UNIVERSITY OF UTAH
EDUCATIONAL LEADERSHIP AND POLICY

SYLLABUS

ELP 6410 - EDUCATION LAW
FALL 2012

Instructor: Steven K. Hirase, Ed.D.

Phone: 801-264-7400 (work)
        801-550-7583 (cell)

E-Mail: shirase@murrayschools.org

Class Session: Tuesday 4:35 – 7:05 pm
               Murray Campus Room 109
               First class, Aug. 21, 2012
               Last class, Dec. 4, 2012
               Final Exam, Dec. 11, 2012

Office Hours: I am available to meet with students by appointment. Please call or e-mail me to establish a meeting time that accommodates both of our schedules. If you contact my work telephone # and I am not available, you can schedule an appointment with my secretary Tricia.

Required Text and Readings


Statutory Materials, Administrative Rules and Regulations, Court Cases, and Case Studies available online at the following sites:
http://le.utah.gov/code/code.htm - Utah legal information
http://www.law.cornell.edu/supct/search/ - U.S. Supreme Court cases

1 Elements of this syllabus were adapted from the following: Martha McCarthy, A308/A508/E310 (Spring 2010): Legal and Ethical Issues in Education, Indiana University; Dave Sperry, ELP 6410 (Fall 2008): Education Law, University of Utah; Dr. Cori Groth, ELP 6410 (Summer 2010): Education Law, University of Utah.
Additional Readings

Part of the knowledge base for educational law is a working knowledge of how to access legal information online. Instructions regarding accessing legal information will be provided by the course instructor on the first day.

Students are encouraged to subscribe to the National School Boards Association’s Legal Clips via email at (free):  
http://www.nsba.org/MainMenu/SchoolLaw/LegalClips.aspx

Students are also encouraged to visit the monthly newsletter, Utah School Law Update, compiled by Heidi Alder, Utah State Office of Education, at:  
http://www.schools.utah.gov/uppac/

Course Summary

This course provides an introduction to the legal principles and laws affecting the administration and management of K-12 schools with emphasis on building level concerns. The course focuses on the interplay of law and policy, legal decision-making, and educational practice. Among the issues addressed are the relationship between schooling and the state, the nature and scope of students' and teachers' substantive and procedural rights, the legal aspects of instructional program management, tort liability, and the many meanings of equal educational opportunity. Special attention is given to the importance that respect for individual rights, equal protection of the law, due process, and reasonable conduct have on administration decision-making and leadership for school improvement.

Approach to Teaching and Learning

Learning is the reciprocal responsibility of both the instructor and the class participants. This course is taught using lectures, case studies, class discussions, oral student reports, individual/group discovery through the examination and resolution of legal incidents and real/hypothetical legal problems and issues faced by K-12 educators. These activities are designed to enrich your conceptual and theoretical understanding of education law, to support your development of skills applicable to your professional responsibilities, and encourage you to reflect critically upon your beliefs, assumptions, and practices.
Course Expectations

Consistent with university guidelines, students are expected to attend class and engage in the amount of out of class work (i.e., reading, writing, research, etc.) required to be fully prepared to participate in class, complete assignments on time, and to pass scheduled examinations.

The Socratic teaching method will be used to examine court cases and additional readings. This requires that students come to class having read and prepared to engage in a one-on-one analysis of written court opinions and readings from the assigned text. In addition, discussions of assigned reading materials and case studies that will be distributed in class will take place. Therefore, student attendance is required and class participation will be part of the grading process.

Written Work

All written work should be typed, formatted, and void of grammatical, spelling and typographical errors. In addition to being clear, concise, and organized, written work should demonstrate a thorough analysis and include supporting evidence from course readings and additional resources. Please be sure to use appropriate procedures for quoting, paraphrasing, and acknowledging sources when preparing any written work. It is preferred that students use the APA Manual as a guideline for bias-free writing, formatting, and appropriate citations. Plagiarism of any kind will not be tolerated.

Please take time to proofread your papers before submitting them. (Tip: reading one’s paper/report out loud or having someone else proofread helps to improve the quality of one’s written work.) If you have concerns about your writing, please discuss this matter with me before assignments are due.

Course Requirements

Below are the requirements for this course that will be the basis for the final grade. Please see the accompanying Assignment, Study Guide, and Exam Manual for detailed information on the assignments and grading expectations.

1. Class Participation: Because of the format attendance is an essential aspect of this course. Students will need to come prepared to class having read the assigned materials and ready to participate in discussions, small group activities, or as part of the assigned activities. Each week students will be asked to participate in case brief discussions and class exercises.
related to the readings and study guide. For sessions with guest speakers, students will also be expected to have questions prepared for the guest speaker in order to take advantage of their applied expertise. Absences and lack of preparedness or participation will affect the overall grade. Please contact the instructor in advance if you are unable to attend a class.

