



**EDAD 5372 Federal, State, and Local School Law  
Spring 2017**

*EDAD 5372 is a required course for Educational Administration Program  
and Principal Certification.*

**College of Education  
Department of Educational Leadership**

**Instructor:** Dr. Darol Hail  
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**Office hours: By appointment**

**Day and time the class meets: Mondays 4:40-7:10; Online Classes will meet via Blackboard**

**Location of class: This course will be @ Woodlands center with some material ONLINE. (You must be able to access Blackboard through [www.shsu.edu](http://www.shsu.edu)).**

**Additionally, all communications will be through your SHSU email account to my SHSU email account OR turned in to the appropriate in-box online.**

**Course Description:**

The course provides a study of the legal basis of school control; the relation of the federal government to public education, the state as the fundamental legal unit in organization and administration of a state system of schools; the district as the unit of local school control; and legal duties and responsibilities of the state and local boards of education.

**IDEA Objectives:** In this course, our focus will be on these major objectives (as assessed by the IDEA course evaluation system):

**Essential:** Learning to apply course material (to improve thinking, problem solving, and decisions).

**Important:** Learning how to find and use resources for answering questions or solving problems.

**Textbooks:**

Kemerer, F. & Walsh, J. (2010). *The educator's guide to Texas school law*. 7<sup>th</sup> ed. University of Texas Press TX: Austin.

Alexander, K. & Alexander, M. D. (2011). *American public school law*. 8<sup>th</sup> ed. Belmont CA: Wadsworth.

**TK20 Account required for the Educational Administration Program**

Tk20 is an electronic toolkit used by candidates to provide evidence that they have mastered state and professional standards for the profession.

<https://tk20.shsu.edu/>

**Course Format:** Teaching strategies will include online discussions, case study presentations, field experiences, and two exams.

**Course Objectives:**

1. To understand the relationship between and among the federal, state and local levels of government in the area of education.
2. To understand the “Common Law Heritage” of the American legal system and its implications for education.
3. To understand the legal definitions, concepts, procedures, court decisions, etc. pertaining to the administration of schools.
4. To possess insight into the major problems associated with school operation from a legal point of view.
5. To gain a working understanding of public school law in order to make ethical, legal and moral decisions without excessively burdening or employing professional legal counsel or other schools district legal resources.

**Major Student Goals:**

1. The student will demonstrate familiarity with terminology in the field of law as it applies to education.
2. The student will articulate an understanding of basic legal concepts through examination and discussion of relevant court cases.
3. The student will demonstrate critical analysis by differentiating factual and evidentiary data.
4. The student will comprehend and utilize basic legal tests applied by the judiciary in their application to factual situations and cases.
5. The student will demonstrate skill in developing educational policy which meets legal standards.
6. The student will gain an awareness of major legal resources and demonstrate the ability to use those resources.
7. The student will gain an in-depth understanding of landmark cases in various areas of school law.

## Course Requirements:

**Active Legal Course Participation:** There will be weekly discussion threads that will serve as our in-class discussion opportunities. You will be expected to prepare two cases and serve as one of the moderators of the discussion along with other students that have cases on your topic. Participation in these threads will be evaluated according to strict connection of the cases briefed by students and the reading for the week. By **Tuesday** of each topic week, each student briefing a case that week will **post a copy of the brief** for students to review and **according to a prescribed format**. Many cases will be assigned for briefing during every week during the summer session. The discussion, moderated by each person assigned to brief the case, will occur from **Tuesday to Saturday of each week**.

All other students are expected to participate in the discussion a minimum of two (2) times **per topic (i.e., Schools and the State, Students and the Law, Discipline, Teachers and the Law, etc.)** AND INCLUDE OTHER ISSUES WITHIN THE SAME TOPICS assigned in that week's reading. (There are more cases on the brief list than we will have students available to write briefs. However, they are all included in your reading and thus should be part of the thread.)

This is the forum for legal conversation and never an opportunity for personal district stories or personal opinion. It is essential that this activity deal with, as Sergeant Friday would say "just the facts." **In sum, the discussion thread will represent a comprehensive synthesis and analysis of the issues and cases of the weekly topics.**

The professor also reserves the right to inject weekly reading quizzes if necessary as part of your Active Legal Course Participation.

