

GEORGE MASON UNIVERSITY
GRADUATE SCHOOL OF EDUCATION

EDLE 612: EDUCATION LAW Summer 2009
Course Syllabus

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Schedule Information

Location: Innovation Hall, Room 328

Meeting Times: Mondays, Wednesdays and Fridays
7:00-10:00 p.m.
May 18 through June 17, 2009

Course Description

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

Legal problems with students, parents, and community organizations are increasing in number and complexity and official reactions and solutions to these problems are likely to be subjected to judicial review. A wrong step can land the school administrator into court—with the accompanying expense, notoriety and always embarrassment. Litigation cannot be avoided entirely, but school systems, administrators and teachers can minimize it and increase their chances of success in suits that are filed by knowing the law, anticipating problems and taking precautionary steps. The body of school law, both statutory and case has increased by leaps and bounds in the last decade. Colleges and universities preparing prospective teachers and administrators have offered courses in school law. Some state legislatures and state boards of education have prescribed training in school law as one of the prerequisites for certification.

Candidate Outcomes

Note: The outcomes below are related to both suggested and required performances. All instructors are required to include the following two performances:

1. Legal Issue Analysis
2. Special Education Case Study Analysis

Candidates will focus on major legal and ethical issues in education. During this course, candidates will:

1. verbally demonstrate an informed perspective on major topics in education law (suggested performance).
2. analyze a case study involving the identification, placement and provision of programs and services for a student who is eligible pursuant to special education provisions (required performance).
3. analyze key educational law issues in a manner which reveals comprehension of political, social, ethical, and legal influences, specifically the principles, laws, policies, cases & regulations that are applicable in education (required performance).

In addition to the candidate outcomes stated above, the following process goals are identified for this course:

Teaching and Learning:

1. Discussion is an important part of this course. All candidates are expectation to make multiple, thoughtful contributions to each class discussion, based on careful reading of the text and consideration of what classmates have previously said.
2. Writing is an important activity for many roles within schools. Therefore, the process of writing will be emphasized so that candidates will achieve the following objectives:
 - develop greater confidence in their ability to write expository, analytical, and persuasive prose;
 - learn how to review their own work and the work of others to eliminate errors and maximize clarity; and
 - produce written products immune to criticism from a skeptical public.

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

Classroom Climate:

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

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

Relationship of Candidate Outcomes to Program Goals

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

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

Course Material

Textbook: Alexander, K., & Alexander, M. D. *American Public School Law* (7th edition). Belmont, CA: Thomson West.

The required text is available in the GMU Bookstore in the Johnson Center.

In order to successfully complete required assignments, students must have access to a personal computer with internet access, be able to use basic word processing and e-mail, and access appropriate websites (see recommended websites) for supplemental materials. **Correspondence by e-mail will use your Mason e-mail account.** The Taskstream website will also be used for this class.

Outside-of-Class Resources: Candidates are required to use Taskstream (<http://taskstream.gmu.edu>) as part of this course. Candidates are required to submit their course assignments electronically using the Taskstream website.

Cancellation Policy: If a cancellation is necessary, the class will be made up via an electronic activity. Specifically, candidates are expected to log-on to the computer in order to participate in an electronic discussion/activity during the time period that class would typically meet.

Nature of Course Delivery

A variety of instructional methods are used in this course including: large-and small-group instruction, cooperative learning activities, lectures, guest practitioner presentations (if possible), individual presentations, case studies, role-play, and written and verbal assignments.

ELCC Standards

Specific competencies, identified by the Standards for the Preparation of Educational Leaders, identified by Educational Leadership Constituent Council (ELCC) are listed below.

ELCC: 5.1, 5.2, 5.3, 6.1, 6.2, 6.3

In addition to the above noted specific competencies, candidates will develop an explicit understanding of Virginia's "Child Abuse and Neglect Recognition and Intervention Act (Code of Virginia 22.1-98). Such understanding will include:

1. Recognizing child abuse and neglect
2. Reporting child abuse and neglect
3. Intervention following a child protective services investigation

Course Assignments

Since this is a graduate-level class, high quality work on all assignments and meaningful class participation are expected. Students should refer to the rubrics for additional guidance on the Legal Issue Analysis and Special Education Case Study Analysis assignments.

