

DEPARTMENT OF EDUCATION  
COURSE SYLLABUS

**School Law**

**ED 558 – Spring 2005**

**3 graduate cr.**

**School Law Knowledge Base:** Understanding how the law applies in the school environment requires a basic understanding of the fundamentals of American jurisprudence particularly the roles and interaction of constitutional, statutory and common law principles. The case method of study is used so that students will learn how to think and reason using basic legal principles. Effective use of school law requires the practitioner to not only make decisions that are legally correct but which also are educationally sound.

**Course Objectives:**

Knowledge: The student will be able to:

1. understand the legal structure with particular emphasis on the relationship of the courts to the governance structure of education.
2. understand the inter-relationship and application of the federal and state constitutions, federal and state statutes and the common law.
3. distinguish policy from legal issues.
4. identify the legal ingredients in administrative decisions.
5. identify situations where expert legal assistance is needed.
6. understand components of a professional code of ethics.

Skills: The student will be able to:

1. properly analyze court decisions and state statutes.
2. apply appropriate principles of law to matters involving the internal operation of the schools.
3. apply appropriate principles of law to matters involving the inter-relationship of schools to other institutions and individuals.
4. critically evaluate sources of legal information.
5. develop administrative and classroom procedures consistent with appropriate legal standards.

Attitudes: The student will be able to:

1. recognize the complexity of the legal process.
2. appreciate the importance of the legal dimension to many administrative decisions.
3. recognize that expertise is necessary to assure compliance with many legal mandates.
4. respect the importance of maintaining the rule of law and complying with legislative and legal mandates.
5. recognize and apply a professional code of ethics to legal situations.

**Course Outline:**

1. The Legal System
2. Legal Framework of Public Education
3. School District Organization, State Authority, Local Board Authority. Operation of the Sunshine Law
4. Church State Relationships
5. Teacher Certification
6. Contract Non- Renewal, Teacher Due Process, HB. 330

7. Teacher Rights
8. Employee Selection
9. The Instructional Program — Curriculum
10. Academic Freedom
11. Competency Testing
12. Compulsory Education — School Attendance, Tuition Requirements, Home Education
13. Student Rights/Due Process
14. Student Rights of Expression
15. Search and Seizure
16. Extracurricular Activities
17. Sexual Harassment
18. Rights of Handicapped
19. Requirements of ADA
20. AIDS
21. Tort Liability
22. Sport Participation and Liability
23. Employee Discrimination
24. Collective Bargaining
25. Arbitration
26. School Finance — Equity in Funding Law Suits

**Clinical/Field Experience:**

1. Clinical experiences will include discussions with school administrators and school attorneys directed toward identifying actual school law problem situations. Students will also be expected to use primary legal sources in researching a school law problem.
2. Write a critique of an educational setting, to which the principles of law have been applied, analyzing how the situation involved a professional code of ethics. Use concrete situations—such as the placement of a handicapped student in an out-of-school setting and codes of ethics for the variety of parties involved.

**Course Evaluation:** Student performance will be evaluated through:

1. a mid-term and final performance examination
2. class attendance and participation
3. written project

**Guidelines:**

1. Each student will attend class regularly, prepare assigned cases and actively participate in class activities.
2. Each student will identify a legal topic of interest and complete a written project prior to the completion of the course.
3. Each student will regularly brief assigned cases and orally present assigned brief to the class.
4. Each student will participate and demonstrate competence in a variety of in-class problem solving activities.
5. Each student will demonstrate competence on written mid-term and final performance examinations. Performance evaluations will include school-based problem situations requiring student to analyze situation from legal perspective and determine appropriate course of action.

