



**The University of South Dakota
Division of Educational
Administration
EDAD 735-School Law
Fall 2009**

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Class Time: Online Modules
Class Location: Online through Desire to Learn (D2L)
Office Hours: Wednesdays 5:00-7:00 p.m. by D2L, phone, or Elluminate™

I. Course Description

This course explores the principles of law applicable to practical problems of school organizations and administration in the United States.

II. Rationale

Grounded within the Reflective Decision-Making Model of USD, this course prepares professionals through the School of Education for practice and decisions about school administration that integrate theory, research, and experience. The course examines the fundamental components and practices that have led legal frameworks in schools and calls for educators to reflectively develop school procedures and policies that fit within their own institutional frameworks and assure equal educational opportunity. The course challenges these professionals to decide upon appropriate policy and procedures as they address contemporary student needs, lead instructional practice, and assure academic quality in the rural climate of the Midwest.

III. Textbooks

The textbook adopted for this course:

LaMorte, M. W. (2008). *School law: Cases and concepts 9th ed.*. Needham Heights, MA: Allyn and Bacon.

A webcam with audio or a microphone is also required for this course. . The webcam and microphone will be utilized in three chat sessions throughout the semester. You will be expected to participate in three Elluminate Live sessions on Sept. 9, Oct. 7, and Nov. 4 at 7-8:30 p.m. CST.

This text is available through Barnes and Nobel at USD. You can contact them at bn@usd.edu or by going to their website at <http://usd.bkstore.com> to make your order of the book. They can also be reached at (605)-677-6291. To make an order they will need:

1. Your name
2. Your mailing address (street address for UPS shipping)
3. A daytime telephone number where you can be reached.
4. Your credit card number and expiration date.
5. The course number (EDAD 735)

IV. Course Objectives and Outcomes

This course is designed to enable students to:

Objective / Outcome	Standards Code	Assessment
Demonstrate an understanding the philosophical bases underlying the American system of law including the legal framework, legal principles, legal terms and selected landmark cases.	ELCC 1.1a; 6.1a; 6.1b; 6.1g; 6.3g	Exams
Apply knowledge gained from the course content of the federal and state statutes governing the operation of education programs.	ELCC 6.1a; 6.1b; 6.1a	Online discussions Policy Paper Legal Briefs
Interpret information from various sources of law using technology and other methods about significant legal cases that relate to education programs.	ELCC 3.1a; 3.3c; 6.1a; 6.1b; 6.1c;	Policy Paper Legal Briefs
Articulate what is legal and ethical practice within an educational institution that serves the unique needs of individuals with diverse backgrounds.	ELCC 1.1a;1.1b; 6.1a; 6.1b; 6.1d; 6.1e; 6.1 f; 6.1g	Online discussion Exams

V. Technology Requirements

Students will need to have a computer that is accessible to the Internet and has Microsoft Office installed. Students should also have Adobe Acrobat Reader installed on their computer. This is a free download at www.adobe.com. Web CT will be the course management system that is utilized during the semester. Students will need to have a user id and password from the University of South Dakota. If you do not have a user id or have any technology questions throughout the semester please contact the student help desk at (605) 677- 5028 or e-mail helpdesk@usd.edu.

A webcam with audio or a microphone is also required for this course. . The webcam and microphone will be utilized in three chat sessions throughout the semester. You will be expected to participate in three Elluminate Live sessions on Sept. 9, Oct. 7, and Nov. 4 at 7-8:30 p.m. CST.

VI. Instructional Methods and Activities

Methods and activities for instruction include:

- A. Distance Experiences
 1. Online discussion will be used extensively throughout the course. Course content will be presented by utilizing Power Point and chapter summaries.
 2. Guest presenters may be invited to share their expertise through the use of chat room or video.
 3. Examples of various online legal resources and instructional materials may be provided throughout the course.
 4. Student interaction and participation in the online environment is critical to the success of the learning experience.

- C. Clinical Experiences
 1. Group discussion and project work will be used throughout, specifically during the discussion board, and online chats.
 2. Students will be able to share the experiential learning from the completion of their legal briefs and discussion postings.

- D. Field Experiences:
 1. Where possible, the course will allow students to visit each other faces to face.
 2. Through individualized learning projects and goals students will be able to engage in a variety of field-based activities, e.g., discussing with professionals, learning about professional organizations, attending workshops, etc.