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| 1. Legal Issue Analyses (40%) | Due Date: See Appendix A |
| 2. Special Education Case Study Analysis (40%) | Due Date: See Appendix B |
| 3. Participation (20%) | Due Dates: Every class |

Discussion participation: A percentage of your course grade is earned through ongoing assessment of your attendance, performance, communication and professional disposition in class discussions. Punctual attendance and regular class participation are vital to the successful completion of this course.

Participation includes, but is not limited to the following:

- Coming to class prepared (i.e., reading the assigned material)
- Professional appearance, behavior and presentation
- Willingness to volunteer for a class activity
- Contributing to class discussion in a meaningful manner
- Sticking to the topic at hand
- Respect for others' responses
- Use of appropriate problem solving techniques
- Appropriate use of allotted time
- Sharing experiences from work or from observation

Grading Scale

A+ = 100 points

A = 95 - 99 points

A - = 90 - 94 points

B+ = 85 - 89 points
 B = 80 - 84 points
 B - = 75 - 79 points
 C = 70 - 74 points
 F = 69 points or below

Grade Appeals

Candidates must presents grade appeals in writing and must put forth a reasonable written explanation that supports their request for a grade change.

Expectations for Written Work

Use appropriate grammar.	Spell correctly.
Writing should be the caliber of a graduate student.	Type all work.
Use Times Roman or Arial 12-font.	Write clearly.
Include a cover page with name, date & assignment.	No binders, or plastic covers.
Limit the use of "I" in your writing.	Find a good proofreader!
Follow APA Guidelines.	Avoid Plagiarism!!!!

Absence From Class

Candidates are expected to attend every class for its entirety. If you miss class, you will lose participation points. If you come to class late or leave early on more than two occasions, your participation points will be reduced.

Late Work

Candidates are expected to submit their work on time. Late work will not be accepted unless pre-arranged with the instructor.

COURSE SCHEDULE - EDLE 612

Session & Topic	Date
Class 1 Overview Course & Syllabus Introduction to Legal System, School Laws and Case Law <i>Chapters 1 and 2</i>	May 18, 2009
Class 2 Federal Government and Governance <i>Chapters 3 and 4</i>	May 20, 2009
Class 3 Church and State <i>Chapter 5</i>	May 22, 2009
Class 4 School Attendance and the Instructional Program <i>Chapters 6 and 7</i> Legal Analysis 1 Due	May 27, 2009
Class 5 Student Rights: Speech, Expression and Privacy <i>Chapter 8</i>	May 29, 2009
Class 6 Student Rights: Due Process and Statutory Protections <i>Chapter 9</i> Legal Analysis 2 Due	June 1, 2009

Class 7		
Rights of Students with Disabilities		June 3, 2009
	<i>Chapter 10</i>	
Class 8		
Tort Liability, Defamation and Student Records		June 5, 2009
	<i>Chapters 11 and 12</i>	
Class 9		
School District Liability		June 8, 2009
	<i>Chapter 13</i>	
	In Class Analysis: School District Liability	
Class 10		
Certification, Contracts, Tenure and Teacher Rights		June 12, 2009
	<i>Chapters 14 and 15</i>	
	Special Education Case Study Due	
Class 11		
Due Process Rights of Teachers & Discrimination in Employment		June 15, 2009
	<i>Chapters 16 and 17</i>	
Class 12		
Desegregation		June 17, 2009
	<i>Chapter 19</i>	
	In Class Analysis: Equality and Equality	

Statement of Expectations

The College of Education and Human Development (CEHD) expects all students to abide by the following:

Responsible Use of Computing

Students must agree to abide by the university policy for Responsible Use of Computing. See <http://mail.gmu.edu> and click on Responsible Use of Computing at the bottom of the screen.

