



**EDAD 5372 Federal, State, and Local School Law
Spring 2018**

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

College of Education Department of Educational Leadership

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Office Hours: By appointment

Day and time the class meets: ONLINE (12:00 am Mondays-11:59 pm Saturdays)

Location of class: This course will be ONLINE. (You must be able to access Blackboard through 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. (2014). *The educator's guide to Texas school law*. 8th ed. University of Texas Press TX: Austin.

Alexander, K. & Alexander, M. D. (2012). *American public school law*. 8th ed. Belmont CA: Wadsworth.

Brown, G. & Irby, B. (2001). *The principal's portfolio*. 2nd ed. Corwin Press CA: Thousand Oaks.

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 **Monday** 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**. *Do not wait until the end of the week to participate in discussions. Participation should be ongoing Tuesday to Saturday.*

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 summary, 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 17-20: The Department of Educational Leadership and Counseling requires embedded field-based activities for each course leading to Principal Certification. The specific activities are listed on page 9 of the syllabus and each student is required to submit responses to the prompts electronically.

Embedded Activities are to be completed and summarized by the candidates. The purpose of the activities is to give the candidates an inside look at issues that impact the decisions of school leaders. This activity supports the design of comprehensive professional growth plans (ELCC 2.4) by focusing on observations and reflective practice. To enlist the support of your school administrators, you will need to explain that you are working on your principal certification and need their support. If you need to modify any of the Embedded Activities, please discuss with your professor. We want to be sensitive to the constraints of building administrators.

Format: The Brown and Irby reflection cycle (Found in the *Principal Portfolio*). **Goal:** describe the goal of the activity; **Artifact:** describe any documents that you reviewed or created for the activity; **Describe** what you observed or did; **Analyze** your actions and skills needed; **Appraise** your actions and skills; **Transform:** discuss how you would change or do things differently.

Page formatting: About one page, no more than 2 pages, 12-point font, 1 inch margins. Spacing: 1.5 or double. Remember, professors may increase the minimum requirements and provide guiding questions for the students to use in completing the EFAs. Deadlines are listed with this the course schedule. **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 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 (**Blackboard Document Sharing Section**).

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 st Brief 10%; 2 nd 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 8th edition. If you use different editions....the topics may be correlated to DIFFERENT chapters! Proceed with caution!

COURSE ASSIGNMENTS

Week	DATES	TOPICS	ASSIGNMENTS
1	1/17	Introduction	Blackboard
2	1/22	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	1/29	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

4	2/5	Students and the Law <i>Hartzell v. Connell</i> 679 P.2d 35 (1984) <i>Berg v. Glen Cove City School District</i> 853 F. Supp. 651 (1994) <i>Tinker v. Des Moines Independent Community School District</i> 393 US 503 (1969) <i>Bethel School District No. 409 v. Fraser</i> 478 US 675 (1986) <i>Hazelwood School District v. Kuhlmeier</i> 484 US 260 (1988) <i>Sherman v. Community School District</i> 21 980 F.2d 437 (1992), cert. Denied, 508 US 950 (1993) <i>Palmer v. Merluzzi</i> 868 F.2d 90 (1989) <i>Beeson v. Kiowa County School District</i> RE-1 567 P.2d 801 (1977)	Alexander Ch. 8, 9, and 10 Walsh & Kemerer Ch. 2
5	2/12	Discipline <i>Goss v. Lopez</i> 419 US 565 (1975) <i>New Jersey v. T.L.O.</i> 469 US 325 (1985) <i>Gonzales v. McEuen</i> 435 F. Supp. 460 (1977) <i>Ingraham v. Wright</i> 430 US 651 (1977) <i>Board of Education of Rogers Arkansas v. McCluskey</i> 458 US 966 (1982) <i>Ryan G. v. Navasota I.S.D.</i> Docket No. 113R5-598 (Commissioner of Education, 1999)	Walsh and Kemerer Ch. 8 <div style="background-color: yellow; padding: 5px;"> Embedded Activity #17 Due by 11:59 pm on 2/17. </div>

6	2/19	Teachers and the Law <i>Dodge v. Board of Education</i> 302 US 74 (1937) <i>Beilan v. Board of Public Education</i> 357 US 399 (1958) <i>Board of Regents of State Colleges v. Roth</i> 408 US 564 (1972) <i>Pickering v. Board of Education of Township High School District</i> 205 391 US 563 (1968) <i>Mt. Healthy City School District Board of Education v. Doyle</i> 429 US 274 (1977) <i>Collins v. Faith School District #46-2</i> 574 N.W.2d 889 (1998) <i>Milkovich v. Loraine Journal Co.</i> 497 U.S. 1 (1990)	Alexander Ch. 16 & 17 Walsh & Kemerer Ch. 6
7	2/26	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)	Alexander Ch. 15 & 18 Walsh and Kemerer Ch. 4 & 5
8	3/5-6	Mid-Term Organization/Prep/Writing	
	3/7-8	Mid-Term Examination – Online	