2. Case Briefs: Students will prepare four case briefs over the course of the semester. Students will be responsible for leading the class discussion of the cases and all students must be prepared to do so. Briefs will be submitted online, but students should have access to their briefs for class discussion.

**Case Brief #1 – Due September 4**
- Bauchmann v. West High
- Lanner v. Wimmer
- Westside Community Prayer & Bible Reading v. Mergens
- Santa Fe v. Doe
- Goodnews Club v. Millford Central School
- Zelman v. Simmons-Harris
- Lee v. Weisman

**Case Brief #2 - Due September 18**
- Pickering v. Board of Education
- Connick v. Myers
- Mt. Healthy v. Doyle
- Hazelwood v. Kuhlmeier
- Georgia Assn. of Educators v. Harris

**Case Brief #3 – Due September 25**
- Tinker v. Des Moines
- Bethel v. Fraser
- Hazelwood v. Kuhlmeier
- Morse v. Frederick
- Layshock v. Hermitage School District
- East High GSA

**Case Brief #4 – Due October 23**
- Seal v. Morgan
- Goss v. Lopez
- Ingraham v. Wright
- New Jersey v. T.L.O.
  - Veronia School Dist. 471 v. Acton
3. **Issue Paper:** Students will write a 4-7 page paper on a legal concern raised by current school administrators and analysis of school policies to address the issues. Questions for the administrators are to be designed to compare actual practice with what the legal literature indicates should be good or required practice.

Students will also receive credit for submitting a detailed outline of the paper mid-semester and presenting an oral report on the issue at the end of the semester.

**Topics may include:**

- Bullying
- Drug Testing
- Faculty/Staff Lifestyle Issues
- Releasing Students
- Searches of Students, Lockers, & Automobiles
- Sexual Harassment
- Staff Evaluations
- Student Freedom of Speech
- Teacher Dress Codes
- Zero Tolerance Policies
- Cyber Bullying
- Drug Testing of Students
- Grading Practices of Teachers
- Internet Use, Cyber Law
- Reporting of Abused & Neglected Students.
- Section 504 of the Rehabilitation Act of 1973
- Student Clubs
- Student Records (FERPA)
- Teacher Freedom of Speech
- Other, as approved by instructor

**DUE:** November 6th

4. **Collaborative Group Presentation:** Students will develop and teach a 20-30 minute lesson on an assigned topic during class.

**Topics**

- CyberLaw
  - Cyber Bullying
  - Student Use of Internet
  - Copyright Issues
  - Etc.
- Section 504 of the Rehabilitation Act of 1973
- Teacher Lifestyle Choices/Out of School Conduct
- Discipline of Students with Disabilities

5. **Final Exam/Apply Your Knowledge:** A comprehensive final exam will be administered on Dec. 13. Students will be able to use their class notes to discuss five hypothetical situations involving various areas of law discussed throughout the course.
GRADING

Grades will be based on the following:

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<thead>
<tr>
<th>Points</th>
<th>Description</th>
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<tbody>
<tr>
<td>50</td>
<td>Class Participation</td>
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<tr>
<td>100</td>
<td>Case Briefs (4 @ 25 points each)</td>
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<td>100</td>
<td>Collaborative Group Presentation</td>
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<tr>
<td>25</td>
<td>Issue Paper Outline</td>
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<td>100</td>
<td>Issue Paper</td>
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<td>100</td>
<td>Oral Presentation (on issue paper)</td>
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<tr>
<td>100</td>
<td>Issue Paper</td>
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<td>50</td>
<td>Final Exam</td>
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<td>525</td>
<td>Total Points</td>
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Grades will be distributed on the following basis:

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<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>93-100%</td>
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<td>B+</td>
<td>87-89%</td>
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<td>C+</td>
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<td>D</td>
<td>64-66%</td>
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<td>A-</td>
<td>90-92%</td>
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<td>B</td>
<td>84-86%</td>
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<td>C</td>
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<td>D-</td>
<td>60-63%</td>
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<td>B-</td>
<td>80-83%</td>
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<td>C-</td>
<td>70-73%</td>
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<td>59% or below</td>
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UNIVERSITY POLICIES

1. Academic Policies, Procedures, and Regulations: Please refer to the University of Utah Student Handbook and the University of Utah on-line catalog regarding policies and procedures for grading, attendance, course incompletes, and academic honesty. Additionally, department guidelines for academic study may be found in the Department Student Handbook, Department website, Department program literature, and/or the department’s policy handbook.