Plagiarism

Students must avoid plagiarizing the work of others. Specifically, when referencing a source or author, students must give appropriate source documentation; and when using direct quotes, students must use quotations, provide page numbers, and ensure that credit is given to the author of quoted material. If a student's work contains plagiarism, the student will receive no credit for the assignment.

Disability Resource Center

Students with disabilities who seek accommodations in a course must be registered with the GMU Disability Resource Center (DRC) and inform the instructor, in writing, at the beginning of the semester. See www.gmu.edu/student/drc or call 703-993-2474 to access the DRC.

NOTE: The above represents an approximation of the items to be covered and the respective dates. True coverage will depend on the pace of the discussion, the collective needs of students and the professor and the demands of time. You are expected, however, to keep pace with the calendar of assigned readings.

APPENDIX A

Legal Issue Analysis

Candidates are expected to respond in long essay form (*3-5 pages double-spaced, per question*) to the identified two questions below and should prepare to work collaboratively and present with colleagues during class time on the remaining two questions. Be sure that your written responses include the specific references and information requested in the identified question. You must also refer to and adhere to the general guidelines that are presented in the Legal Issue Analysis Rubric.

1. Separation of Church and State Analysis

DUE DATE: Wednesday, May 27, 2009 by 7:00 p.m.

Scenario: Your faculty planning committee is coordinating the graduation ceremony agenda and wants to use the Battle Hymn of the Republic as a centerpiece of the ceremony. The high school band will plan and the school chorus will sing the first few verses to provide a natural break between the academic awards and the awarding of diplomas. This piece is the only one in the ceremony and has been used every year at your school's graduation ceremony since 1978.

Discussion: Make a recommendation on the use of the Battle Hymn of the Republic for use during the graduation ceremony by examining its contents and the context of its use in the ceremony. Relate specific cases where applicable.

Battle Hymn of the Republic

By Julia Ward Howe

Mine eyes have seen the glory of the coming of the Lord.
He has trampled out the vintage where the grapes of wrath are stored.
He hath loosed His fateful lightning with His terrible swift sword
His truth is marching on.

I have seen the burning watch fires of a hundred circling camps.
They have builded Him an altar in the evening dews and damps.
They have read His righteous sentence by the dim and flaring lamps.
His Word in marching on.

Chorus:

Glory, glory, halleluiah!
Glory, glory, halleluiah!
Glory, glory, halleluiah!
His truth is marching on.

2. Search and Seizure Analysis

DUE DATE: Monday, June 1, 2009 by 7:00 p.m.

Discuss the best practices for school administrators to conduct appropriate student searches. Use the following terms and discuss the following issues as you formulate your response. Use relevant case law as appropriate.

- Mass Searches
- Strip Searches
- Reasonable suspicion versus probable cause
- Intrusiveness versus extent necessary (specificity of the information leading to the search)
- Intrusiveness versus extent necessary (item being searched for)

3. Negligence and Tort Liability Analysis

DUE DATE: Monday, June 8, 2009 group exercise in class

Scenario: You are Coach Smith, a seasoned football coach for longer than your school principal has been an administrator. Another season has started and you have just not had time to check out the condition of your player's helmets yet. Your first priority has been to gather the required emergency care cards, physical forms, and parental release statements that protect you and your school from liability.

During the second week of try-outs, you have your first scrimmage against another school's team. One of your players collides with an opposing player hitting helmet-to-helmet. Unfortunately, your trainer, who is assigned to attend all official interscholastic contests, is home sick and not available to assist. You call an ambulance right away, but your player does not receive proper medical attention until the paramedics arrive. Your athlete is taken to the hospital where he is diagnosed with a concussion and you are met by his very distraught parents.

Discussion: Are either the coach or the school district liable for any negligence? Why or why not? Do they have any defenses to negligence in the law suit that the player's parents will surely file? Cite case law to support your position

4. Equity and Equality Analysis

DUE DATE: Wednesday, June 17, 2009 group exercise in class

Explain the impact of *Brown v. Board of Education* on the educational rights of African American children. Identify lingering concerns about the achievement of and equal educational opportunities provided to all children (i.e., minorities, ESOL students, economically disadvantaged children). What has the federal government done to address the "achievement gap" in public schools? Discuss these efforts and explain how equity and equality are promoted in education. Share an example of a program or policy that is focused on minimizing the achievement gap that has been adopted in your school system. Students will work in small groups together in class to identify 2-3 key issues and information related to equity and equality rights. Students will then share them with the entire class.

