

GEORGE MASON UNIVERSITY
College of Education and Human Development
Schools and the Law
EDLE 412, Section 001, Spring 2013

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Office Hours: Tuesdays and Wednesdays, 1 – 3 pm
By appointment

Schedule Information

Location: Hanover Hall L002

Meeting Times: Wednesdays, 4:30 – 7:10 pm

COURSE DESCRIPTION:

Prerequisites: EDUC 300

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

NATURE OF COURSE DELIVERY:

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

LEARNER OUTCOMES:

This course is designed to enable students to:

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

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

PROFESSIONAL STANDARDS:

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

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

REQUIRED TEXT:

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

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

Classroom Materials

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

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

A. Requirements:

1. Class Participation (15 Points): Due to the course format and schedule, attendance is essential. Absences are reflected in a student's grade. Students are required to attend all classes, participate in discussions, and read the assigned material prior to each class. A point will be deducted for every absence not excused. (An understanding of legal principles is cumulative.)
2. Case Briefs (20 Points Total): Each student will be responsible for turning in 4 case briefs, which are summaries of court cases detailing the facts, issue(s), decision, and personal reflections concerning the impact of the court decision. Case briefs are due at the beginning of class on the day the class will be discussing the case.
3. Collaborative Lesson Plan (5 Points Total): Students will work in small groups to design a lesson plan to present as a group in class. The purpose of the lesson plan is for students to assume the role of a professional charged with updating colleagues relative to a legal or ethical issue of contemporary interest. Students must get approval from the course instructor and submit a plan that clearly outlines the focus of the presentation.

4. Collaborative Lesson Plan Presentation (10 Points Total): Presentations are expected to supplement the course materials and readings by conducting research on the selected topic. Students should consider the date and topic as indicated in the weekly schedule when forming their groups. Each collaborative group will be responsible for making a 30 minute presentation on the assigned date.
5. Mid-Term and Final Exam (30 Points Total; 15 points each): Students will take an exam based on the text and class discussions. Each test will be an objective assessment of background knowledge, awareness of legal and ethical issues, and implications for educational practice.
6. Legal Issue Paper Outline (5 Points): Students are required to submit a 1-2 page outline of their issue paper for peer review and discussion. A sample legal issue paper will be shared in class.
7. Legal Issue Paper (15 Points): Students will write a 4-5 page paper on a selected legal issue, which must be different from the issue researched as part of the collaborative lesson and presentation assignment. Students must get instructor approval but might consider free speech rights of students or teachers, drug testing of students, legal constraints related to hiring and firing of teachers, the rights of special education parents and students, religious practices and schools, disciplinary procedures, race-based assignment of students, single-gender classes, bullying, and sexual harassment.

B. Performance-based assessments: This course includes two performance-based assessments: a collaborative lesson plan and presentation and a legal issue paper. These are described above in the Requirements.

C. Criteria for evaluation: Assessment of each performance is guided by the assessment rubrics.

D. Course Procedures:

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

Late Work: Students are expected to submit their work on time. If work is submitted later than one week after it is due, it will not be accepted. Any attempt to submit work past the one-week deadline will result in **no credit for the assignment**. In order to be fair to the rest of the students, one point will be deducted for each day the issue paper, issue paper outline, collaborative lesson plan, etc. is late. An assignment is considered late if it is not submitted at the beginning of class. Assignments will not be accepted after 10 days. Students should begin their assignments early in case of a last minute personal emergency or illness; extensions are not an option.

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

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

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

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

Classroom Climate:

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

1. Be fully prepared for each class session (read and bring materials to class each week);
2. Be attentive to the Instructor and colleagues by responding thoughtfully and respectfully;
3. Work toward a common purpose of learning;
4. Persevere through the challenge of understanding education law; and
5. Affirm one another's successes and help one another overcome weaknesses.

Course Feedback: I will ask for your anonymous feedback mid-way through the semester (for "mid-course correction") and also at the end of the course. In addition, you are encouraged to share problems or suggestions at any time with your Instructor.

Grading scale:

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

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

Expectations for Written Work

Use appropriate grammar.

Writing should be the caliber of a graduate student.

Use Times Roman or Arial 12-font.

Include a cover page with name, date & assignment.

Follow **APA guidelines** (double space, references, etc..).

Spell correctly.

Type all work.

Write clearly.

Find a good proofreader!

Avoid plagiarism!!!!