**Evaluation:**

- |    |                                  |     |
|----|----------------------------------|-----|
| 1. | Mid Term Performance Examination | 25% |
| 2. | Final Performance Examination    | 25% |
| 3. | Quality and Frequency of Class   |     |

	Participation, Including Class Briefs	20%
4.	Written Project	30%

#### Performance Evaluation Rubric

1. Critical facts identified
  - All facts pertinent to problem analysis identified and considered
  - Impact of facts on legal analysis reviewed
2. Legal issues identified
  - All potential legal issues clearly identified
  - Issues framed as legal questions
3. Clear, appropriate decision and course of action
  - Course of action consistent with prevailing legal authority identified
  - Course of action responsive to resolving problem situation identified
4. Legal reasoning supports decision/course of action
  - Appropriate legal reasoning supports decision/course of action
  - Legal reasoning is logical and comprehensive

#### **Representative works Consulted:**

##### References:

- Baker, Robert T. and Carey, Kimball H. 2004-05 Handbook of Ohio School Law. Anderson Publishing Co., Cincinnati, Ohio, 2004.
- Buchter, Johathan F., Hastings, Susan, S., Sheeran, Timothy J., and Stype, Gregory. Ohio School Law, 2002-03 West Group, Cleveland, Ohio. 2002.
- Connors, Eugene. Educational Tort Liability. Phi Delta Kappa. Bloomington, Indiana, 1981.
- DeTemple, Matthew, J. and Miller, Adam C. Managing Employee Leaves: The Law of Employee Absences. Ohio School Boards Association. Westerville, Ohio. 1997.
- Dickinson, Richard J. and Miller, Adam C. Ohio School Records Guide. Ohio School Boards Association. Westerville, Ohio. 1996.
- Fischer, Lewis, Schimmel, David, Kelly, Cynthia. Teachers and the Law. Fourth Edition. Longman Publishers. White Plains, New York. 1995.
- Frels, Kelly and Schneider-Vogel, Shirley. The First Amendment and School Employees. National Association of Secondary School Principals, Reston, Virginia, 1986.
- Lewis, John F., James, Ronald J., Hastings, Susan C., Ford, Jacklyn. Drug and Alcohol Abuse in Schools, National Organization on Legal Problems of Education, Topeka, Kansas, 1992.
- Mawdsley, Ralph D. and Mawdsley, Alice L. Free Expression and Censorship. National Organization on Legal Problems of Education, Topeka, Kansas, 1988.
- Mawdsley, Ralph D. Academic Misconduct: Cheating and Plagiarism. National Organization on Legal Problems of Education, Topeka, Kansas, 1994.
- McCarthy, Martha M. and Cambron-McCabe, Nleda H. Public School Law. Second Edition. Allyn and Bacon, Boston, 1987.
- Merim, Samuel. Law and the Legal System. Little, Brown and Company, Boston, 1973.
- Reutter, E. Edmund, Jr. The Supreme Court's Impact on Public Education. Phi Delta Kappa and National Organization of Legal Problems in Education, U.S.A., 1982.
- Rossow, Lawrence F. Search and Seizure in the Public Schools. National Organization on Legal Problems of Education, Topeka, Kansas, 1987.
- Rossow, Lawrence F., Parkinson, Jerry. The Law of Teacher Evaluation. National Organization on Legal Problems of Education, Topeka, Kansas, 1994.

Schimmel, David Ed. Research That Makes a Difference, National Organization on Legal Problems of Education, Topeka, Kansas, 1996.

Thomas, Stephen B. Yearbook of Education Law 2003 (also 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2003) National Law Association, Dayton, Ohio, 2003

Valente, William D. Law in the Schools, 3rd Edition. Macmillan Publishing Company, New York, 1994

Journals consulted on a regular basis:

Journal of Law and Education, Jefferson Law Book Company, Cincinnati, Ohio.

NOLPE School Law Journal, National Organization on Legal Problems of Education. Topeka, Kansas.

West's Education Law Reporter. West Publishing Company, St. Paul, Minnesota

**Writing Style:** Written work in this class may be prepared in either the APA, Campbell or Harvard styles.

**Department of Record:** Questions about this course and its instruction should be addressed to the Department of Education.

Students with documented disabilities are entitled to reasonable accommodations if needed. If you believe you need accommodations please see the professor of this course or JCU's Coordinator for Students with Disabilities (Ext. 4967) as soon as possible. Accommodations will not be granted retrospectively.

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