own actions.
    - Following through on responsibilities and tasks in a timely manner; accepting and acting on constructive suggestions; following policy, protocols and utilizing appropriate methods for change; accepting blame when responsible for outcome.

In preparation for your second Unit 9 assignment, read the assignment description and scoring guide as well as the Learner Self-Assessment of Professional Dispositions [DOC].

u02a1 - Race and Affirmative Action

Overview

For this assignment, you will prepare a brief and a short analysis of the 2003 case *Gratz v. Bollinger*.

Instructions

Use the links in Resources to complete the following:

Review the case of *Gratz v. Bollinger* (2003). Locate the full text of the case on HeinOnline or on Cornell University Law School's Legal Information Institute's website (both linked in Resources).

Write a paper organized by the following section headings:

- **Title Page**.
- **Case Brief**.
    - Brief the case in paragraph form so the reader can understand the case.
- **Court of First Instance and Appeals Court**.
    - Identify where the case was initially heard and to which court or courts it was appealed before it was accepted by the U.S. Supreme Court.
- **Michigan State Court**.
    - Could the case have been initially filed in a Michigan state court? Why or why not?
- **Supreme Court**.
    - How would you explain the legal or constitutional reasons why this case ended up in the U.S. Supreme Court?
    - Is the outcome of this case consistent with the most recent U.S. Supreme Court opinion on affirmative action; *Ricci v. DeStefano* (2009), a New Haven, Connecticut case regarding examinations for firefighters' promotions; *Fisher v. University of Texas* (2013); and *Schuette v.*

Coalition to Defend Affirmative Action (2014)? These cases are linked in Resources. For a history of the court and affirmative action, see Brunner and Rowen's article, "Timeline of Affirmative Action Milestones," linked in Resources.

- **References**.
  - In addition to any other appropriate references, provide the Reporter reference for the case.

Check the Resources area for other resources that may be useful as you complete the assignment.

Additional Requirements

- Limit your paper to two double-spaced pages, using legal APA style.
- **Important:** To you assignment, attach the link to the full case in order to demonstrate that you can access an online case from a primary source. Your paper cannot be graded without this link.

Note: A table of contents and abstract are only required for the assignment in Unit 10.

Course Resources
Gratz v. Bollinger, 539 U.S. 244 (2003) [PDF]. http://www.oyez.org
Ricci v. DeStefano, 557 U.S. ___ (2009) [PDF]. http://www.oyez.org
Fisher v. University of Texas (2013) [PDF]. http://www.oyez.org
Schuette v. Coalition to Defend Affirmative Action (2014) [PDF]. http://www.oyez.org/
Brunner, B., & Rowen, B. (2017). Timeline of affirmative action milestones. http://www.infoplease.com/spot/affirmativetimeline1.html
School of Education Legal Research Guide
Citation Guides: Citing Legal Materials
Cornell Law School. (n.d.). Legal Information Institute. https://www.law.cornell.edu/
FastCase from HeinOnline

u02d1 - Brentwood Academy

The role of athletics in schools is always a topic of heated discussion. From recruiting scandals to protection of students from injury, something seems to be in the news every day.

For this discussion, complete the following:

- Consider the significance of the case *Tennessee Secondary School Athletic Association v. Brentwood Academy* (2007), the oral arguments for which are linked in Resources.
- Respond to the following questions and discuss the issues involved:
  - Does your state have a state athletic association?
  - What is it and how does it operate? Provide a summary (not long quotes) from the association constitution or bylaws.
  - Does it include private schools? If not, do the private schools have their own association? What is it?
  - Does the association have a website? If so, provide a link to the site.
  - What do you think is the significance of the *Tennessee Secondary School Athletic Association v. Brentwood Academy* (2007) decision for your state athletic association?
  - Did the opinion in this case help or hinder the smooth operation of athletics in your state? Or did it make no difference?
  - Have there been any recent incidents in K–12 schools in your district or state concerning athletics?
- Cite cases to support your opinion.

Check the Resources area for other resources that may be useful as you complete your discussion post.

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

Course Resources
Graduate Discussion Participation Scoring Guide
Tennessee Secondary School Athletic Association v. Brentwood Academy, 551 U.S. ___ (2007) [PDF]. http://www.oyez.org
Database Guide: HeinOnline
FastCase from HeinOnline
School of Education Legal Research Guide

u02d1 - Learning Components

- Identify the role of athletics associations in athletics program administration.

Unit 3 >> Instructional Issues and the Law

Introduction

State constitutions charge local school boards with the responsibility of instructing students. This unit examines powers, procedures, and elections of state and local school boards regarding education. Both state and federal courts play a large role in curriculum decisions. You saw in Unit 1 that religion often intersects with content issues. This unit examines the limits of the authority of state and district school boards in deciding curriculum, the legal issues involved in local battles over evolution versus creationism (and other similar content questions), and the due process issues schools and states must address in high-stakes testing.

Essential Questions

1. What is *educational progress*?
2. Are high-stakes tests appropriate?

Learning Activities

u03s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 11, "The Instructional Program and School Attendance," pages 283–314.
  - This chapter includes a discussion of the question of who or what really controls public schools, including the No Child Left Behind Act, home schooling, vouchers, and the influence of special-interest groups on public schools.

Use the Internet to review the following:

- Edwards v. Aguillard (1987) [PDF]. Available from http://www.oyez.org
- Epperson v. Arkansas (1968) [PDF]. Available from http://www.oyez.org
- Tinker v. Des Moines Independent Community School District (1969) [PDF]. Available from http://www.oyez.org

Optional Media

Learn about legal terms and definitions as they pertain to education and the law in Flashcards Exercise 2.

u03s1 - Learning Components

- Identify relationships between public policy and education.
- Summarize court opinions that address educational issues.

u03s2 - Fieldwork: Conduct Interview

If you have not done so, conduct the interview required for this week's assignment. Review the assignment description, the scoring guide, and the Unit 3 Sample Interview Template [DOC] in preparation for the interview.

u03a1 - Local School Boards

Overview

It is incumbent on school leaders to understand the effects of law and the power of the school board in making site-based decisions.

Courts have generally confirmed that local school boards have implicit powers to respond appropriately to the educational needs of their communities. However, because education is essentially a state function, local boards are bound by state statutes and state education board rules and regulations. As such, it is critical that school leaders understand the effect of law in promoting the success of all students by fostering a safe, efficient, and effective learning environment.

For this assignment, prepare a summary of an interview you conduct with a local district leader.

Instructions

Complete the following:

- Develop a list of interview questions to elicit responses from a district leader. Include the list of questions in your paper. A sample interview template is provided in Resources.
- Talk with your district superintendent, someone in the district office, or someone in a neighboring district office concerning the powers of local boards.

Check the Resources area for other resources that may be useful as you complete the assignment.

Use the following headings to organize your paper. Include these sections *at a minimum,* and additional labeled sections as appropriate, addressing the subbullets and any other content you consider pertinent.

- **Title Page**.
- **Authority of the Board**.
  - Describe the state statutes and state board rules and identify whether they limit the authority and power of the local boards.
- **Federal Laws**.
  - Describe federal education law (for example, the Every Student Succeeds Act of 2015 [ESSA]) and how it may affect the power of local boards.
- **Role of the Superintendent**.
  - Describe the role of the superintendent in relation to the local board.
- **Superintendent and Board**.
  - Describe the role of the local school board in relation to the superintendent's management of the operations and resources of the district.
- **Reflections**.
  - Reflect on your interview with the district leader; include their name and the interview date. Provide your assessment of their statements. What are the implications for you?
- **References**.