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

George Mason University Policies and Resources for Students

- a. Academic integrity (honor code, plagiarism) – Students must adhere to guidelines of the George Mason University Honor Code [See <http://oai.gmu.edu/honor-code/>].
- b. Mason Email – Students are responsible for the content of university communications sent to their George Mason University email account and are required to activate their account and check it regularly. All communication from the university, college, school, division, and program will be sent to students solely through their Mason email account. Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/1301ge.html>].
- c. Counseling and Psychological Services – The George Mason University Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops, and outreach programs) to enhance students’ personal experience and academic performance [See <http://caps.gmu.edu/>].
- d. Office of Disability Services – Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services (ODS) and inform their instructor in writing at the beginning of the semester <http://ods.gmu.edu/>.
- e. Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor.
- f. The Writing Center (Optional Resource) – The George Mason University Writing Center staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share knowledge through writing [See <http://writingcenter.gmu.edu/>].
- g. University Libraries (Optional Resource) – The George Mason University Libraries provide numerous services, research tools, and help with using the library resources [See <http://library.gmu.edu/>].

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

* For additional information on the College of Education and Human Development, Graduate School of Education, please visit our website [See <http://gse.gmu.edu/>].

***Plagiarism:** Students must avoid plagiarizing the work of others. Plagiarism is the act of using other people’s ideas and passing them off as one’s own. 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 all quoted material. If a student’s work contains plagiarism, the student will receive no credit for the assignment. Plagiarism is a serious matter and students are encouraged to meet with the instructor or consult the writing center about citations and references.

Tentative Weekly Schedule and Assignment Due Dates:

Class		Topic	Readings	Assignments Due
1	Jan 23	Review Syllabus, Course Requirements & Expectations Introduction to Legal System Finding & Reading Court Cases Collaborative Presentation		
2	Jan 30	Legal Framework of Public Education/ Review Case Briefs	Reading Assignment for 1/30: Text pp. 1-18 (Chapt 1)	
3	Feb 6	Tort Liability/Negligence Defamation/Damages	Reading Assignment for 2/6: Text pp. 19-39 (Chapt 2)	Come prepared to identify group members and dates for Collaborative Lesson Plan Presentations
4	Feb 13	Church & State	Reading Assignment for 2/13: Text pp. 40-66 (Chapt 3)	Come prepared to work on Collaborative Lesson Plan Case Brief Due (<i>Santa Fe v. Doe</i>)
5	Feb 20	Instructional Issues Curriculum/Copyright	Reading Assignment for 2/20: Text pp. 67-92 (Chapt 4)	
6	Feb 27	Student Expression Rights Sex Discrimination & Harassment	Reading Assignment for 2/27: Text pp. 93-115 (Chapt 5); 129-139 (part of Chapt 6)	Collaborative Lesson Plan Due Case Brief Due (<i>Newsom v Albemarle Cnty. Sch. Bd.</i>)
7	March 6	Rights of Students with Disabilities	Reading Assignment for 3/6: Text pp. 140-165 (Chapt 7)	Exam I
8	March 20	Student Discipline/ Search & Seizure	Reading Assignment for 3/20: Text pp. 166-198 (Chapt 8)	Collaborative Presentation
9	March 27	Teacher Employment/ Teacher Contracts & Rights/ Child Abuse	Reading Assignment for 3/27: Text pp. 199-216 (Chapt 9)	Collaborative Presentation
10	April 3	Teacher Rights/Free Speech/ Lifestyle Choices	Reading Assignment for 4/3: Text pp. 228-250 (Chapt 10)	Legal Issue Paper Outline Case Brief Due (<i>Mayer v. Monroe</i>)
11	April 10	Discrimination in Employment	Reading Assignment for 4/10: Text pp. 251-278 (Chapt 11)	Collaborative Presentation
12	April 17	Teacher Dismissal/ Due Process	Reading Assignment for 4/17: Text pp. 279-303 (Chapt 12)	Collaborative Presentation Case Brief Due (<i>Auguster v. Vermilion Parish Sch. Bd.</i>)
13	April 24	Student Classifications Desegregation/ Language Summary of Laws ESEA/NCLB	Reading Assignment for 4/24: Text pp. 116-129 (first part of Chapt 6); 305-311 (Chapt 13)	Collaborative Presentation
14	May 1	Course Wrap-up Final Exam Review		Collaborative Presentation Legal Issue Paper Due
15	May 8	Final Exam		

Note: There is no class meeting on March 13th as this is during GMU's Spring Break.

Weekly Discussion Focus:

Week 1 (Jan 23): Review Course Requirements/Introduction to Legal System (Focus on Collaborative Presentation, Case Briefs, Legal Research)

Guiding Questions: What are the various sources of legal authority affecting school law? What constitutional amendments apply to school law? How do court cases impact the classroom teacher? What is a statute? What is required of me in this course? What is the first assignment that is due in this course? How can I start to prepare for the collaborative presentation? How do I read a case? How do I brief a case? What is the holding versus the analysis? What is a dissenting/concurring opinion? Why do I need to complete a case brief? How will this assignment be graded? What are the major legal databases? How can teachers stay current in legal issues? How do I find a law review article and a case?