**Embedded Course Activities 22-25:** The Department of Educational Leadership and Counseling requires embedded field-based activities for each course leading to Principal Certification. Each student is required to submit responses to the prompts electronically. (More information found on pages 9-10 of the syllabus.)

### **Embedded Activity #22**

Review the faculty or student handbook and the district policy manual regarding child abuse, search and seizure, confidential records, drug abuse, bomb threats, security, and unauthorized personnel on the grounds.

### **Embedded Activity #23**

Review and describe how the principal ensures that the Code of Ethics and Standards Practices for Texas Educators is followed.

### **Embedded Activities #24**

Review and describe changes to the campus discipline management process and practices due to current law.

### **Embedded Activities #25**

Review and describe the principal's responsibility for monitoring the safety and welfare of the school community. Review the emergency procedures.

You will use the Brown and Irby Reflection Cycle that is included in the textbook, *The Principal's Portfolio*. The book explains the process which addresses what you reviewed or who you interviewed, what you learned from the activity, and how you will use this information when you become an administrator. **A cover page is not required and each embedded activity should be one or two pages maximum.**

**Legal Briefs:** Each student will prepare **two carefully paraphrased and thoroughly researched** briefs according to the **format for writing a case brief (located in SHSU Module 1)** on assigned cases pertaining to the course material and assigned reading. These will be assigned during the first two weeks and samples will be available

You will be assigned two briefs that will cover different topics (**i.e., Schools and the State, Students and the Law, Discipline, Teachers and the Law, etc.**). Your case assignments will be right beside to your name on the spreadsheet.

You will present your case brief to the class in the INSTRUCTOR CREATED DISCUSSIONS under the correct topic and answer any questions that your colleagues might have in their responses. **It is important that you provide as much information regarding the background (important details of the case prior to being heard at the current court) and basis in your briefs so that your colleagues get the essence of the holding (court's ruling).**

**Follow the format suggestions when writing your case's holding.**

**Mid-Term Examination:** Each student will complete an online Mid-Term Examination of course material from the first half of the semester.

**Final Examination:** Each student will complete an online examination over the last half of the semester course material.

#### **Course Evaluation:**

While the final course grade is the **sole judgment of the professor**, the following scale will be used as a guide.

Attendance/Participation/Discussion Board	10%
Embedded Course Activities	10%
Legal Briefs	20% (1 <sup>st</sup> Brief 10%; 2 <sup>nd</sup> Brief 10%)
Mid-Term Examination	30%
Final Examination	30%

#### **Late Assignment Policy**

There are NO PROVISIONS for any late work.

#### **Time requirement**

You are expected to participate **a minimum of two (2) times per case per topic (i.e., Schools and the State, Students and the Law, Discipline, etc.)** and your discussion contributions are expected to be at the **graduate level by analyzing and synthesizing the topics and cases of the week.**

**Topic Calendar** – Alexander Chapters are coded to the 8th Edition and Walsh and Kemerer are coded to the 6<sup>th</sup>-8<sup>th</sup> editions. If you use different editions....the topics may be correlated to DIFFERENT chapters! Proceed with caution!

## COURSE ASSIGNMENTS

Week	DATES	TOPICS	ASSIGNMENTS
1	8/28	Introduction—Just familiarize yourself with course syllabus and blackboard	
2	9/4	Structure of Law and Educational Governance and Sources of Law <i>Plyler v. Doe</i> 457 US202 (1982)  )	Reading Alexander 1, 2, 3, 4 Walsh and Kemerer Ch. 1
3	9/11	Schools and the State <i>Pierce v. Society of Sisters</i> 268 US 510 (1925) <i>Citizens for Better Education v. Goose Creek C.I.S.D.</i> 719 SW2d 350 (1986) <i>Shoffner v. Goose Creek C.I.S.D.</i> Docket Number 331-Rio-694 (Commissioner of Education 1995); & <i>Clear Creek Educators Association TSTA/NEA v. Clear Creek I.S.D.</i> Docket Number 059-R8-1193 (Commissioner of Education 1995)	Alexander Ch. 6 Walsh and Kemerer Ch. 2 and 7