You are free to ask additional questions, but your submitted assignment must contain the above items. Also, keep in mind that the assignment is to summarize the interview—not to provide a transcript. You may, however, use direct quotes within the summary for the purpose of clarity.

Additional Requirements

- Submit a paper of no more than five pages of content plus title and references pages.
- Follow legal APA guidelines.

Course Resources

Unit 3 Sample Interview Template [DOC]
Citation Guides: Citing Legal Materials
School of Education Legal Research Guide

u03d1 - The First Amendment to the Constitution

The First Amendment to the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In 1928, Arkansas passed Ark. Stat. Ann. 80-1627, a law that made it unlawful for any teacher in any state-supported school or university to teach "the theory or doctrine that mankind ascended or descended from a lower order of animals."

In *Epperson v. Arkansas* (1968), the U.S. Supreme Court ruled the law unconstitutional. Subsequent cases such as *Edwards v. Aguillard* (1987) affirmed that religious-based curriculum in public schools, such as creationism, is unconstitutional.

For this discussion, answer the following:

- In your state, who has the primary responsibility for establishing public school curriculum? Is it the state board? The state department of education? The local board? Another entity?
- What is the relationship of the local district board to the state?
- Do the Supreme Court cases mentioned above, *Epperson v. Arkansas* (1968) and *Edwards v. Aguillard* (1987), interfere with the powers of local school boards to adopt curriculum?
- Do teachers have the constitutional right to express verbally or symbolically their personal religious beliefs, such as those regarding creationism, in the classroom?

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

References

Edwards v. Aguillard (1987). Retrieved from http://www.oyez.org/cases/1980-1989/1986/1986_85_1513

Epperson v. Arkansas (1968). Retrieved from http://www.oyez.org/cases/1960-1969/1968/1968_7

U.S. Const. amend. I.

Course Resources

Graduate Discussion Participation Scoring Guide
Edwards v. Aguillard (1987) [PDF]. http://www.oyez.org
Epperson v. Arkansas (1968) [PDF]. http://www.oyez.org

u03d1 - Learning Components

- Identify relationships between public policy and education.
- Interpret and apply core legal principles to an individual situation.

Unit 4 >> Student Rights

Introduction

Some educators shudder at the thought of student rights, while others celebrate those rights. Unquestionably, this concept has been a hot topic even before *Tinker v. Des Moines Independent Community School District* in 1969, and certainly ever since. The environment is changing, however. As you will see in your readings, educators are constantly faced with decisions about whose rights to protect, which rights are more important, and what to do when two sets of rights appear to conflict. Educators are also simultaneously challenged to keep schools safe and to keep learning environments positive to ensure student rights.

These issues evoke strong emotions in many people, making them especially interesting to discuss. Remember to temper your reactions with professionalism and make decisions that you can defend. Underlying every legal consideration, whether it is a question of church and state or curriculum, is the concept of *fairness*. If people have been given their due process, they perceive that they have been treated fairly.

At the conclusion of this unit, you will be able to demonstrate knowledge of the basic concepts of due process and reasonableness as they relate to public education. You will be able to establish procedures that honor these requirements. You will also understand case law regarding student rights, including First and Fourth Amendment rights and discipline of students, and you will be able to apply legal precedent toward school policies. Finally, you will be able to analyze situations regarding potential violations of racial, religious, and sexual-harassment mandates.

Essential Questions

1. What are *student rights*?
2. How do you balance rights?

Reference

Tinker v. Des Moines Independent Community School District (1969). Retrieved from http://www.oyez.org/cases/1960-1969/1968/1968_21

Learning Activities

u04s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 3, "Student Rights and Restrictions," pages 53–100.
    - This chapter contains information that is vitally important to any administrator. Student rights is an ongoing issue for schools: How much freedom do students have to express themselves through school publications or dress in school? What kind of privacy can students expect for desks, lockers, their backpacks, or their person? Do students have a right to due process?

Research

Read your school's or district's privacy policies regarding lockers and desks. They should be published in a student handbook or on the district's website.

Multimedia

- Listen to Education and the Law: Student Rights, in which Dr. Phil Corkill discusses student rights topics that affect teachers and administrators in the United States and addresses the 1969 case *Tinker v. Des Moines Independent Community School District*.
    - Dr. Corkill has been an educator at elementary through university levels. He has been a principal of a junior high school in Arizona, an assistant superintendent in a suburb of Chicago, associate superintendent and superintendent in the Flowing Wells School District in Tucson, Arizona. He served as state director of the North Central Association of Colleges and Schools and has been an adjunct professor of educational leadership and school law at the University of Arizona, Northern Arizona University, and Arizona State University. He is currently core faculty in the Educational Administration program of Capella University.
- Review Brown Versus Board of Education, in which Stephen Breyer, Associate Justice of the U.S. Supreme Court, delivers his speech about the 50th anniversary of *Brown v. Board of Education* (1954).

Optional Readings

Use the Internet to complete the following:

- Mauro, T. (2009, June 29). Chief Justice Roberts speaks on too-long briefs, too many questions. http://legaltimes.typepad.com/blt/2009/06/chief-justice-roberts-speaks-on-toolong-briefs-too-many-questions.html

Optional Multimedia

Learn about legal terms and definitions as they pertain to education and the law in Flashcards Exercise 3.

u04s1 - Learning Components

- Explain the rights of students as established by legal precedent.

u04s2 - Assignment Preparation

In Unit 5, you will interview someone in your school district who is knowledgeable about special education services, such as a special education director, coordinator, or lead teacher. Schedule the interview as soon as possible to allow yourself adequate time to submit the assignment at the end of Unit 5. It may be helpful to provide in advance the questions to your interviewee.

To prepare for your assignment, read the assignment instructions, the scoring guide, and the interview questions in the Unit 5 Sample Interview Template [DOC].

u04a1 - School Searches Presentation

Overview

For this assignment, create a PowerPoint presentation with presenter's notes about how searches are conducted in your school. Your presentation should be something that could be presented in a faculty or parent meeting.

In *New Jersey v. T.L.O.* (1985), the U.S. Supreme Court addressed the question of the proper standard for assessing the legality of searches conducted by public school officials. It stated that school authorities may search students if to do so is reasonable "under all the circumstances." A school authority does not have to base a search strictly on probable cause to believe that the subject of the search has violated or is violating the law, which is the standard for police searches. Other cases discussed in the text expand on this holding.

On June 25, 2009, the U.S. Supreme Court rendered a decision in the case of *Safford Unified School District v. Redding* (2009). The court ruled that the strip search of 13-year-old Savana Redding at her middle school was unconstitutional and violated her Fourth Amendment rights. The school officials responsible were protected from liability by qualified immunity. However, the court left open the possibility that the school board could be liable.

Four days later, at a legal conference in West Virginia, Chief Justice John Roberts responded to a question about the 2007 *Bong Hits 4 Jesus* case (*Morse v. Frederick*) and what school administrators could draw from it. The case gave school officials discretion in restricting student activities, in opposition to *Safford Unified School District v. Redding* (2009), which limited the discretion of school officials in searching students. Roberts responded:

> If you're going to get all your guidance on issues of that type from the Supreme Court, you're going to have a lot of difficulties. You cannot expect to get a whole list of regulations from the Supreme Court. That would be bad, and we wouldn't do a good job at it (Mauro, 2009, para. 6).