APPENDIX B

Special Education Case Study Analysis

DUE DATE: Friday, June 12, 2009, by 7:00 p.m.

Candidates are expected to analyze the fact pattern that follows, by addressing the specific issues and procedural aspects related to the identification, placement and provision of programs and services for a student who may be eligible for services pursuant to state and special education provisions. The key facts, guiding questions, and format are included below. **Candidates must include extensive references to key concepts, principles, laws, policies and regulations affecting the rights of students with disabilities.** The analysis should reveal that the candidate has a clear understanding of the school leader's responsibility to advocate for and protect the rights of all students.

Fact Pattern

Janelle finished the fifth grade at Boone Elementary in June 2006. She is currently attending middle school as a sixth grader. However, Janelle did not master the academic standards for fifth grade that are required for promotion into sixth grade. Nonetheless, the school and parents agreed to "place" Janelle in the sixth grade.

Janelle has a long history of academic difficulties in the school district. She has struggled with a variety of academic tasks since first grade. She has not met mastery criteria for promotion from grade to grade but instead has been "placed" into the next grade with an acceleration plan designed to bring her up to grade-level within a reasonable period of time. The school district has implemented a number of interventions to assist Janelle in reaching grade level goals but despite these efforts Janelle has not been successful in that regard.

Janelle is a charming and lively young lady who is eager to please and wants to do well. She is very good at watching body language and facial expressions of teachers and peers to compensate for when she doesn't know what to do in class. Janelle has a keen sense of awareness of interpersonal nuances and uses this ability to help her cope with school. However, Janelle also requires a lot of one-to-one teacher attention, frequent redirection, and curricular and instructional modifications and accommodations.

Janelle becomes easily frustrated and overwhelmed with academic tasks that are challenging for her. She has difficulty keeping still and paying attention, needs help completing assignments, has trouble organizing her ideas for writing tasks, and trouble concentrating for longer periods of time. Janelle's attentional deficits are significantly limiting her academic progress and ability to learn.

By third grade the parties agreed on Janelle's need for an independent educational evaluation ("IEE") to address her academic and behavioral issues in school. Janelle needed frequent breaks during the assessment process – at times Janelle was able to finish the testing planned for the day and other times she could not. The examiner met with Janelle six times before she was able to complete the IEE. According to the IEE, Janelle had an overall IQ score of 86; her overall verbal score was an 81. The score of 81 placed her in the low average range for her age. Janelle's overall performance score was a 94. The score of 94 placed her in the average range for her age.

Janelle did not qualify for special education as a student with a learning disability in third grade because her scores did not meet the discrepancy between potential and performance required by state regulations. However, the IEE revealed that Janelle demonstrated areas of weakness in reading comprehension and writing. It is possible that the gap between Janelle's potential and performance may now have widened since the third grade IEE. She may now meet criteria as a student with a learning disability under IDEA. However, neither the school district nor Janelle's family can make that determination without a reevaluation.

According to the IEE, Janelle appeared to meet criteria as a student with Attention Deficit Hyperactivity Disorder – Combined Type ("ADHD"). IDEA requires a medical diagnosis of ADHD by a physician for purposes of eligibility under IDEA. Following the IEE, school officials

recommended a medical evaluation to address Janelle’s ADHD. However, Janelle’s mother did not follow through on this recommendation.

The school district began serving Janelle through its “504” program following the results of the third grade IEE. A number of instructional modifications and accommodations were specifically designed and implemented from third through fifth grades. Janelle was provided with small group instruction by specialists for reading and math in third, fourth and fifth grades. She received extra assistance and attention from teachers in the school’s Learning Lab. Janelle was also provided with individual tutoring and the opportunity to receive additional instruction during the summers. She did not always take advantage of the tutoring or summer programs to the extent she could have.