<b>4</b>	<b>9/18</b>	<p>Students and the Law</p> <p><i>Hartzell v. Connell</i> 679 P.2d 35 (1984)</p> <p><i>Berg v. Glen Cove City School District</i> 853 F. Supp. 651 (1994)</p> <p><i>Tinker v. Des Moines Independent Community School District</i> 393 US 503 (1969)</p> <p><i>Bethel School District No. 409 v. Fraser</i> 478 US 675 (1986)</p> <p><i>Hazelwood School District v. Kuhlmeier</i> 484 US 260 (1988)</p> <p><i>Sherman v. Community School District 21</i> 980 F.2d 437 (1992), cert. Denied, 508 US 950 (1993)</p> <p><i>Palmer v. Merluzzi</i> 868 F.2d 90 (1989)</p> <p><i>Beeson v. Kiowa County School District RE-1</i> 567 P.2d 801 (1977)</p>	<p>Alexander Ch. 8 and 9</p> <p>Walsh &amp; Kemerer Ch. 2</p>
<b>5</b>	<b>9/25</b>	<p>Discipline</p> <p><i>Goss v. Lopez</i> 419 US 565 (1975)</p> <p><i>New Jersey v. T.L.O.</i> 469 US 325 (1985)</p> <p><i>Gonzales v. McEuen</i> 435 F. Supp. 460 (1977)</p> <p><i>Ingraham v. Wright</i> 430 US 651 (1977)</p> <p><i>Board of Education of Rogers Arkansas v. McCluskey</i> 458 US 966 (1982)</p> <p><i>Ryan G. v. Navasota I.S.D.</i> Docket No. 113-R5-598 (Commissioner of Education, 1999)</p>	<p>Walsh and Kemerer Ch. 8</p> <p><b>Embedded Activity #22 Due by 11:59 pm on 9/29</b></p>
<b>6</b>	<b>10/2</b>	<p>Teachers and the Law</p> <p><i>Dodge v. Board of Education</i> 302 US 74 (1937)</p> <p><i>Beilan v. Board of Public Education</i> 357 US 399 (1958)</p> <p><i>Board of Regents of State Colleges v. Roth</i> 408 US 564 (1972)</p> <p><i>Pickering v. Board of Education of Township High School District</i> 205 391 US 563 (1968)</p> <p><i>Mt. Healthy City School District Board of Education v. Doyle</i> 429 US 274 (1977)</p> <p><i>Collins v. Faith School District #46-2</i> 574 N.W.2d 889 (1998)</p> <p><i>Milkovich v. Loraine Journal Co.</i> 497 U.S. 1 (1990)</p>	<p>Alexander Ch. 15 &amp; 16</p> <p>Walsh &amp; Kemerer Ch. 6</p>

<b>7</b>	<b>10/9</b>	<p>Texas Employment and Contract Law  <i>Skinner v. Railway Labor Executives Association</i>  <i>East Hartford Education Association v. Board of Education of Town of East Hartford</i> 562 F.2d 838 (1977)  <i>Gaylord v. Tacoma School District No. 10</i> 559 P.2d 1340 (1977), cert. Denied, 434 US 879 (1977)  <i>Gillett v. Unified School District</i> 605 P.2d 105 (1980)  <i>Geller v. Markham</i> 635 F.2d 1027 (1977), cert. Denied, 451 US 945 (1981)</p>	<p>Alexander Ch. 14 &amp; 17  Walsh and Kemerer Ch. 4 &amp; 5</p>
<b>9</b>	<b>10/16</b>	<p>The Instructional Program  <i>Sandlin v. Johnson</i> 643 F.2<sup>nd</sup>. 1027 (1981)  <i>Meyer v. Nebraska</i> 262 U.S. 390 (1923)  <i>Andrews v. Weber</i> 108 Ind. 31 (1886)  <i>Steirer v. Bethlehem Area School District</i> 987 F.2d 989 (1993)  <i>Board of Education, Island Tree Union Free School District No. 26 v. Pico</i> 457 U.S. 853 (1982)  <i>Epperson v. State of Arkansas</i> 393 U.S. 97 (1968)  <i>Keefe v. Geanakos</i> 418 F.2d. 359 (1969)  <i>Cornwell v. State Board of Education</i> 314 F.Supp. 340. . . et al. (1969)</p>	<p>Alexander Ch. 7</p> <p><b>Embedded Activity #23 Due by 11:59 pm on 10/21</b></p>
<b>10</b>	<b>10/23</b>	<p>Special Education Board of Education of the Hendrick Hudson Central School District v. Rowley 458 US 176 (1982)  <i>Clyde Clyde K. v. Puyallup School District</i> 35 F. 3d 1396 (1994)</p> <p><i>Texas Texas City Independent School District v. Jorstad</i> 752 F.Supp. 231 (1990)</p> <p><i>Thomas v. Atascadero Unified School District</i> 662 F.Supp 376 (1987)  <i>Grube v. Bethlehem Area School District</i> 550 F.Supp. 418 (1982)</p>	<p>Alexander Ch. 10  Walsh and Kemerer Ch. 3</p>