School boards set policy, and in other areas the court handles, Roberts said, administrative agencies have the task of giving specific guidance. (See the article "Chief Justice Roberts Speaks on Too-Long Briefs, Too Many Questions," linked in Resources.)

What standard do we need to meet as school authorities?

Instructions

Note: You may want to review How to Brief a Case, linked in Resources. Review your school's or district's handbook for policies on lockers and desks.

Include PowerPoint slides with the following headings, on which you address the points below:

- **Students' Expectations of Privacy**.
  - Explain whether a student has legitimate expectations of privacy for desks, lockers, backpacks, and the student's person. The expectations are not the same for each of these items.

- **Standards for Searches**.
  - State the two standards for a search by school officials and a search by police.
  - Explain what makes the standard for a search of students by school officials different from the standard for a search of citizens by the police.
- **Justified Search**.
  - Describe a real or hypothetical situation in which a search by school officials would be justified.
  - Explain why the search would be justified.
- **Unjustified Search**.
  - Describe a real or hypothetical situation in which a search by school officials would *not* be justified.
  - Explain why the search would not be justified.

Additional Requirements

- Include title and reference slides.
- Follow APA guidelines for formatting legal references.

ePortfolio Prompt: You may choose to save this learning activity to your ePortfolio.

References

Mauro, T. (2009, June 29). Chief Justice Roberts speaks on too-long briefs, too many questions. http://legaltimes.typepad.com/blt/2009/06/chief-justice-roberts-speaks-on-toolong-briefs-too-many-questions.html

Morse v. Frederick, 551 U.S. 393 (2007). https://www.oyez.org/cases/2006/06-278

New Jersey v. T.L.O., 469 U.S. 325 (1985). https://www.oyez.org/cases/1983/83-712

Safford Unified School District v. Redding (2009). Retrieved from http://www.oyez.org/cases/2000-2009/2008/2008_08_479

Course Resources

Mauro, T. (2009, June 29). Chief Justice Roberts speaks on too-long briefs, too many questions. http://legaltimes.typepad.com/blt/2009/06/chief-justice-roberts-speaks-on-toolong-briefs-too-many-questions.html
Safford Unified School District v. Redding (2009) [PDF]. http://www.oyez.org
ePortfolio
How to Brief a Case
Capella University Library: PowerPoint Presentations
Citation Guides: Citing Legal Materials
Education and the Law: Student Rights | Transcript

u04d1 - Freedom of Speech

The *Bethel School District No. 403 v. Fraser* (1986) decision made a significant change in student rights, as has the *Hazelwood School District v. Kuhlmeier* (1988) decision, which held that school officials could regulate the content of a newspaper produced by a journalism class. In *Bethel School District No. 403 v. Fraser*, the U.S. Supreme Court held that the First Amendment did not prevent a school district from disciplining a high school student for giving a lewd speech at a school assembly. Also, *Morse v. Frederick* (2007) continues the court's definition of student rights.

For this discussion, complete the following:

- Describe four or five things you would tell students about their rights to free speech based on *Bethel School District No. 403 v. Fraser*, *Hazelwood School District v. Kuhlmeier*, and other decisions found in the text. Write these as if you were writing to your own students.
- Cite the cases that correspond to each item.
- Find out whether these issues are found in your school's student handbook and, if possible, provide a link to your school's handbook.

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

ePortfolio Prompt: You may choose to save this discussion to your ePortfolio for Program Outcome 15.

References

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986). Retrieved from https://www.oyez.org/cases/1985/84-1667

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988). Retrieved from https://www.oyez.org/cases/1987/86-836

Morse v. Frederick, 551 U.S. 393 (2007). Retrieved from https://www.oyez.org/cases/2006/06-278

Course Resources

Graduate Discussion Participation Scoring Guide
ePortfolio
Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986) [PDF]. https://www.oyez.org
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988) [PDF]. https://www.oyez.org/cases/1987/86-836
Morse v. Frederick, 551 U.S. 393 (2007) [PDF]. https://www.oyez.org

u04d1 - Learning Components

- Describe requirements of districts to ensure compliance with federal and state constitutional provisions, statutory law, standards, and/or regulatory applications.
- Interpret and apply core legal principles to an individual situation.

Unit 5 >> Special Student Needs

Introduction

Issues of special education play a significant part in the study of federal and state roles in education and due process. During the school year 2017–2018, more than 6.9 million students, or 13.7 percent of all public school students, received services in public schools under the Individuals With Disabilities Education Act (IDEA; U.S. Department of Education, National Center for Education Statistics, 2019). When you finish this unit, you will be aware of the requirements for special services and special education in K–12 education under the reauthorized IDEA (2004) and understand Section 504 accommodations. You will also be able to analyze situations regarding the discipline of special education students and determine whether due process requirements have been met.

The area of students with special needs is one of the most complex, emotional, and litigious areas in school law. Professionals in the field estimate that it is the basis for 90 percent of educational issues that result in some sort of hearing or time spent in court. Schools are held to enormous due-process standards, and federal procedural requirements are sometimes overwhelming. In addition, teachers and other school officials are often stymied by questions such as, Whose rights prevail? Do special-needs students have more rights than other students? What about the distribution of resources such as funding and staff? Is it fair that a small group of students is allocated a seemingly disproportionate amount of money? In addition, to what extent is inclusion the best approach? Finally, what is meant by a *free appropriate public education* (FAPE) and the least restrictive environment?

Conversely, advocates for students with special needs are active, assertive, and dedicated to ensuring that these students do not face discrimination while in school. Federal statutes have addressed this concern, but compliance and actual implementation are difficult. How does a school or a district protect the rights of students with disabilities without infringing on those of nondisabled students? These questions are not easy ones, nor are there any answers that are not likely to be debated by other professionals, advocates, or parents.

Essential Questions

1. What needs require special accommodations?
2. What is an *appropriate accommodation*?
3. Are the due-process standards that school districts are held to fair?

Reference

U.S. Department of Education, National Center for Education Statistics. (n.d.). Fast facts. Retrieved from https://nces.ed.gov/FastFacts/display.asp?id=64

Learning Activities

u05s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 5, "Individuals With Disabilities," pages 125–155.
  - One of the most complicated and important education laws ever enacted is the 2004 Individuals With Disabilities Education Improvement Act, commonly known as IDEA. This chapter contains all the basic information an administrator needs to begin to understand the complexities and intentions of the law.

Optional Media

Take Education and the Law: Quiz 2 to assess your knowledge of legal terms and their definitions.

u05s1 - Learning Components

- Describe the essential principles of special education law and propose solutions that are in compliance.

u05a1 - Special Education Services Interview Summary

Overview

For this assignment, write a short paper on the needs of special education students in your school district based on data you collect in an interview.

Instructions

- Interview someone in your school district who is knowledgeable about special education services—for example, a person in a leadership role in special education services, such as a special education director or coordinator or a lead teacher.
- Focus your interview on how the district is addressing the needs of special education students.
- Be sure that you make note of the name of the person you interview and the date that the interview takes place.

Answer the following questions in your paper:

1. What is the percentage of special education students in your district?
2. What percentage of district funds is spent on special education services?
3. What percentage of the district's special education teachers are certified in their field?
4. What is the district's philosophy concerning special education? For example, is it total inclusion? How does this philosophy work out in practice?
5. What problems has the district experienced in the past few years concerning special education services?
6. As you reflect on what you've learned from the interview, what are the implications for you as an educational leader?