2. Harassment: The University of Utah does not tolerate racial, sexual, or other forms of harassment of students, faculty, or staff. If you feel you are subject to such harassment, you should notify one of your instructors. If you feel that you are a target of harassment by your instructor(s) contact the Department Chair (581-6714) or Dean of the College (581-8221).

3. ADA: The University of Utah seeks to provide equal access to its programs, services, and activities for people with disabilities. If you will need accommodations in the class, reasonable prior notice needs to be given to the instructor and to the Center for Disability Services (CDS), 162 Olpin Union Building, 581-5020 (V/TDD). CDS will work with you and the instructors to make arrangements for accommodations.

4. Academic Honesty and Policy on Student Plagiarism: Misrepresenting someone else’s work as your own is a violation of University policy. As per the
University Of Utah Student Code, plagiarism means “the intentional unacknowledged use of incorporation of any other person’s work in, or as a basis for, one’s one work offered for academic consideration or credit or for public presentation. Plagiarism includes, but is not limited to, representing as one’s own, without attribution, any other individual’s words, phrasing, ideas, sequence of ideas, information or any other mode or content of expression.” Sanctions for student plagiarism are at the discretion of the course instructor, but may result in a failing grade for the course. The instructor is required to report in writing any act of plagiarism to the Department Chair with a copy to the student’s file.

5. Classroom Decorum: Cell phones should be turned off, or silenced, during class. During the course, class discussions will develop and class members may or may not agree with another class member’s views. However, all class comments are to be respectful of another’s opinions and learning styles. Students are expected to arrive to class on time and to stay until class is dismissed.
# Course Schedule

Note: this course schedule WILL change. You are responsible for staying abreast of any changes to the readings, topics, or assignment schedule.

## Section 1-Legal Aspects of Public Education

<table>
<thead>
<tr>
<th>Session/Date</th>
<th>Topic</th>
<th>Readings</th>
<th>Assignment</th>
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</table>
| 1. Aug. 21   | Course overview  
Finding the law  
Writing a case brief  
Introduction to Legal Framework of Public Education | | Assign collaborative group presentations. |
| 2. Aug. 28 – Sept. 4 | Tort Liability | Legal Rights Chapter #2  
Who Is Your Lawyer?  
Carr v. School Board of Pasco  
Emanuel v. Great Falls School Dist.  
Norman v. Ogallala Public School Dist.  
Maldonado v. Tuckahoe  
Patrick v. Palm Beach County School Board  
Nims v. Harrison  
Hawkins v. Peart | Case Brief #1 Due (Sept. 4)  
Group Work – Collaborative Presentation |
| 3. Sept. 11  | Church/State Relations | Legal Rights Ch. 3  
Bauchmann v. West High  
Lanner v. Wimmer  
Westside Community Prayer & Bible Reading v. Mergens  
Santa Fe. v. Doe  
Goodnews Club v. Millford Central School  
Zelman v. Simmons-Harris  
Lee v. Weisman | |
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<td>Lemon v. Kurtzman</td>
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<td>Engle v. Vitale</td>
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<td>Pierce v. Society of Sisters</td>
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<td>Wisconsin v. Yoder</td>
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**Section 2-Legal Rights of Teachers**

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<th>Session/Date</th>
<th>Topic</th>
<th>Readings</th>
<th>Assignment</th>
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<tr>
<td>4. Sept. 18</td>
<td>Instructional Issues</td>
<td>Legal Rights</td>
<td>Case Brief #2 Due</td>
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<td></td>
<td>• FERPA</td>
<td>Chapter 4</td>
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<td></td>
<td>• Copyright</td>
<td>Meyer v. Nebraska</td>
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<td>• Censorship</td>
<td>Edward v. Aguillard</td>
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<td>Owasso</td>
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<td>Independent School Dist. v. Falvo</td>
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<td>Brown v. Hot, Sexy &amp; Safer Productions</td>
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<td>Hurd v. Hansen</td>
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<td>Monteiro v. Tempe Union High School Dist.</td>
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<tr>
<td>5. Sept. 25</td>
<td>Substantive Constitutional Rights of Teachers</td>
<td>Legal Rights Ch. 9 &amp; 10</td>
<td>Case Brief #3 Due</td>
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<td>Pickering v. Board of Education</td>
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### Section 3 - Legal Rights of Students

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<th>Session/Date</th>
<th>Topic</th>
<th>Readings</th>
<th>Assignment</th>
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<tr>
<td>7. Oct. 9</td>
<td>No Class – Fall Recess</td>
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### Section 4 - Legal Rights of Students with Disabilities