VII. Course Requirements and Assessment

A. Course Requirements

The final grade will be made up of several elements as follows:

<u>Assessment</u>	<u>Percentage</u>	<u>Points</u>
Three Exams	30%	300 Points
Legal Briefs	20%	200 Points
Policy Paper	15%	150 Points
Online Participation	35%	350 Points

Online Participation / Discussion Board: This course requires students to be actively involved in their learning about the legal frameworks of education. Students are expected to read and be prepared for each module with several thoughts and ideas from the assigned readings, to related information / materials to share, to contribute to discussions, and to interact with class members. There will be 14 modules with online participation or discussion board components. The interactive discussion will involve working in small groups in the discussion board. You will be assigned to a small group for the purposes of online participation. When you respond in the discussion board please respond to the instructor's posting in D2L by the Friday each week of the module. Then respond to two of the postings of your peers in your group, for each of the instructor's prompts by Sunday evening of each week. You will be awarded up to 15 points for the discussion for each module.

Legal Briefs: You will be asked to complete four legal briefs during the course. The legal brief assignments are posted in the dropbox of D2L. The brief will need to follow a format that is posted in D2L. The response or brief should be placed as an attachment in the drop box of D2L. You will be awarded up to 50 points for each of your legal briefs.

Online Participation / Elluminate Sessions: There will be three Elluminate Live sessions. The Elluminate Live sessions will take place on Sept. 9, Oct. 7, and Nov. 4 at 7-8:30 p.m. CST. Each session will have a set agenda. Participants will be awarded 45 points for each session. Two sessions of attendance are required. One session is optional and will provide students with 45 additional points to utilize as they wish throughout the course.

Examinations: Three 100 point, **objective exams** will be posted in D2L in the quiz feature. These exams will be a true/false, multiple choice and fill in the blank test. You can take as much time as you want to work on it but you will only be able to submit it once. The dates of the exams are as follows:

Exam One: September 28 – October 11

Exam Two: October 26 – November 8

Exam Three: November 30 – December 14

Policy Papers: Each student will write a policy paper which addresses a specific legal issue of the student's choice and has direct effect on daily administration of the school or educational institution. Put yourself in the position of a school administrator responding to the request of a superintendent or board, for a policy recommendation, along with supporting documentation, in a specific area. Examples of these areas might be in the areas of; school prayer, child abuse reporting, extra curricular activities, school security, etc... Students are encouraged to address a policy issue that involves their current professional role. Examine the schools' policy manual for ideas of what is and isn't there. Students are also encouraged to contact the instructor to assist in narrowing down the topic. The policy paper should be between 5-10 pages in length (excluding the title and references). You will explore two different school districts' policies on a topic of your choice. You

can ask the school district you are employed in for a copy or their policy manual and perhaps a neighboring school district. You can also go online and find school district policy manuals. The components of the paper should include:

- Clear Description of the two Selected Policies on the Same Topic
- Comparison and Analysis of Two Policies that details:
 - Strengths of the Policies Presented
 - Weaknesses of the Policies Presented
 - Legal Support and References for Policies Presented
 - Recommendations for Changes

The format for the paper is; APA style, double spaced, and a 12 point font. The policy paper is be submitted to the instructor by November 30 as a Microsoft Word document in the D2L dropbox.

B. Grading Scale and Criteria

The scale presents the final course grade.

<u>Grade</u>	<u>Points</u>
A+	981-1000
A	921-980
A-	900-920
B+	880-899
B	821-879
B-	800-820
C	700-799
D	600-699
F	0-599

Grading Criteria: Assignments must demonstrate grasp of the course concepts and techniques at the graduate level. All student work must exhibit the following quality indicators to be acceptable (rework arrangements may be made if it is not). The paper or instructional product should:

- address the content/task appropriately within the context of the course's concepts and techniques.
- demonstrate critical reasoning or higher order mental engagement with the content or task (e.g., application, analysis, synthesis, and evaluation).
- show creativity, originality, self-direction, and initiative in assignment selection and execution.
- clearly organize ideas and concepts, and communicates them effectively.
- exhibit the stylistic requirements of graduate work (e.g., utilize APA style, word-processed and meets length, format, citation, writing, grammar, and spelling standards).
- (for a group assignment) demonstrate the added effort and synergy created through collaboration with others (noting individual contribution in a short statement).

C. Feedback from the Instructor

Instructor Feedback: All feedback from the instructor will happen electronically. The instructor will monitor the discussion board weekly to look at the integrity and professionalism of the postings of the class participants. The instructor will only occasionally post responses in the discussion board. Feedback for all other assignments will occur in the form of a point sheet, rubric, or comments that are inserted on the actually document submitted by the student. These feedback forms will be posted in the dropbox of D2L or e-mailed back to the learner in D2L no sooner than two weeks after the assignment is submitted. The course grade will be posted in Desire to Learn one week after the completion of the course.