Note: If you are connected to a charter or private school, substitute *school* for *district*.

Check the Resources area for resources that may be useful as you complete the assignment.

Tips

- Use a word or two from the questions you asked during the interview as headings and summarize the answers under each heading.
- You are free to ask additional questions, but your submitted assignment must contain the items above.
- The data for questions 1, 2, and 3 above may be gathered from a source other than the interviewee.
- You may choose to use the Unit 5 Sample Interview Template, linked in Resources.

Additional Requirements

- Submit a summary paper of no more than four pages of content plus title and reference pages. Although this paper should not be a transcript, you may use direct quotes where needed for clarity.
- Follow legal APA guidelines.
- Submit your assignment to your instructor in the assignment area by 11:59 p.m. central time Sunday.

Course Resources

Unit 5 Sample Interview Template [DOC]

Citation Guides: Citing Legal Materials

u05d1 - Special Needs

Students with disabilities may not be punished or excluded from school based on their disabilities. Therefore, a student with emotional or behavioral disorders cannot legally be expelled because they misbehave. However, the safety of other students may be at stake.

Based on what you have read about the law, which solutions can you think of that might protect the rights of all students?

This discussion is due on **Wednesday**.

Response Guidelines

Please respond to the post of at least one learner. In particular, first mention the merits of the proposed solutions, then discuss any potential problems with the solutions along with ways to address those problems.

Course Resources

Graduate Discussion Participation Scoring Guide

u05d1 - Learning Components

- Describe the essential principles of special education law and propose solutions that are in compliance.

u05s2 - Discussion Preparation

In preparation for your first Unit 6 discussion, for which you will conduct an interview on the topic of child abuse, read the discussion guidelines and take time this week to plan your interview.

Unit 6 >> Negligence, Data Privacy, and Child Abuse Reporting

Introduction

In the previous units, you studied complex legal issues that sometimes require the balancing of competing interests. The arenas of negligence, data privacy, and child abuse reporting are less confusing and more defined. The responsibilities are also more clearly delineated; that is, in some of these areas, education professionals can be found guilty of a misdemeanor, be held liable, or suffer disciplinary action for a violation of statute or policy.

In each of these areas, educators must know federal statutes, state laws, and district policies. The general guidelines that apply in most situations will be addressed in this unit's assignment. In addition, you will be asked to access your state statutes or district policies so you can learn more about your own context.

A *tort* is a civil wrong in which someone suffers harm or loss because of the wrongful conduct of another person. A tort is not a contract. At the conclusion of this unit, you will understand the concept of tort liability and be able to use case law as precedent to establish procedures for faculty and staff. The torts that educators most often confront are negligence, assault, battery, defamation, and strict liability.

Case law is abundant in the area of negligence. An emerging tort liability area is violation of individuals' civil rights. In this unit, you will learn to apply the requirements of data privacy with reference to student and educational data. You will also learn about the expectations in your state regarding child abuse reporting.

Essential Questions

1. Where does responsibility end and liability begin?
2. Where does liability end and responsibility begin?
3. Is someone always at fault when someone suffers harm or loss?

Learning Activities

u06s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 4, "National Security and School Safety," pages 101–124.
  - School safety is a fundamental right of students and teachers. One very interesting question Essex addresses in this chapter regards the fairness of zero-tolerance policies.
- Chapter 6, "School Personnel and School District Liability," pages 156–187.
  - Most lawsuits against schools not involving special education issues are torts. In this chapter, Essex explains exactly what a tort is and how schools can avoid costly litigation.
- Chapter 7, "Liability and Student Records," pages 188–202.
  - Every administrator must understand the Family Education Rights and Privacy Act (FERPA). This chapter contains the basic information an administrator needs.

Use the Internet to review the following:

- Safford Unified School District v. Redding (2009) [PDF]. Available from http://www.oyez.org
  - Use this case to help understand the Supreme Court's opinion on the limits of school searches.

u06s1 - Learning Components

- Describe the essential standards involving civil and criminal liabilities of which a school leader must be aware.
- Explain the confidentiality rights of students and staff.

u06a1 - Article Evaluation

Overview

This assignment provides an opportunity to easily review multiple recent articles on torts involving schools and student safety.

Instructions

To complete this assignment:

- Use the Capella library and/or the Internet to find articles on three different topics from this week that you deem valuable to an administrator.
- From these, identify the three articles you consider most useful and summarize each article.
- Provide a brief overview of the articles you choose and include a rationale for your choices.

Check the Resources area for other resources that may be useful as you complete the assignment.

Additional Requirements

- Limit the text to two pages.
- Use correct APA style for legal references.

Course Resources
Capella University Library
Citation Guides: Citing Legal Materials
Education Program Guides

u06d1 - Child Abuse Interview Summary

School employees and volunteers often observe students regularly and over relatively long periods, becoming familiar with them as a result. Like medical doctors, school district employees are obligated to report evidence of child abuse. Child abuse is a criminal act, as well as a civil tort (such as battery).

For this discussion, interview a school counselor, social worker, or school nurse who has made several reports to state or county child protection authorities. Do the following:

- Note the name of your interviewee (or the person's position only, if you wish to protect their identity) and the date of the interview.
- Ask for details of the procedures in your state and district on reporting child abuse: when to make a report, and to whom. Include a list of anyone in the school who is informed when a report has been made.
- Ask the interviewee to discuss their philosophy concerning child abuse.
- Include a statement as to whether you have ever had to report a suspected case of child abuse.

Consider using the Unit 6 Sample Interview Template, in Resources, to organize your information.

Summarize the interview in no more than three pages and post it in the discussion area by **Friday**.

Response Guidelines

Evaluate your peers' summaries to determine if the actions of their interviewees seem consistent with what they stated is the law. Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

Course Resources
Graduate Discussion Participation Scoring Guide
Unit 6 Sample Interview Template [DOC]

Unit 7 >> The Rights of Teachers

Introduction

The rights of teachers and other employees are broad enough to justify a separate course by themselves. However, in the interest of time, and to allow for other topics, we will address only the most important concepts.

Under common law, school boards have the right to hire and fire teachers—usually for cause, or as a reduction in force. Those rights, however, do not include the right of school boards to act arbitrarily or capriciously in dismissal actions. In the readings for this unit, you will be introduced to one of the most important due-process cases, *Cleveland Board of Education v. Loudermill* (1985), linked in the Resources. You will need to read at least the

syllabus of this case found at the Legal Information Institute of Cornell University, also linked in the Resources. This case involved a security guard hired by the Cleveland Board of Education who falsely claimed that he had never been convicted of a felony. The U.S. Supreme Court ruled that the school board was obligated to provide pretermination notice and an opportunity to respond, coupled with post-termination administrative procedures.

This case has been interpreted by the public sector as requiring an opportunity for the discharged person to tell their side of the story before being fired, even if they have a right to a full evidentiary hearing after the termination. In this unit, you will learn the general concepts of teacher rights and freedoms as outlined in the text. You will analyze the laws of your state regarding the dismissal of teachers, identify which due process is required, as well as the First Amendment rights held by probationary teachers and continuing contract teachers.

