

POLITICAL AND LEGAL ASPECTS OF EDUCATION

EDAD 5381

DEPARTMENT OF EDUCATIONAL LEADERSHIP AND POLICY STUDIES

UNIVERSITY OF TEXAS AT ARLINGTON

Spring, 2013

Fort Worth Campus

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Purpose of Course

Students will become familiar with the legal foundation of public education, political theory, and application of political skills in working with school personnel, students, parents, and

community organizations, especially the role of the law, court rulings, and the politics of school governance at the federal, state, and local levels. In achieving these objectives students should:

1. understand the federal and state legal systems and their relationship to the legislative and executive branches.
2. acquire basic legal vocabulary and concepts and learn how to apply them.
3. understand how public school law intersects with other legal fields and how state and local laws relate to each other and to federal law.
4. learn to distinguish legal from policy, political, or human relations issues which they will confront as building administrators.
5. enhance their working knowledge of common legal issues confronted by building level administrators.
6. learn how to use legal principles to resolve disputes.
7. learn when they should consult with the district's lawyer(s) and/or other administrators higher in the chain of command.
8. develop general knowledge of sources of law and rudimentary legal research.

Required Course Materials

The assigned readings are comprised of United States Supreme Court decisions and/or decision syllabi and summaries. The decisions are accessible through Westlaw and Lexis-Nexis search engines at the UTA Library web-site and other legal web-sites. The other web-sites include: OYEZ @ IIT Chicago-Kent College of Law [www.oyez.org]; Supreme Court of the United States [www.supremecourtus.gov/]; and SCOTUSBlog [www.scotusblog.com/wp/].

Recommended [NOT REQUIRED] Textbook

Jim Walsh, Frank Kemerer and Laurie Manoitis, *The Educator's Guide to Texas School Law*, University of Texas Press (7th Ed. 2010).

The instructor reserves the right to alter or supplement the course syllabus to enable the students to stay current on legal issues affecting K-12 administrative practice.

Course Design

Each unit will consist of a reading assignment and follow-up classwork which requires students to apply the material they have read. Students are expected to actively participate in class discussions based on the assigned reading. Students are encouraged to discuss issues related to the course content as they arise in the schools/districts in which they are working.

Grading

Students are required to be prepared for class and thoroughly read each case they are assigned.

On the first day class convenes students will be randomly assigned cases on which they will make in-class oral presentations to their class colleagues. Students' presentations will be supported by power-points prepared by the student. Each student will be required to make *four* oral presentations from the assigned list. You may wish to provide hand-outs to your classmates to help your colleagues understand your presentation.

The presentation format for students' oral presentations will include: (1) Name of the case (2) statement of the parties (3) name of the court from which the decision was appealed (4) underlying facts (5) whether the case involves a constitutional or statutory question, or both (6) what the issue was, stated in the form of a question (7) what the answer to the questions was, as determined by the Supreme Court (8) statement of the rationale or reasoning the court used in coming to its conclusion (9) which party won the case or, if no party won, why (10) what effect the decision has on educational practice and (11) whether the presenter agrees with the outcome of the case and why.

The total possible points which can be earned for each oral presentation is 20. For the four presentations the total possible points which can be earned is 80. A core legal terminology paper and pencil test(s) will be administered for which a total of 20 points maximum may be earned. It will be administered during class # 7 or 8. To earn an "A" a student must accumulate 90 or more points by the end of the course. To earn a "B" a student must accumulate 80 or more

points. A “C” will be assigned to students who earn between 70 and 79 points and a “D” to students who earn less than 70 points.

The oral presentations and the accompanying materials must be prepared by the students without the assistance of other persons. However, students may consult with library and other research sources in the preparation of their assignments. The in-class exam must be completed without the assistance of another person. Any violations of these rules will be treated as a form of academic dishonesty and handled by the instructor in accord with applicable UTA rules.

Note: The UTA Graduate Honor Code establishes a standard of academic integrity. The code demands firm adherence to a set of values and is founded on the concept of honesty with respect to the intellectual efforts of oneself and others. You must read and study the requirements of the Graduate Honor Code as a requirement of this course. Please visit the UTA website for details concerning your obligations in this regard.

Note: If you at any time believe you are a student with a disability who requires a reasonable accommodation, related in any way to this course, please visit the UTA website regarding accommodations based on disability so that, where appropriate, such accommodations may be offered to you. Such accommodations may include rights under the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act (“Section 504”).

Out-of-Class Consultations with the Instructor

If you would like to meet with me in person to discuss any issues related to the course I would be glad to meet with you at the Arlington campus. My office hours will be from 3:00 and 5:00 p.m. Central Time on Mondays and Fridays. I can arrange to meet with you outside this schedule. Just e-mail me at lmwasser@uta.edu and we can find a mutually convenient time to meet.

All students should bring their laptops to class for the first meeting. This will enable you to practice gaining access to the legal web-sites which you will use during the course.

Schedule and Assignments

**ALL CLASSES WILL START ON FRIDAY AFTERNOONS AT 2:00 P.M. AND
END AT 5:00 P.M UNLESS OTHERWISE ARRANGED**

Unit One. Friday, January 18, 2013.

An Overview of the Legal System.