The school district also provided Janelle with special reading instruction using educational reading programs specifically designed for children with reading deficits. Her teachers received occupational therapy and behavioral consults and a specific behavior plan was implemented in fourth grade. She was provided with occupational therapy for a period of time to remediate weak handwriting skills. Janelle also participated in small group counseling to improve self esteem in fourth grade.

Despite these various interventions Janelle continued to lag behind her peers academically by the end of fifth grade. Equally worrisome to school district staff was that Janelle began to exhibit some withdrawal behaviors along with her continued distractibility. At times, Janelle employed “baby talk”, indicative of a need to return to a time in her life when the demands were less. Janelle’s father recently passed away and this has been another challenge for Janelle to cope with.

Janelle’s mother had her evaluated by a developmental pediatrician this past March. The pediatrician concluded that Janelle had a “discreet learning disability,” is a slow processor (in reading), has a specific weakness in reading fluency and needed to work on both memory and reading skills. The pediatrician also noted that Janelle exhibits needs that go “beyond a 504 plan in school ...” (personal communication with pediatrician). The transition to middle school is expected to be difficult for Janelle. Middle school is a much larger, more complex educational environment. The support systems Janelle has enjoyed in elementary school are not always duplicated in the middle school setting. Janelle needs an updated evaluation so that the school district and her family can better identify her specific needs and abilities to ensure sound educational programming and decision-making.

Guiding Questions and Format

Section I. Overview of Policies, Procedures and Programs

1. Given the facts presented above, provide a step-by-step overview of the process used in your school system (or specifically in your school building) to investigate and initiate the provision of special education services. Be sure to include references to specific school district policies and procedures, as well as references to the relevant federal and state statutes controlling the provision of services to students with disabilities. Your overview may include a bulleted list of steps that are required or recommended in your school system (clearly identify the document or source for your list).
2. Identify several examples of the types of programs and/or services that are available in your school building or system for a student such as Janelle. Provide enough details here so that a teacher would know who to contact about getting assistance for Janelle; and so the teacher would have a general idea about the types of programs and/or services available for such a student.

Section II. Legal Obligations to Identify and Educate Students with Disabilities

3. May the school district proceed with conducting a full and individual evaluation of Janelle T. despite the lack of parental consent? Explain why a school may be obligated to evaluate Janelle. How could the school proceed without parental consent?

4. Briefly explain the key state and federal laws that impose the legal obligation to educate students with disabilities – this should be a general explanation, **which is not focused specifically on Janelle’s educational needs.**

Section III. Individualized Education Program (IEP) - *Given that you do not have sufficient information about Janelle to make specific IEP recommendations, provide general explanations in this section.*

5. Explain the broad purpose of an IEP. Be sure to include references to the relevant state and federal statutes and to the controlling case decisions, and federal regulations.

6. Identify the key individuals who must be involved in the IEP team meeting and decision-making process. Support your response with reference to the controlling statutory and regulatory language.

7. Explain and summarize the key components of an IEP. Use the forms provided by your school system as guidance; you may also interview a special education teacher or administrator and reference this interview as a personal communication to help as you gather this information. A bulleted list with clear and concise explanations of the key areas to be covered is one possible way to demonstrate your understanding of the key IEP components.

Section IV. Placement Decisions - *Given that you do not have sufficient information about Janelle to make a specific placement recommendation, provide a general explanation in this section.*

8. Provide a general explanation of how placement decisions are made. Be sure to include references and a discussion of the relevant state and federal statutes, case decisions, federal regulations, and school system policies and procedures that would be applicable when determining placement.

Section V. Summary and Discussion of Ethical and Practical Considerations

9. Explain your ethical obligation as an educator to provide educational opportunities for all students. Discuss the interaction and/or possible conflict that may arise between your ethical, legal and professional obligations to educate children with disabilities. Are there practical requirements in your school system that you also must consider? Explain clearly

10. Provide a summary and conclusion of your case study analysis.