Essential Question

1. Are teacher rights and student rights always in conflict?

References

Cleveland Board of Education v. Loudermill (1985). Retrieved from http://www.oyez.org/cases/1980-1989/1984/1984_83_1362

Cornell University Law School. (n.d.). Legal Information Institute. Retrieved from https://www.law.cornell.edu/

Learning Activities

u07s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 8, "Teacher Freedoms," page 203–222.
  - As states become more proscriptive in their curricula, are teacher freedoms being eroded? Is it more difficult today for teachers to form associations or join unions? Can teachers be held accountable for what they say or write away from the school on their own time?
- Chapter 10, "Recruitment, Tenure, Dismissal, and Due Process," pages 247–282.
  - Although it is difficult to dismiss a tenured teacher, it is not impossible. Under which circumstances can a teacher be dismissed? When do community standards affect teacher behavior? Exactly what does *tenure* mean?

Use the Internet to complete the following:

- Cleveland Board of Education v. Loudermill (1985) [PDF]. Available from http://www.oyez.org
  - Read this transcript to understand the reasoning of the Supreme Court concerning public employee rights, including property rights to their jobs.

u07s1 - Learning Components

- Evaluate relationships between teacher rights and freedoms and performance and accountability.
- Propose solutions that highlight the legal requirements for personnel selection, development, retention, and dismissal.

u07s2 - Grounds for Dismissal Research

Research the grounds for dismissal of a tenured teacher and a probationary teacher in your state. If your state lists conduct unbecoming a teacher or immoral conduct, be prepared to describe what that means in your state. If you teach in a private school or public charter school, you should be prepared to describe briefly the grounds for dismissal in your school.

You will use this information for the discussion in Unit 8.

u07a1 - Due-Process Presentation

Overview

For this assignment, research and summarize due-process procedures for teachers in your state for a PowerPoint Presentation.

Instructions

First, conduct a state statute search to determine which due process must be provided for a probationary teacher and a continuing contract teacher in your state. Then create a PowerPoint deck with presenter's notes to convey to the school board how your school handles the following:

- **Dismissing a Teacher.**
  - Summarize the grounds for dismissing a probationary teacher.
  - Summarize the grounds for dismissing a tenured teacher.
- **Immoral Conduct.**
  - If your state cites *immoral conduct*, *conduct unbecoming a teacher*, or a similar term among its reasons for dismissal, explain what that term means. If it is not mentioned, state that fact in your paper.
- **Dismissal Process.**
  - Explain any timelines involved in the process.
- **Evaluation and Professional Growth.**
  - Explain how the staff evaluation and development process designed to improve the performance of a teacher relates to the dismissal action.
  - Describe how your district designs professional growth plans for teachers and in what context.

Check the Resources area for other resources that may be useful as you complete the assignment.

Additional Requirements

- Include title and reference slides.
- Use APA style for your references slide.

ePortfolio Prompt: You may choose to save this learning activity to your ePortfolio.

Course Resources
Citation Guides: Citing Legal Materials
ePortfolio
Capella University Library: PowerPoint Presentations

u07d1 - Academic Freedom

Teachers sometimes cite First Amendment rights to free speech to defend their classroom actions when questioned by parents or administrators who express concerns about curriculum.

Historically, *academic freedom* applies to the academy—that is, the university—and courts have tended to treat it that way. In the case of *Piarowski v. Illinois Community College* (1985), the court stated that

> many decisions describe "academic freedom" as an aspect of the freedom of speech that is protected against governmental abridgment by the First Amendment. . . . The term is equivocal. It is used to denote both the freedom of the academy to pursue its ends without interference from the government (the sense in which it used, for example, in Justice [Lewis] Powell's opinion in *Regents of the University of California v. Bakke* . . . (1978), or in our recent decision in *EEOC v. University of Notre Dame Du Lac*, 715 F.2d 331, 335-36 (7th Cir. 1983)), and the freedom of the individual teacher (or in some versions—indeed in most cases—the student) to pursue [their] ends without interference from the academy; and these two freedoms are in conflict.(759 F.2d 625 (7th Cir. 1985))

In your Essex(2012) textbook, the author notes that public school teachers are not given the same latitude as college professors and, for them, the concept of *academic freedom* is very limited. He observes that academic freedom in the public school

> supports the belief that the classroom should be a marketplace of ideas and that teachers should be provided freedom of inquiry, research, and discussion of various ideas and issues. Because public school teachers teach students of tender years who are impressionable, their

> freedom of expression in the classroom is limited by factors such as grade level, age, experience, and readiness of students to handle the content under discussion. (p. 208)

In *American Public School Law*, Alexander and Alexander (2012) assert that "there is scarce case law to support the proposition that an elementary or secondary school teacher has a constitutional right to academic freedom per se beyond First Amendment protections" (p. 810).

Discuss the following:

- Do you agree with Essex and the Alexanders that academic freedom is limited for public school teachers?
  - Explain.
- Have state standards, state assessments, and high-stakes tests affected teachers' freedom to teach?
  - How?
  - Do you think you have the freedom you need to teach effectively in your district?
  - Why or why not?
- Based on what you have read, do you think the courts have become more lenient or more restrictive regarding academic freedom for public school teachers?
  - Provide reasons for your answers.

Check the Resources area for other resources that may be useful as you complete your discussion post.

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

The discussion is due on **Wednesday**.

ePortfolio Prompt: You may choose to save this discussion to your ePortfolio for Program Outcome 15.

References

Alexander, K., & Alexander, D. M. (2012). *American public school law*. Belmont, CA: Wadsworth.

Essex, N. L. (2012). *School law and the public schools: A practical guide for educational leaders* (5th ed.). Pearson.

Regents of the University of California v. Bakke, 438 U.S. 265 (1978). Retrieved from https://www.oyez.org/cases/1979/76-811

Course Resources

Graduate Discussion Participation Scoring Guide
Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson. ISBN:9780133905427.
ePortfolio
Regents of the University of California v. Bakke, 438 U.S. 265 (1978) [PDF]. https://www.oyez.org

u07d1 - Learning Components

- Identify the limits of academic freedom for teachers within the P–12 setting.
- Interpret and apply core legal principles to an individual situation.

Unit 8 >> The Rights of Teachers (Continued)

Introduction

In this unit, you will continue to study the rights of teachers, specifically the issues of due process, termination, and tenure.

Essential Questions

1. What constitutes a legal termination of a teacher?
2. What is the relationship between the due-process rights of teachers and legal terminations?

Learning Activities

u08s1 - Studies

Readings

Review the following, paying particular attention to discussion of teacher dismissal and its causes:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 8, "Teacher Freedoms," pages 203–222.
  - When a teacher takes a position educating students, the teacher does not necessarily surrender their constitutional rights. This chapter discusses various forms of teacher freedoms and substantive and due-process considerations related to those freedoms.
- Chapter 10, "Recruitment, Tenure, Dismissal, and Due Process," pages 247–282.
  - Because the goal of education is to provide students with the best learning experiences possible, a district must hire the best candidates available. This chapter explores due process associated with the recruitment, tenure, and dismissal of school and district personnel.