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<th>Session/Date</th>
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<th>Readings</th>
<th>Assignment</th>
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<tr>
<td>9. Oct. 23</td>
<td>Rights of Students with Disabilities</td>
<td>Legal Rights Ch. 7 Utah State Board of Education Special Education Rules (Bring copy to class or have access to electronic copy - <a href="http://www.schools.utah.gov/1/sars/DOCS/law/finalrules-rev.aspx">www.schools.utah.gov/1/sars/DOCS/law/finalrules-rev.aspx</a>)</td>
<td>Case Brief #4 Due</td>
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### Section 5-Special Topics

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<th>Session/Date</th>
<th>Topic</th>
<th>Readings</th>
<th>Assignment</th>
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<tbody>
<tr>
<td>11. Nov. 6</td>
<td>Ethical Requirements for Teachers and Administrators (Guest Speaker)</td>
<td>R277-515 and 516</td>
<td>Issue Paper Due Group Work – Collaborative Presentation</td>
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<tr>
<td>13. Nov. 20</td>
<td>Discrimination and Termination in Employment</td>
<td>Legal Rights Ch.11 and 12 Board of Regents v. Roth; Perry v. Sinderman Sch. Bd. of Nassau County v. Arline</td>
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<tr>
<td>14. Nov. 27</td>
<td>Collaborative Group Presentation</td>
<td>Cyberlaw Issues Section 504 of the Rehabilitation Act of 1973</td>
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<tr>
<td>15. Dec. 6</td>
<td>Collaborative Group Presentations Exam review</td>
<td>Teacher Lifestyle Choices/Out of School Conduct Discipline of Students with Disabilities</td>
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<tr>
<td>16. Dec. 13</td>
<td>FINAL EXAM</td>
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**Intern Project**

Structured Internship Project (*may earn up to 20 hours of administrative internship hours*)

Focus of Internship Hours: Utah Educational Leadership Standard 5: **Ethical Leadership**

UELS 2011 Standard 5: Ethical Leadership

An educational leader promotes the success of every student by acting with, and ensuring a system of, integrity, fairness, equity, and ethical behavior.

A. Educational Leaders demonstrate appropriate, ethical, and legal behavior expected by the profession.

B. Educational Leaders examine personal assumptions, values, beliefs, cultural competencies, and practices in service of a shared vision, mission, and goals for student learning.

C. Educational Leaders perform the work required for high levels of personal effective leadership performance, including acquiring new capacities needed to fulfill responsibilities.

Students will study, review, interview, observe, and explore aspects of special education in the K12 school environment. Students will need to utilize a hands on learning approach in completing the following checklist of activities related to special education especially as it pertains to ethical leadership. All items on the checklist must be completed. Students will write a two page summary on the project (this can be formatted by including a description of the process and knowledge learned for each checklist item) and must also include a two-three page reflection on what was learned for leadership practice through this process. The final paper will be submitted to the instructor for evaluation and will also need to be placed in the e-Portfolio for Internship Projects.

*Note that the structured internship project will count toward progress of 450 required internship hours and will not be included as part of course grade.*
Intern Project Checklist: Special Education and Ethical Leadership

Please complete the following items and include a brief summary description of the task. All of these items can be completed within a school setting. Interaction and discussion with key members of the school team might include: principal, assistant principal, counselor, psychologist, social worker, special education team leader or teacher, special education paraprofessional speech therapist, 504 designee, district coordinator, etc.

1. Read booklet that explains student and parent rights as they pertain to special education.

2. Review the role of LEA: what and who is it? What are the responsibilities and liabilities of this designation? How is this defined by a school administrator? How will this role impact your future leadership?

3. Review and describe school referral process for special education. Review and copy the referral process as defined by school district. How is this information shared with administrator? Note two names of a future contact (administrator or district level) for you to use as a ‘go-to’ for issues or procedures pertaining to special education.

4. Review and describe a 504 referral and designation. How is this different than an IEP?

5. Observe and participate with school intervention team. Who facilitates? How are notes maintained? How are decisions made? Who follows up with student issues?

6. Observe in a self-contained classroom (location may be in another school or district).

7. Observe a special education teacher and a paraprofessional teaching a small group. Critique from an instructional leader perspective. Are needs of student being met, how is this observed and evaluated?

8. What is an IEP? Review the IEP process with special education teacher. How is this information shared with school administrator and regular education teacher?

9. Attend and critique an IEP placement meeting in terms of fairness, integrity, and equity.

10. Attend district special education training. OPTIONAL