9	3/19	The Instructional Program <i>Sandlin v. Johnson</i> 643 F.2 nd . 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)	Alexander Ch. 7 <div style="background-color: yellow; padding: 5px;"> Embedded Activity #18 Due by 11:59 pm on 3/24. </div>
10	3/26	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) <i>Texas Texas City Independent School District v. Jorstad</i> 752 F.Supp. 231 (1990) <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)	Alexander Ch. 11 Walsh and Kemerer Ch. 3

11	4/2	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 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)	Alexander Ch. 12 & 14 Walsh and Kemerer Ch. 10 Embedded Activity #19 Due by 11:59 pm on 4/7.
12	4/9	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)	Alexander Ch. 20

13	4/16	<p>Privacy (FERPA Emphasis)</p> <p><i>Point Isabel Independent School District v. Hinojosa</i> 797 S.W. 2d 176 (Tex. App.—Corpus Christi 1990)</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 [1st 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>	<p>Alexander Ch. 9 and 13</p> <p>Walsh & Kemerer Ch. 9</p> <p>Embedded Activity #20 Due by 11:59 pm on 4/21.</p>
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14	4/23	Religion in the Public Schools <i>Engel v. Vitale</i> 370 US 421 (1962) <i>School District of Abington Township v. Schempp & Murray v. Carlett</i> 374 US 203 (1963) <i>Lee v. Weisman</i> 505 US 577 (1992) <i>Edwards v. Aguillard</i> 482 US 578 (1987) <i>Santa Fe Independent School District v. Doe</i> , 530 U.S. 290 (2000)	Walsh & Kemerer Ch. 7 Alexander Ch. 5
15	4/30 OPTIONAL	School Finance <i>Edgewood I.S.D. v. Kirby</i> , 777 S.W.2d 391 (Tex. 1989) <i>Edgewood I.S.D. v. Kirby</i> 804 S.W.2d 491 (Tex. 1991) <i>Edgewood I.S.D. v. Meno</i> 893 S.W.2d 450 (Tex. 1995) <i>Edgewood I.S.D. v. Meno</i> 917 S.W.2d 717 (Tex. 1995) <i>West Orange-Cove Consolidated ISD v. Neeley</i> , 176 S.W.3d 746 (2005), <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)	Finance Handout – You might want to read the online article.....could be a bonus question on the Final Exam!
16	5/7-8 5/9-10	Mid-Term Organization/Prep/Writing FINAL EXAM Online	

Embedded Course Activities

ASE 572 Federal, State, and Local School Law		
17. 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. Describe what is being done for student and staff safety. What are the most important things you learned from this activity? Why?	9.2 Ensure Safety of Students & Personnel in Emergencies	6.1 Understand Legal, Political, Social, Economic Context
18. Review the Educator Code of Ethics Purpose and Scope; Definitions, Texas Administrative Code, §247.1 and the Code of Ethics and Standards Practices for Texas Educators, Texas Administrative Code, §247.2. How does the principal ensure that educators comply with educator laws? What are the most important things you learned from this activity? Why?	3.2 Implement Compliance w/ Code of Ethics	5.1 Act with Integrity 5.2 Acts Fairly 5.3 Acts Ethically

19. Describe changes to the campus discipline management process and practices due to high numbers and the percentage of students who are in-school suspension, out-of-school suspension, and Disciplinary Alternative Education Program placements.	9.4 Apply Law to Support Services 3.5 Apply Laws Fairly 3.4 Apply Legal Guidelines	3.1 Manage the Organization 6.3 Influence Legal, Political, Social, Economic Context
20. Describe the principal's responsibility for monitoring the safety and welfare of the school community. Review and describe the school's emergency procedures.	9.2 Ensure Safety of Students & Personnel in Emergencies 9.3 Develop/Implement Procedures for Crisis Planning	3.1 Manage the Organization

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).

University Policies

- 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](#)

NCATE Accreditation

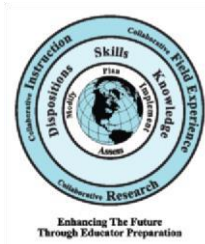
The Sam Houston State University, College of Education has the distinction of NCATE accreditation since 1954. As an NCATE accredited program, the College of Education ensures that the best-prepared teachers will be in classrooms teaching the next generation of leaders how to solve problems, communicate 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 which occurred in November 2015.

[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 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/SBECOnline/standtest/edstancertfieldlevl.asp>

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

http://www.shsu.edu/~edu_edprep/

	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.