Week 2 (Jan 30): Legal Framework/Collaborative Presentation / Revisit Case Briefs

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

Week 3 (Feb 6): Tort Liability/Negligence/Defamation/Collaborative Presentation Questions

Guiding Questions: When are school personnel liable for student injuries? What are the factors that courts will consider in determining negligence? What are the defenses to negligence? When might a teacher be found guilty of defamation? What questions do I have about the collaborative project?

Week 4 (Feb 13): Church and State

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

***Case Brief Due**

*** Collaborative Lesson Plan – identify group members/presentation date**

Week 5 (Feb 20): School Instructional Issues/ School Attendance/Curriculum/Copyright

Guiding Questions: Why is school attendance mandatory? Are there exceptions to school attendance requirements? Who determines school curriculum? What if a teacher disagrees with it? Is library censorship permitted? What can and cannot be banned? Does FERPA always preclude the disclosure of student records? How can the classroom teacher avoid copyright violations? Is it permissible for a teacher to pass out copies of a newspaper article to the class? If a teacher uses a *Time* magazine article in class is that a violation of copyright law? Can teachers photocopy pages from a book/ magazine/ website and distribute these materials to their students?

Week 6 (Feb 27): Student Expression / Sex Discrimination & Harassment/ /Exam I Review

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

*Case Brief Due

* Collaborative Presentation Lesson Plan Due

Week 7 (March 6): Exam I/ Rights of Students with Disabilities

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

*Exam I

Week 8 (March 20): Student Discipline /Search and Seizure/Legal Issue Paper Discussion

Guiding Questions: Can students be disciplined for off-campus conduct? What is the difference between suspension and expulsion? Does a temporary suspension require procedural due process? Do students have the right to make up missed work while suspended from school? Is corporal punishment prohibited? How does the Eighth Amendment apply to corporal punishment? What are some of the common problems that students have when writing the issue paper? How do I use case law to support my arguments? What is a peer-reviewed or scholarly article? How do I cite cases and law review articles? When can school officials search student lockers, cars, possessions, and persons? What is the difference between reasonable suspicion and probable cause? What does the data say about searches and students of color? What amendment prohibits illegal search and seizure?

* Collaborative Presentation (Strip Searches & Locker Searches)

Week 9 (March 27): Teacher Employment/ Contracts/Evaluations/ Child Abuse Reporting

Guiding Questions: Who has the authority to make teaching assignments and determine transfers? What are the evaluation requirements for new teachers in Virginia? Are teacher personnel records public? What are the reporting duties of teachers who suspect child abuse?

*Collaborative Presentation (Teacher Evaluation and Improvement Plans)

Week 10 (April 3): Teacher Substantive Rights/Lifestyle Choices

Guiding Questions: Can a teacher's First Amendment rights to free speech be curtailed both in and outside the classroom? What is the *Pickering* balancing test? Can a teacher be dismissed for private activities that occur outside of school? Can a teacher be dismissed because s/he is a homosexual,

pregnant out of wedlock, or divorced? What role do community standards play in teacher dismissal? Is there a right of teacher privacy under the Fourteenth Amendment?

*Case Brief Due

*Collaborative Presentation (Ethical Codes & Professional Standards for Teachers)

Week 11 (April 10): Discrimination in Employment/Legal Issue Paper Questions/Peer Edit Legal Issue Paper Outlines

Guiding Questions: How do current teachers address legal problems in their schools? How have the courts addressed discrimination regarding gender, race, religion, age, language and disability in employment? Any questions about the issue paper?

*Collaborative Presentation (Employment Discrimination)

* Legal Issue Paper Outline Due

Week 12 (April 17): Teacher Dismissal

Guiding Questions: What type of due process is afforded to teachers who are dismissed? Can a tenured teacher be dismissed; what are the specific causes for dismissal? What amendment guarantees due process? What is the difference between non-renewal and dismissal? When does a teacher become “tenured” in Virginia or in other states?

*Case Brief Due

*Collaborative Presentation (Teacher Dismissal – Lifestyle, Speech)

Week 13 (April 24): Desegregation/ ESEA/NCLB

Guiding Questions: What are the pros and cons of ESEA/NCLB? What are the legal implications for schools and teachers? What does ESEA/NCLB say about church/state issues and discipline? Are all special education students required to be tested under ESEA/NCLB? Does ESEA/NCLB conflict with IDEA? What can and can't be banned? Library censorship: Is there a student right to information?

*Collaborative Presentation (ESEA Reauthorization)

Week 14 (May 1): Course Wrap-up/Exam II Review

Guiding Questions: Is the final exam cumulative?

*Collaborative Presentation (TBD as needed for scheduling purposes)

*Legal Issue Paper Due

Week 15 (May 8): **FINAL EXAM**

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

ASSESSMENT RUBRIC(S)

Legal Issue Paper Rubric

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

Collaborative Lesson Plan Rubric

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