Materials: Core Legal Terminology and Concepts (electronic hand-out).

Unit Two. Friday, January 25, 2013.

Continuation of Overview of the Legal System

Unit Three. Friday, February 1, 2013.

Student Attendance and the Instructional Program

Brown v. Board of Education of Topeka, 347 U.S. 83 (1954), Plyer v. Doe, 457 U.S. 202 (1982),
Martinez v. Bynum, 461 U.S. 321 (1983), Prince v. Massachusetts, 321 U.S. 158 (1944),

Unit Four. Friday, February 8, 2013.

Student Attendance and the Instructional Program

Pierce v. Society of Sisters, 268 U.S. 510 (1925), Wisconsin v. Yoder, 406 U.S. 205 (1972);
Meyer v. Nebraska, 262 U.S. 390 (1923), Board of Education, Island Trees Union Free School
District v. Pico, 457 U.S. 853 (1982), Epperson v. State of Arkansas, 393 U.S. 97 (1968),
Edwards v. Aguillard, 482 U.S. 578 (1987), Lau v. Nichols, 414 U.S. 563 (1974).

Unit Five, Friday, February 15, 2013.

Student Rights: Constitutional Due Process and Statutory Protections.

Ingraham v. Wright, 430 U.S. 651 (1977), Goss v. Lopez, 419 U.S. 565 (1975), Franklin v. Gwinnett, 503 U.S. 60 (1992), Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998), Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Unit Six. Friday, February 22, 2013.

Student Rights: School Integration

Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (June 28, 2007), Meredith v. Jefferson County Board of Education, 551 U.S. ____ (June 28, 2007).

Athletic Recruitment Prohibition and Free Speech

Tennessee Secondary School Athletic Association v. Brentwood Academy, 551 U.S. ____ (2007).

Unit Seven. Friday, March 1, 2013.

Student Rights: Speech, Expression, and Privacy

Tinker v. Des Moines, 393 U.S. 503 (1969), Bethel v. Fraser, 478 U.S. 675 (1986), Morse v. Frederick, 127 S.Ct. 2618 (2007), Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988), New Jersey v. TLO, 469 U.S. 325 (1985), Veronia School District v. Acton, 515 U.S. 646 (1995), Board of Education of Independent School District No. 92 of Pottawatomie Co. v. Earls, 536 U.S. 822 (2002).

Unit Eight. March 8, 2013.

Church and State.

Everson v. Board of Education, 330 U.S. 1 (1947), Board of Education of Central School District No. 1 v. Allen, 392 U.S. 236 (1968), Lemon v. Kurtzman, 403 U.S. 602 (1971), Mueller v. Allen, 463 U.S. 388 (1983), Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993), Agostini v. Felton, 521 U.S. 203 (1997), Mitchell v. Helms, 530 U.S. 973 (2000), Zelman v. Harris, 536 U.S. 639 (2002), Locke v. Davy, 540 U.S. 712 (2004).

Spring Holiday March 11-March 17.

Unit Nine. March 22, 2013.

Church and State [continued].

Illinois ex rel. McCollum v. Board of Education of School District No. 71, 333 U.S. 203 (1948), Zorach v. Clauson, 343 U.S. 306 (1952), School District of Abington Township v. Schempp and Murray v. Curlett, 374 U.S. 203 (1963), Stone v. Graham, 449 U.S. 39 (1981), Wallace v. Jaffree, 472 U.S. 38 (1985), Lee v. Weisman, 505 U.S. 577 (1992).

Unit Ten. March 29, 2013.

Church and State (continued)

Santa Fe Independent School District v. Doe, 530 U.S. 290 (2000), Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990), Good News Club v. Milford Central School District, 533 U.S. 98 (2001), West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)

Unit Eleven. April 5, 2013.

Due Process Rights of Teachers.

Board of Regents v. Roth, 404 U.S. 564 (1972), Perry v. Sindermann, 404 U.S. 593 (1972), Harrah Independent School District v. Martin, 440 U.S. 194 (1979), Cleveland Board of Education v. Loudermill, 470 U.S. 532 (1985), Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974).

Unit Twelve: April 12, 2013.

Teachers' Expressive Freedoms

Pickering v. Board of Education, 391 U.S. 563 (1968), Mt. Healthy City School District v. Doyle, 429 U.S. 274 (1977), Connick v. Meyer, 461 U.S.138 (1983), Garcetti v. Ceballos, 126 S.Ct.1951 (2006).

Unit Thirteen: April 19, 2013.

Special Education

Rowley v. Board of Education of Hendrick Hudson Central School District, 458 U.S. 176 (1982), Irving I.S.D. v. Tatro, 468 U.S. 883 (1984), Honig v. Doe, 484 U.S. 305 (1988), Florence County School District v. Carter, 510 U.S. 7 (1993), Cedar Rapids School District v. Garrett F., 526 U.S. 66 (1999), Schaffer v. Weast, 546 U.S. 49 (2005), Arlington C.S.D. v. Murphy, 126 S.Ct. 2455 (2006), Forest Grove School District v. T.A., 557 U.S. __ (2009).

Unit Fourteen: April 26, 2013.

Special Education (continued).

Unit Fifteen: May 3, 2013.

Review