Use the Internet to read the following in preparation for this unit's assignment:

- Gardiner, M. E., & Tenuto, P. L. (2015). Reflections of practicing school principals on ethical leadership and decision-making: Confronting social injustice. *The Journal of Values-Based Leadership, 8*(2). https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1127&context=jvbl
- Lynch, M. (2015, September 7). The eight principles of ethical leadership in education. https://www.theedadvocate.org/the-eight-principles-of-ethical-leadership-in-education/
- National Policy Board for Educational Administration. (2015). Professional standards for educational leaders [PDF]. http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf

u08s1 - Learning Components

- Propose solutions that highlight the legal requirements for personnel selection, development, retention, and dismissal.
- Describe the role of education leaders in avoiding and resolving ethical violations.
- Differentiate among ethical codes for educators, legal statutes, and case law.
- Identify types of ethical violations by teachers and leaders in the P–12 educational setting.

u08s2 - Assignment Preparation

To prepare for your Unit 9 assignments, complete the following:

- Read the assignment instructions and scoring guides to ensure that you understand all criteria.
- Begin working on the first assignment, Termination.
- Consider taking the Learner Self-Assessment of Professional Dispositions [DOC], which you will use in a Unit 9 discussion as well.

u08a1 - Ethical Violations

Overview

For this assignment, you will hold discussions with school administrators on ethics in education, then prepare a summary of these activities.

Instructions

Obtain a copy of the teacher code of ethics for your state. If your state does not have a published educators code of ethics (most states do), you may use one from a national organization or your local district or school. Using this resource, develop a list of examples of ethical violations that may result in administrative action.

Then, meet with your school principal or other appropriate school administrator to share your examples and explain your plan to present the examples to a group of at least three teachers. Ask the principal to identify what they consider the most common ethics issues in your state involving teachers.

Meet with a group of at least three teachers and discuss the examples. In the meeting, address the following:

1. What are the possible consequences in your state for a violation of the educators code of ethics?
2. How does an educators code of ethics differ from legal statutes and case law?
3. What responsibilities should and do educators have if they discover or have knowledge of a colleague violating the educators code of ethics?
4. What do you think should be added to or removed from the educators code of ethics? Why?
5. Do you believe that teachers in your school or acquaintance are aware of the ethics requirements for teachers?

Additional Requirements

Your paper should include:

- An overview of the example ethical violations you chose for your discussion.
- Key points from your meeting with the principal to prepare for the meeting with the teachers.
- Summary of your response to each of the five questions listed above.
- Key points from the discussion with the teachers.
- Correct APA formatting.

u08d1 - Teacher Terminations

Although we often learn from making mistakes, this discussion offers the opportunity to learn from others' mistakes by reviewing teacher termination cases in which the courts found insufficient protection of a teacher's due-process rights.

Complete the following:

- Search the Internet for a recent teacher termination case in your state. If your school is a private school, you may use any private school case.
- Brief the case in paragraph form at the beginning of your post and address the following:
  - Were any timeliness issues present in the case? If so, what were they?
  - Can teachers be given the chance to correct their behaviors and at the same time have due process? Why or why not?
  - What have you learned that you cannot do in a teacher termination?
  - Is it impossible to terminate a tenured teacher? Why or why not?
- Post a short list of best and worst practices you have assembled from reading the case you found.
- Give the Reporter reference for the case and attach the link to the full case to your discussion post to demonstrate that you can access an online case from a primary source.

Post your discussion by **Wednesday**.

Check the Resources area for other resources that may be useful as you complete your discussion post.

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

Course Resources
Graduate Discussion Participation Scoring Guide
Database Guide: HeinOnline
FastCase from HeinOnline
HeinOnline

u08d1 - Learning Components

- Identify issues of due process in teacher dismissals.
- Analyze how the performance improvement processes of a district's supervisory and evaluation model relate to its dismissal procedures.

Unit 9 >> Teacher Employment and Collective Bargaining

Introduction

Units 7 and 8 focused on teachers' rights, including some questions on tenure. This unit delves into the employment issue a bit further and investigates questions of discrimination in hiring and collective bargaining rights. The discrimination questions are timely because it seems as if there are news stories about harassment cases almost daily.

The history of teacher bargaining rights is relatively short. Teachers could not bargain collectively until changes were made to state laws during the 1950s and 1960s. School administrators often object to collective bargaining for what they perceive as the large time commitment and inefficiency involved in negotiating teacher and other employee contracts. This unit introduces some relevant court cases and provides for a discussion of these issues.

Collective bargaining has had a broad impact on education as a whole. It covers the entire range of terms and conditions of employment. Unlike the private sector, in which unions are losing members, the public sector, including the education sector, has seen growth in union membership and scope of issues covered. However, in recent years, some state legislatures have passed laws that restrict the rights of public employees to bargain. Currently, almost half of the states are "right to work" states, including some former manufacturing strongholds.

In addition to collective action, the education sector has experienced what all sectors have experienced: growth of the assertion of individual rights to be free from discrimination. The readings in this unit discuss age, sex, religion, race, national origin, and disability discrimination.

Essential Questions

1. What is a *property right to employment*?
2. What is *collective bargaining*?
3. What is the distinction between "right to work" states and other states?

Learning Activities

u09s1 - Studies

Readings

Read the following:

Essex, N. L. (2016). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Pearson.

- Chapter 9, "Discrimination in Employment," pages 223–246.
    - This chapter contains information on various topics affecting the administrator's school leadership. Pay particular attention to the section on sexual harassment.

Multimedia

Listen to Dr. Richard Humphries discuss the range of collective bargaining issues that K–12 districts may face in the media presentation Education and the Law: Collective Bargaining Issues.

- Dr. Humphries is a labor lawyer who specializes in the arbitration and mediation of public- and private-sector labor and management disputes. He is also a part-time faculty member at Capella University.

u09s1 - Learning Components

- Describe key employment discrimination issues that education leaders must consider.
- Describe key issues related to collective bargaining that education leaders must understand.

u09a1 - Termination

Overview

For this assignment, research and report on your district's (or private school's) policies about terminating an incompetent teacher with tenure.

Instructions

Assume the role of a school principal who supervises a tenured teacher who is not competent to teach. The school board has directed you and the human resources director to do what is legally necessary to remove the teacher from employment.

What do you do?

- Based on your district policies (or school policies if a private school), briefly describe the legal requirements for removing an incompetent tenured teacher.
- Identify a list of tasks that must be performed to remove the teacher.
- For each task:
  - Indicate who is responsible for each activity: you, the human resources director, or the school district's attorney. If any one of these three does not have a role, state that fact in the paper.
  - Suggest a timeline for the completion of each task that includes the amount of time an individual has to complete an action.

Additional Requirements

- Use the template provided in Resources to complete the assignment. Check the Resources area for other resources that may be useful as you complete the assignment.
- Submit a paper of no more than two pages.
- Follow legal APA guidelines as appropriate.

ePortfolio Prompt: You may choose to save this learning activity to your ePortfolio.

Course Resources
Citation Guides: Citing Legal Materials
ePortfolio
Unit 9 Termination Assignment Template [DOC]
HeinOnline
FastCase from HeinOnline

u09a2 - Professional Dispositions Self-Assessment

Complete the Learner Self-Assessment of Professional Dispositions linked in Resources. Rate yourself by highlighting the box on the continuum that you believe best describes you. For all scores, provide a rationale for the score you assigned to each disposition.

When you have completed the assessment, post it as an attachment in the assignment area.