<b>11</b>	<b>10/30</b>	<p>Educators and School District Liability  <i>Wood v. Strickland</i> 420 US 308 (1975)  <i>Carey v. Piphus</i> 435 US 247 (1978)  <i>Franklin v. Gwinnett County Schools</i> 503 US 60 (1992)  <i>Peter Peter W. v. San Francisco Unified School District</i> 131 Cal. Rptr. 854 (Cal. St. App. 1976)  <i>Cannon v University of Chicago</i> 441 US 677 (1979)  <i>Barr v. Bernhard</i> 562 S.W. 2d. 844 (Tex. 1978)  <i>Hopkins v. Spring</i> 736 S.W. 2d. 617(Tex. 1987)  <i>Johnson v. School District of Millard</i> 573 N.W. 2d 116 (1998)  <i>Spears v. Jefferson Parish School Board</i> 646 So.2d 1104 (1994)  <i>Wagenblast v. Odessa School District No. 105-157-166J</i> 110 Wash 2d 845(1988)</p>	<p>Alexander Ch. 11 &amp; 13  Walsh and Kemerer Ch. 10</p> <p><b>Embedded Activity #24 Due by 11:59 pm on 11/4</b></p>
<b>12</b>	<b>11/6</b>	<p>School Desegregation  <i>Plessy v. Ferguson</i> 163 US 537 (1896)  <i>Brown v. Board of Education of Topeka</i> 347 US 483 (1954)  <i>Brown v. Board of Education of Topeka</i> 349 US 294 (1955)  <i>Green v. County School Board of New Kent County</i> 391 US 430 (1968)  <i>Swann v. Charlotte- Mecklenburg Board of Education</i> 402 US 1 (1971)  <i>Columbus Board of Education v. Penick</i> 443 US 449 (1979)  <i>Milliken v. Bradley</i> 418 US 717 (1974)  <i>Missouri v. Jenkins</i> 515 US 70 (1995)</p>	<p>Alexander Ch. 19</p>
<b>13</b>	<b>11/13</b>	<p>Privacy (FERPA Emphasis)  <i>Point Isabel Independent School District v. Hinojosa</i> 797 S.W. 2d 176 (Tex. App.—Corpus Christi 1990)</p>	<p>Alexander Ch. 12  Walsh &amp; Kemerer Ch. 9</p> <p><b>Embedded Activity #25 Due by 11:59 pm on 11/18</b></p>