Students who do not turn in assignments on the due dates, ask for an extension, or are asked to redo an assignment by the instructor will not receive feedback from the instructor until the end of the course or by December 22. For example, if you do not complete your exam one by October 11, your exam may not be graded until the end of the course or by December 22.

VIII. Bibliography

The knowledge bases that support course content and procedures include:

A. Contemporary References (1990-Present)

Alexander, K., & Alexander, M.D. (2006). *American public school law* (7th ed.), Belmont, CA: West / Wadsworth.

Essex, N.L. (2007). *School law and the public schools: A practical guide for educational leaders* (4th ed). Needham Heights, MA: Allyn and Bacon.

Essex, N.L. (2006). *What every teacher should know about no child left behind*. Needham Heights, MA: Allyn and Bacon.

Fischer, D., Schimmel, D., & Kelly, C. (1999). *Teachers and the law* (5th ed). New York, NY: Longman.

Imber, M., & Van Geel, T., (200). *Education law* (2nd Ed). Mahway, NJ: Lawrence Erlbaum Associates, Inc.

McCarthy, M., Cambron-McCabe, W.H., & Thomas, S.B. (1998). *Public school law—Teachers' and students' rights* (4th ed). Boston: Allyn and Bacon.

Nolan, J.R., et.al. (1990). *Black's law dictionary: Definitions of terms and phrases of American and English jurisprudence, ancient and modern* (6th ed). St. Paul, MN: West Publishing Co.

O'Reilly, R.c. & Green, Et.T. (1992). *School law for the 1990's*. Westport, CT: Greenwood Press.

- Osborne, A.G. (1996). *Legal issues in special education*. Needham Heights, MA: Allyn and Bacon.
- Rothstein, L. (1990). *Special education law*. New York: Longman.
- Reutter, Jr. E. E (1994). *The law of public education*. Westbury, NY: Foundation Press.
- Russo, D. J. (ed) (1999). *The yearbook of education law 1999* (4th ed.). Dayton, OH: Education Law Association.
- South Dakota codified Laws* (1991 revision). Charlottesville, VA: The Michie Company.
- Thomas, G.J., Sperry, D.J., & Wadsen, F. D. (1991). *The law and teacher employment*. St. Paul, MN: West Publishing Co.
- Turnbull, III, H.R. (2000). *Free appropriate public education: The law and children with disabilities*. Denver, CO: Love Publishing.
- Underwood, J.K., Mead, J.F. (1995). *Legal aspects of special education and pupil services*. Needham Heights, MA: Allyn and Bacon.
- Underwood, J.K., Versteegen, D.A. (1990). *The impacts of litigation and legislation on public school finance: Adequacy, equity and excellence*. Cambridge, MA: Ballinger.
- Valente, W.D. (1998). *Law in the schools* (4th ed). Upper Saddle River, NJ: Merrill Publishing.
- Yudoff, M.G., Kirp, D.L., & Levin, B. (1992). *Educational policy and the law* (3rd ed). St. Paul, MN: West Publishing Co.

B. Classic References

- Nolte, M.C., (1983). *How to survive as a principal—The legal dimension*. Chicago: Teach'em Inc.
- Nygaard, G., & Boone, T.H. (1989). *Law for physical educators and coaches* (2nd ed.). Columbus, OH: Publishing Horizons.
- Strahan, R.D. & Turner, T.C., (1987). *The courts and the schools: The school administrator and legal risk management today*. White Plains, NY: Longman.