Course Resources
Learner Self-Assessment of Professional Dispositions [DOC]

u09d1 - Tenure

Collective bargaining is defined as negotiations between labor and management over issues of wages, hours, and employment conditions. Successful negotiations result in a *collective bargaining agreement*. Collective bargaining frequently addresses the order of layoff from a position and grounds for discipline, including termination. *Tenure* is a statutorily created long-term arrangement of indefinite length, often called a *continuing contract*. Given those definitions, answer the following:

- What are the differences between what a collective bargaining agreement might provide and what tenure provides?
    - If your state or school has tenure, use that policy as the example. If it does not have tenure, are there protections for teachers?
- Do you support the statement that all teachers should have the legal right to bargain?
    - Explain your reasoning.

Response Guidelines

Respond to at least one learner's post and discuss questions you may have or any inconsistencies you noticed.

Course Resources

Graduate Discussion Participation Scoring Guide

u09d1 - Learning Components

- Explain the differences between collective-bargaining agreements and tenure systems.
- Articulate a position on collective bargaining from the perspective of an education leader.

u09s2 - Assignment Preparation

During this unit, look ahead to the Unit 10 Case Study assignment. In preparation for the assignment, complete the following:

- Read the assignment instructions and scoring guide to ensure that you understand all criteria.
- Read the Case Study Scenarios [PDF].

Unit 10 >> Final Assignment

Introduction

In this unit, you will apply what you have learned throughout the course in the form of a course paper and through your analysis of a case study. Your analysis requires that you see the issues, determine how to deal with them, and determine how you would defend or resolve the dilemma. This exercise is not designed to make you a lawyer but rather to familiarize you with the process of dispute resolution and preventive law.

Essential Questions

1. How are disputes typically resolved in the education sector?
2. Which elements of preventive law apply specifically to education?

Learning Activities

u10s1 - External Assessment Requirements

The P–12 Leadership Program has two types of external assessment requirements associated with its programs. The P–12 Leadership Program includes:

- Leadership in Educational Administration.
- Special Education Leadership (SEL).

External Assessment for the Quality of Candidate Preparedness

The first external assessment is mandated as a program requirement. This assessment is not connected to your applying for certification in your state to be an administrator (principal, superintendent, special education director, curriculum director, and so on). This assessment is a program component for all learners regardless of the state requirements in which they are seeking certification/licensure. This program requirement is in place because the

Leadership in Educational Administration (LEA) and the Special Education Leadership specialization are a part of the Educator Preparation Provider (EPP) that has received national recognition and accreditation through Council for the Accreditation of Educator Preparation (CAEP). Part of the accreditation requirement includes providing candidate performance data.

External assessments have been chosen through ETS to ensure that candidates are able to complete the computer-based assessment. These assessments are aligned with CAEP Standards and the Council for Exceptional Children (CEC) Professional Standards and have been selected to provide performance data about preparedness rates of learners in each program. This data will be reported and used to assess the quality of the programs. It is important for learners to be aware that they must complete the appropriate assessment by the end of the second internship for their catalog. Learners will submit their score reports in the second internship course as a course requirement.

Below are the external assessments that learners will need to complete as a program requirement:

Leadership in Educational Administration–MS, EdS, and PhD

School Leadership Emphasis–Principal

- All learners:
  - Beginning July 2016, LEA learners in the School Leadership Emphasis are required to take the *Praxis II Series: Educational Leadership: Administration and Supervision* that is administered through ETS and submit their score reports to successfully complete the program. To be recommended for licensure, learners must successfully pass the *Praxis LL Series: Educational Leadership: Administration and Supervision* with a score of 145 or above.
  - LEA learners in the School Leadership Emphasis who enrolled under an earlier catalog must take the School Leaders Licensure Assessment (SLLA) that is administered through ETS and submit the score report to successfully complete the program. To be recommended for licensure they must pass the exam with a minimum score of 163.
  - **UPDATE:** Because of the change in the licensure exam in the July 2016 catalog, LEA learners in the School Leadership Emphasis who enrolled under an earlier catalog may substitute the *Praxis II Series: Educational Leadership: Administration and Supervision* for the SLLA if desired. If this option is chosen, learners must take the *Praxis II Series: Educational Leadership: Administration and Supervision* and submit the score report to successfully complete the program and pass the exam with a score of 145 or above to be recommended for licensure.
  - Learners can visit the ETS website to learn more about the exams. Learners are responsible for any costs associated with this assessment.

District Leadership Emphasis–Superintendent

- All learners:
  - Beginning July 2016, LEA learners in the District Leadership Emphasis are required to take the *Praxis II Series: Educational Leadership: Administration and Supervision* that is administered through ETS and submit their score reports to successfully complete the program. To be recommended for licensure, learners must successfully pass the *Praxis II Series: Educational Leadership: Administration and Supervision* with a score of 145 or above.
  - LEA learners in the District Leadership Emphasis who enrolled under an earlier catalog must take the School Superintendent Assessment (SSA) that is administered through ETS and submit the score report to successfully complete the program. To be recommended for licensure they must pass the exam with a minimum score of 160.
  - **UPDATE:** Because of the change in the licensure exam in the July 2016 catalog, LEA learners in the District Leadership Emphasis, who enrolled under an earlier catalog, may substitute the *Praxis II Series: Educational Leadership: Administration and Supervision* for the SSA, if desired. If this option is chosen, learners must take the *Praxis II Series: Educational Leadership: Administration and Supervision* and submit the score report to successfully complete the program and pass the exam with a score of 145 or above to be recommended for licensure.
  - Learners can visit the ETS website to learn more about the exams. Learners are responsible for any costs associated with this assessment.

Curriculum and Instruction (C&I)–EdS and PhD

Beginning July 2016, learners in the Curriculum and Instruction program do not have a licensure exam requirement.

Special Education Leadership

Learners in the Special Education Leadership (PhD) specialization are required to take the *Praxis II Series: Educational Leadership: Administration and Supervision* and submit the score report to successfully complete the program. To be recommended for licensure, learners must successfully pass the *Praxis II Series: Educational Leadership: Administration and Supervision* with a score of 145 or above. Learners can visit the ETS website to learn more about the exams. Learners are responsible for any costs associated with this assessment.

Notes:

It important to note that learners are not allowed to substitute an alternative external assessment based on state licensure or certification requirements as a replacement for any of the external assessments that are taken as a program requirement. The example below provides a scenario that demonstrates what this means.

Example: Texas resident learners are required to complete the Principal TExES assessment to become certified as a principal. Learners cannot use the score on the Principal TExES assessment in place of the program external assessment *(Praxis II Series: Educational Leadership: Administration and Supervision*). In this scenario, the learner would need to do two things:

1. Complete the program external assessment and submit the *Praxis II Series: Educational Leadership: Administration and Supervision* scores.
2. Complete the Principal TExES assessment and report the scores to the appropriate certification office along with any other state requirements for licensure as a principal.

In this scenario, the learner would be required to complete two different external assessments to meet both the program requirement and the licensure or certification requirement for the learner's state.

Though taking these external assessments is a program requirement, numerous states also require learners interested in pursuing state certification or licensure to complete an appropriate assessment aligned to the certification or licensure being pursued. If you are in a state that requires you to complete one of the assessments above for licensure or certification, you may use the scores to report to your state; however, you will need to check with the state to determine its passing rate. The example below provides a scenario that demonstrates what this means.

Example: Learners in the state of South Carolina are required to complete the *Praxis II Series: Educational Leadership: Administration and Supervision* assessment to become an administrator. Because this assessment is also a program requirement for the LEA program (school and district emphases), learners could choose to submit their score reports as follows:

- Complete the *Praxis II Series: Educational Leadership: Administration and Supervision* and submit the score report to Capella. Identify the state agency when registering for the *Praxis II Series: Educational Leadership: Administration and Supervision*. The score report will automatically be sent to the state department of education noted during the registration process.