		<p><i>Cox Enterprises v. Board of Trustees of Austin Independent School District</i> 704 S.W.2d 956 (1986)</p> <p><i>Kylie H. v. Marble Falls Independent School District</i> Dkt. No. 068-R5-198 (Comm'r Educ. 1998)</p> <p><i>Roberts v. Houston Independent School District</i> 788 S.W.2d 107 (Tex. App.—Houston [1<sup>st</sup> Dist.] 1990)</p> <p><i>Ryans v. Gresham</i> 6 F.Supp.2d 595 (E.D. Tex. 1998)</p> <p><i>Guzman v. Harlandale Independent School District</i> Dkt. No. 485-R2-895 (Comm'r Educ. 1999)</p> <p><i>Owasso Independent School Dist. No. 1011 v. Falvo</i> 534 U.S. 426 (2002)</p> <p><i>Smith v. Holley</i> 827 S.W.2d 433 (Tex. App.—San Antonio 827 S.W.2d 433 (Tex. App.—San Antonio 1992)</p> <p><i>Merriken v. Cressman</i> 364 F.Supp. 913 (E.D. Penn. 1973)</p> <p><i>Fay v. South Colonie Central School District</i> 802 F.2d 21 (1986)</p>	
<b>14</b>	<b>11/20</b>	<p>Religion in the Public Schools</p> <p><i>Engel v. Vitale</i> 370 US 421 (1962)</p> <p><i>School District of Abington Township v. Schempp &amp; Murray v. Carlett</i> 374 US 203 (1963)</p> <p><i>Lee v. Weisman</i> 505 US 577 (1992)</p> <p><i>Edwards v. Aguillard</i> 482 US 578 (1987)</p> <p><i>Santa Fe Independent School District v. Doe</i>, 530 U.S. 290 (2000)</p>	<p>Walsh &amp; Kemerer Ch. 7</p> <p>Alexander Ch. 5</p>
<b>15</b>	<b>11/27</b>	<p>School Finance</p> <p><i>Edgewood I.S.D. v. Kirby</i>, 777 S.W.2d 391 (Tex. 1989)</p> <p><i>Edgewood I.S.D. v. Kirby</i> 804 S.W.2d 491 (Tex. 1991)</p> <p><i>Edgewood I.S.D. v. Meno</i> 893 S.W.2d 450 (Tex. 1995)</p> <p><i>Edgewood I.S.D. v. Meno</i> 917 S.W.2d 717 (Tex. 1995)</p> <p><i>West Orange-Cove Consolidated ISD v. Neeley</i>, 176 S.W.3d 746 (2005),</p>	

		<i>Rose v. Council for Better Education</i> 790 S.W.2d 186 (1989) <i>Carrollton/Farmers Branch I.S.D. v. Edgewood I.S.D.</i> 826 S.W.2d 489 (Tex. 1992)	
<b>16</b>	<b>12/4</b>	<b>FINAL EXAM</b>	

### Embedded Course Activities

<b>ASE 572 Federal, State, and Local School Law</b>		
6.1 Understand Legal, Political, Social, Economic Context	22. Review the faculty or student handbook and the district policy manual regarding child abuse, search and seizure, confidential records, drug abuse, bomb threats, security, and unauthorized personnel on the grounds.	9.2 Ensure Safety of Students & Personnel in Emergencies
5.1 Act with Integrity 5.2 Acts Fairly 5.3 Acts Ethically	23. Review and describe how the principal ensures that the Code of Ethics and Standards Practices for Texas Educators is followed.	3.2 Implement Compliance w/ Code of Ethics
3.1 Manage the Organization 6.3 Influence Legal, Political, Social, Economic Context	24. Review and describe changes to the campus discipline management process and practices due to current law.	9.4 Apply Law to Support Services 3.5 Apply Laws Fairly 3.4 Apply Legal Guidelines
3.1 Manage the Organization	25. Review and describe the principal's responsibility for monitoring the safety and welfare of the school community. Review the emergency procedures.	9.2 Ensure Safety of Students & Personnel in Emergencies 9.3 Develop/Implement Procedures for Crisis Planning

- Professionalism Policy: You are expected to follow professional standards in this course and program and to be professional and courteous with everyone in all of your written

communication (i.e., Discussions and Email).

- SHSU Academic Policy Manual -- Students
  - Procedures in Cases of Academic Dishonesty #810213
  - Disabled Student Policy #811006
  - Student Absences on Religious Holy Days #861001
  - Academic Grievance Procedures for Students # 900823
- SHSU Academic Policy Manual – Curriculum and Instruction
  - Use of Telephones and Text Messagers in Academic Classrooms and Facilities #100728
- Visitors in the classroom - Only registered students may attend class. Exceptions can be made on a case-by-case basis by the professor. In all cases, visitors must not present a disruption to the class by their attendance.

### **NCATE Accreditation**

The Sam Houston State University, College of Education has the distinction of NCATE accreditation since 1954. As an NCATE accredited program, the College of Education ensures that the best-prepared teachers will be in classrooms teaching the next generation of leaders how to solve problems, communicate effectively, and work collaboratively.

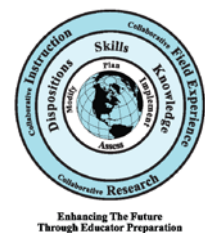
In November 2010, NCATE merged with the Teacher Education Accreditation Council (TEAC) to become the Council for the Accreditation of Educator Preparation (CAEP), combining the two premiere accrediting organizations as a single accrediting agency for reform, innovation, and research in educator preparation. SHSU will continue to be NCATE accredited through its next review scheduled for November 2017.