C. Key Journals

1. Education Law Review
2. Kappan
3. National School Board Association Journal
4. School Law Reporter

XI. Course Schedule and Policies

A. Tentative Course Schedule

Tentative Schedule			
Week	Topics	Readings	Assignments
Module 1 Aug. 31-Sept. 6	<i>Overview of the Course</i>	Articles Posted in D2L	Post Introduction Discussion Board
Module 2 Sept. 7-13	<i>Sources of Law The American Judicial System</i> <i>Elluminate Live Session Sept. 9 at 7-8:30 p.m. CST</i>	LaMorte pp. 3-17	Discussion Board / Legal Brief
Module 3 Sept. 14-20	<i>Compulsory Attendance Religion in Schools</i>	LaMorte pp. 20-77	Discussion Board / Legal Brief
Module 4 Sept. 21-27	<i>Use of Facilities; Fees; Health Services; Aid to Nonpublic Schools</i>	LaMorte pp. 82-103	Discussion Board / Legal Brief
Module 5 Sept. 28-Oct. 4	<i>Freedom of Expression Family Ed. and Privacy Act</i>	LaMorte pp. 106-130	Discussion Board / Legal brief Exam One Posted Sept. 28 Due Oct. 11
Module 6 Oct. 5-11	<i>Suspension and Expulsion Corporal Punishment</i> <i>Elluminate Live Session Oct. 7 at 7-8:30 p.m. CST</i>	LaMorte pp. 133-156	Discussion Board / Legal Brief Exam One Posted Wept. 28 Due Oct. 11
Module 7 Oct. 12-18	<i>Search of Students; Student Press, Student Parenthood; Extracurricular Activities; Out of School Offenses</i>	LaMorte pp. 158-190	Discussion Board
Module 8 Oct. 19-25	<i>Nonrenewal and Dismissal Academic Freedom</i>	LaMorte pp. 194-227	Discussion Board
Module 9 Oct. 26-Nov. 1	<i>Drug Testing; Professional Practice; Employment Discrimination; Bargaining and Political Activities</i>	LaMorte pp. 228-283	Discussion Board / Legal Brief Exam Two Posted Oct. 26 Due Nov. 8
Module 10 Nov. 2-8	<i>School Desegregation</i> <i>Elluminate Live Session Nov. 4 at 7-8:30 p.m. CST</i>	LaMorte pp. 286-320	Discussion Board / Legal Brief Policy Paper Due Nov. 30 Exam Two Posted Oct. 26 Due Nov. 8
Module 11 Nov. 9-15	<i>Individuals with Disabilities</i>	LaMorte pp. 323-364	Discussion Board / Legal Brief Policy Paper Due Nov. 30
Module 12 Nov. 16-22	<i>School Finance School Choice</i>	LaMorte pp. 366-410	Discussion Board / Legal Brief Policy Paper Due Nov. 30

Module 13 Nov. 23-Dec. 6	<i>Educator and School District Liability</i>	LaMorte pp. 412-444	Discussion Board / Legal Brief Exam Three Posted 30 Due Dec. 14 Policy Paper Due Nov. 30
Dec. 7-13	<i>Legal Issues and Technology</i>	Article Posted in D2L	Discussion Board Exam Three Posted 30 Due Dec. 14

Key Dates:

Assignment	Date and Time	Instructor Feedback
<i>Illuminate Live Sessions</i>	Sept. 9 7-8:30 p.m.CST Oct. 7 7-8:30 p.m. CST Nov. 4 7-8:30 p.m. CST	Scores will be posted in the gradebook of D2L
<i>Exams</i>	Available in the Quiz feature of D2L. Exam One posted on Sept. 28 Due on Oct. 11. Exam Two posted on Oct. 28 Due on Nov. 8. Exam Three posted on Nov. 39 Due on Dec. 14	Feedback in the Quiz feature and gradebook of D2L
<i>Policy Paper</i>	Due in the dropbox of D2L on Nov. 30	Feedback in the Dropbox and gradebook of D2L.

B. Class Policies

1. In order to maximize your learning, manage your time wisely and keep in constant communication with the instructor and your peers. Please try to keep an even pace. If you have extenuating circumstances where you need to be away or do not have access to the online environment please let your group members and the instructor know.
2. Consistent with the rules and regulations of the University of South Dakota, all written work by students should be the result of the individual student's research, thought, preparation, and writing efforts. "Plagiarism and work that is prepared by others outside of the enrolled class and submitted as original work by the student is reason for punitive actions which may include dismissal and other serious actions by the university." No credit can be given for a dishonest assignment. At the discretion of the instructor, a student caught engaging in any form of academic dishonesty may be:

- a. Given a zero for that assignment.
 - b. Allowed to rewrite and resubmit the assignment for credit.
 - c. Assigned a reduced grade for the course.
 - d. Dropped from the course.
 - e. Failed in the course.
2. Freedom in learning. Students are responsible for learning the content of any course of study in which they are enrolled. Under Board of Regents and University policy, student academic performance shall be evaluated solely on an academic basis and students should be free to take reasoned exception to the data or views offered in any course of study. Students who believe that an academic evaluation is unrelated to academic standards but is related instead to judgment of their personal opinion or conduct should contact the dean of the college which offers the class to initiate a review of the evaluation.
 3. Any student who feels s/he may need academic accommodations or access accommodations based on the impact of a documented disability should contact and register with Disability Services during the first week of class. Disability Services is the official office to assist students through the process of disability verification and coordination of appropriate and reasonable accommodations. Students currently registered with Disability Services must obtain a new accommodation memo each semester.

For information contact:

Ernetta L. Fox, Director
Disability Services
Room 119 Service Center
(605)677-6389
www.usd.edu/ds; dservices@usd.edu.

4. It is okay to have fun! Students are encouraged to enjoy their own graduate education – their learning experiences, their peer learners, and even the instructor!