In this example, the score report is being used to satisfy two different requirements; however, learners must be aware of the pass rate for the state, as it may differ from the program requirement.

Though the assessment will not be completed until the internship experience toward the end of the program, learners are encouraged to become familiar with the assessments and the specifics of registering for them on the ETS site at least two quarters before beginning the clinical application process.

External Assessment for State Approval

The second external assessment requirement is based on state approval and is mandated for the Leadership in Educational Administration program. The LEA program has state approval in three states: Arizona, Georgia, and Minnesota. Because the LEA programs (MS, EdS, and PhD) are approved in these states, candidates are required to complete the required state assessment if they wish to pursue licensure as a principal or superintendent in the state. Below are the assessments associated with the three state approvals:

Minnesota

- The state of Minnesota does not have a state licensure or certification requirement. As such, candidates in the LEA (EdS and PhD) and SEL programs are not required to complete an assessment to be licensed as a principal, superintendent, or special education director in Minnesota.

Georgia

- *Georgia Assessment of the Certification of Educators (GACE) Educational Leadership Assessment:*
  - The Georgia Professional Standards Commission (GaPSC) requires Georgia learners who are currently enrolled in an approved performance-based educational leadership program *to attempt* the *GACE Educational Leadership* exam before program completion *and pass* the exam for certification. Georgia learners will be granted permission to take the exam when they begin the internship. Georgia learners can attempt the *GACE Educational Leadership Assessment* in either ED7901 or ED7902. Learners are responsible for any costs associated with this assessment.
- *Georgia Ethics for Educational Leadership Assessment:*
  - The GaPSC now has two Georgia *Ethics for Educational Leadership Assessments: Program Entry (Test 370)* and *Program Exit (Test 380).* Georgia learners who were enrolled in an approved performance-based educational leadership program in 2015 or earlier are not required to complete the *Program Entry (Test 370)*. However, we strongly encourage Georgia learners to do so. This assessment is a great way to assess how you would handle various situations, which is critical to strengthening your decision-making skills. Georgia candidates who are enrolled in a performance-based educational leadership program on or after July 1, 2016, are required to attempt the *Program Exit (Test 380)* before program completion and pass the exam for certification in the field of educational leadership. Learners are responsible for any costs associated with this assessment.

Arizona

- The Arizona Department of Education requires learners in the Leadership in Educational Administration (MS and PhD) who are pursuing licensure in Arizona to pass the following assessments to be recommended for licensure in Arizona: *Principal Emphasis: Arizona Educator Proficiency Assessment* (two *Principal* subsets) and *Superintendent Emphasis: Arizona Educator Proficiency Assessment (Superintendent)*. Learners must submit the assessment scores to the university to be recommended for licensure in the state of Arizona. Learners are responsible for any costs associated with this assessment.

u10s2 - Clinical Experience: Thinking Ahead

Learners who are enrolled in the following P–12 Leadership Programs are required to complete a clinical experience to successfully complete the program:

- Leadership in Educational Administration (MS, EdS, and PhD).
- Curriculum and Instruction (EdS and PhD).
- Special Education Leadership (PhD).

You are encouraged to begin planning for the clinical experience now. Note that you will need to have a licensed or certified practicing principal, superintendent, special education director, or curriculum director to serve as your site supervisor during the two-quarter internship. The site supervisor must be licensed and working in the position. It is important for learners who are pursuing the principalship to understand that an assistant principal *cannot* serve as the primary site supervisor; that role must be held by the school principal.

At least two quarters before your planned internship, be prepared to submit your clinical application, available on Campus. If you cannot locate the clinical application, please contact the Clinical Experience Office at soeclinicalexperience@capella.edu.

u10a1 - Case Study

Overview

For this assignment, develop a completed case study paper using the correct APA style and formatting for legal materials.

Instructions

Choose a case study from the Case Study Scenarios, linked in Resources, to complete this assignment.

Check the Resources area for other resources that may be useful as you complete the assignment.

Even though you should use the textbook to begin looking for case law relating to your scenario, do not use the textbook as a reference. Cite the Reporter references for the original cases that you find.

Find cases that fit the issues you identified—not necessarily cases that mimic the case study scenario. You may find a case that is close to the scenario but it is not necessary. For example, if the scenario is about a man who falls down darkened stairs in a school and sues the district, look for cases on torts involving schools and negligence, not cases about a person falling down stairs.

Include the following in your paper. Headings and sections should follow the bold text.

- **Cover page.**
- **Abstract.**
- **Table of Contents.**
- **Case Summary.**
  - Direct quote of the scenario verbatim.
- **Major Legal Issues.**
  - Identify 3–5 major legal issues and explain the relevance to your scenario.
- **Major Case Law Governing the Issues.**
  - Identify the major case laws (6–10 recent cases) governing the issues identified. Then:
    - Brief the cases in paragraph form.
    - Explain the meanings of the cases that govern the legal issues you have identified.
- **Arguing a Position.**
  - Argue a position using the cases by explaining how each case applies to your arguments.
- **Weaknesses in Argument.**
  - Articulate the major weaknesses in the position you take.
- **Avoiding or Preventing Litigation.**
  - Describe how litigation could be avoided or prevented.
- **Reflection.**

    - Reflect on the work you have done by answering these questions:
        - What are the most important things you learned from completing this case study?
        - What are the implications for you as an educational leader?

- **Conclusion.**
- **References.**

Refer to the Sample Case Study Paper in Resources for an example of how to structure your paper.

Additional Requirements

- Cite the cases correctly in the text of your paper. Be sure you include the name of the case and, in parentheses, the year in which the opinion was rendered.
- Keep the length of your case study to 10 double-spaced pages or fewer (not including the cover page, table of contents, abstract, and references).
- Use APA style and formatting for legal case study and references. **Reminder:** Do *not* use your textbook as a reference.
- Consider submitting your paper to Smarthinking.

ePortfolio Prompt: You are required to save this learning activity to your ePortfolio.

Course Resources
Sample Case Study Paper [DOCX]
ePortfolio
Citation Guides: Citing Legal Materials
Abstracts Handout [PDF]
Case Study Scenarios [PDF]

u10a2 - ePortfolio Check

In this assignment, you will ensure that you have completed and added your Case Study assignment to your ePortfolio. You will upload the Case Study assignment to the category for Outcome #2. Refer to the link in Resources for more information regarding how to upload your assignment to your ePortfolio.

Paste the link to your ePortfolio in the **WRITE SUBMISSION** text box in the assignment submission area. When you turn in this assignment, your instructor will check your ePortfolio to make sure that your assignment has been saved to the appropriate location.

Course Resources
ePortfolio

u10d1 - Grade Changes

In your *School Law and the Public School*s text, review "Insubordination – Failure to Change a Student's Grade," on page 280. Based on all you have learned in this course over the past nine weeks, briefly respond to the discussion questions that follow the short scenario on page 280. The discussion is also due on **Wednesday**.

Response Guidelines

Respond to at least one learner's post (by **Friday**) and discuss questions you may have or any inconsistencies you noticed.

Course Resources

Graduate Discussion Participation Scoring Guide

u10d1 - Learning Components

- Determine resolutions to situations related to teacher performance.