[NCATE Standards](#)

[CAEP Standards](#)

### **The Conceptual Framework and Model**

[The COE Conceptual Framework](#) establishes the shared vision of the college in preparing educators to work with P-12 students through programs dedicated to collaboration in instruction, field experience, and research, the candidates in Sam Houston State University's Educator Preparation Programs acquire the knowledge, dispositions, and skills necessary to create a positive learning environment preparing educators to work with P-12 students. Employing a variety of technologies, candidates learn to plan, implement, assess, and modify instruction to meet the needs of diverse learners. The Conceptual Framework (CF) incorporates five (5) indicators throughout the framework that serve to identify areas tied to course work where there is evidence of Conceptual Framework and goals assessment. The five indicators are: Knowledge Base (CF1), Technological Learning Environment (CF2), Communication (CF3), Assessment (CF4), and Effective Field Experience with Diverse Learners (CF5)



## **SHSU Dispositions and Diversity Proficiency (DDP) Standards**

CF: Conceptual Framework

CAEP: Council for the Accreditation of Educator Preparation (see page 20-21 of CAEP

	DDP	CF	CAEP	NCATE
1.	Demonstrates an attitude of reflection and thoughtfulness about professional growth and instruction.	2	1.1 (InTASC #10) & 3.3	1. c., 1.g., & 4. c
2.	Demonstrates a commitment to using technology to create an authentic learning environment that promotes problem-solving and decision making for diverse learners.	2	1.5 & 3.4	1.b, 4.a., & 6.d.
3.	Practices ethical behavior and intellectual honesty.	3	1.1(InTASC #9) , 3.3, & 3.6	1.g. & 4.a.
4.	Demonstrates thoughtfulness in communication and an awareness and appreciation of varying voices.	3	3.1, 3.3	4.a.
5.	Demonstrates knowledge of second language acquisition and a commitment to adapting instruction or programs to meet the needs of culturally and linguistically diverse learners.	3 & 5	1.1 (InTASC #2)	4.a.& 4.d.
6.	Demonstrates ability to be understanding, respectful and inclusive of diverse populations.	3 & 5	3.1	4.a. & 4.d.
7.	Uses assessment as a tool to evaluate learning and improve instruction for all learners	4	1.1 (InTASC #6)	1.d. & 4.a.
8.	Demonstrates a commitment to literacy, inquiry, and reflection.	1 & 4	1.1 (InTASC #9) & 3.3	1. d, 1. g., & 4.a.
9.	Leads diverse learners to higher level thinking in cognitive, affective, and/or psychomotor domains.	5	1.1 (InTASC, & #2)	4.a.
10.	Demonstrates a commitment to adapting instruction or programs to meet the needs of diverse learners.	5	1.1 (InTASC #2 and #9), & 1.4, 2.3	1.c., 3.c., 4.a., & 4.d.

Standards for cross-cutting themes and diversity characteristics)

NCATE: National Council for the Accreditation of Teacher Education

The Dispositions and Diversity Proficiency (DDP) Standards are administered and evaluated in prescribed courses to all educator preparation student in initial and advanced programs (*please provide additional information for the candidate if the DDP is administered during your course*).

**College of Education Information:**

Please be advised that the College of Education conducts ongoing research regarding the effectiveness of the programs. You will receive one survey in the final semester prior to graduation regarding the operations of the unit during your time here. A second survey will occur within one year following graduation from or completion of a program, and will be sent to you and to your employer. This survey will focus on the preparation received at SHSU. Please remember that your response to these surveys is critical to SHSU program excellence.

NCATE Unit Standards

<http://www.ncate.org/documents/standards/NCATE%20Standards%202008.pdf>

<http://www.ncate.org/public/unitStandardsRubrics.asp?ch=4>

**State Standards:** <http://www.sbec.state.tx.us/SBEOOnline/standtest/edstancertfieldlevl.asp>

Web link on *Educator Preparation Services* site for **Conceptual Framework**:

[http://www.shsu.edu/~edu\\_edprep/](http://www.shsu.edu/~edu_edprep/)