EDUCATIONAL LEADERSHIP AND POLICY 6410-2
EDUCATION LAW AND POLICY FOR CLASSROOM TEACHERS

COURSE SYLLABUS

INSTRUCTOR: David J. Sperry, Professor
Department of Educational Leadership and Policy
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TIME AND LOCATION: Fall Semester 2012
Mondays, 9:40 a.m. – 12:10 p.m.
MBH 304B

TEXT MATERIALS: Legal Rights of Teachers and Students

Selected Utah Educational Laws, Rules, and Court Cases
Compiled by David J. Sperry and Shirley Ann Dawson.
Available at the University Bookstore

COURSE DESCRIPTION

This course is an introduction to the laws and policies affecting the professional life and day-to-day classroom practices of teachers in American public schools. The purposes of the course are: (1) to help prospective teachers better understand their legal rights and responsibilities as professional educators; (2) reduce anxiety and fear many teachers exhibit over legal matters; and (3) hopefully diminish unnecessary litigation and conflicts involving teachers.
**COURSE SCHEDULE**

**Section A – Legal Aspects of Teaching**

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<thead>
<tr>
<th>Session/Date</th>
<th>Topics</th>
<th>Readings</th>
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<tr>
<td>1  Aug. 20</td>
<td>Course Introduction</td>
<td>Chapter 1</td>
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<tr>
<td></td>
<td>Review of Syllabus</td>
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<td>Legal Framework of Public Education</td>
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<tr>
<td>2  Aug. 27</td>
<td>Key Legal Concepts</td>
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<tr>
<td><strong>SEPT. 3</strong></td>
<td><strong>LABOR DAY HOLIDAY – NO CLASS</strong></td>
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<tr>
<td>3  Sept. 10</td>
<td>Tort Liability</td>
<td>Chapter 2</td>
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<td>4  Sept. 17</td>
<td>Church/State Relations</td>
<td>Chapter 3</td>
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<td>5  Sept. 24</td>
<td>MID-TERM #1</td>
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<tr>
<td>6  October 1</td>
<td>Mid-Term #1 Returned and Discussed</td>
<td>Chapter 4</td>
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<td>Instructional Issues</td>
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<td><strong>OCT. 8</strong></td>
<td><strong>FALL BREAK – NO CLASS</strong></td>
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**Section B – Legal Rights of Students**

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<tr>
<th>Session/Date</th>
<th>Topics</th>
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<td>7  Oct. 15</td>
<td>Student Classifications</td>
<td>Chapter 6</td>
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<td>Rights of Students with Disabilities</td>
<td>Chapter 7</td>
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<td>8  Oct. 22</td>
<td>Student Expression, Association, and Appearance</td>
<td>Chapter 5</td>
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<td>Date</td>
<td>Event Description</td>
<td>Chapter</td>
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<td>Oct. 29</td>
<td>Student Discipline</td>
<td>Chapter 8</td>
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<td>MID-TERM #2 DISTRIBUTED (TAKE HOME EXAM)</td>
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<tr>
<td>Nov. 5</td>
<td>Section C – Legal Rights of Teacher</td>
<td>Chapter 9</td>
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<td></td>
<td>Terms and Conditions of Employment</td>
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<td>Nov. 12</td>
<td>Mid-Term #2 Returned and Discussed</td>
<td>Chapter 10</td>
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<td>Teachers’ Substantive Constitutional Rights</td>
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<td>Nov. 19</td>
<td>Discrimination in Employment</td>
<td>Chapter 11</td>
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<td>RESEARCH PAPERS DUE</td>
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<td>Nov. 26</td>
<td>Termination of Employment</td>
<td>Chapter 12</td>
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<td>MID-TERM #3 DISTRIBUTED (TAKE HOME EXAM)</td>
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<tr>
<td>Dec. 3</td>
<td>Student Presentations</td>
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<tr>
<td>Dec. 10</td>
<td>Mid-Term #3 Returned and Discussed</td>
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<td>Student Presentations</td>
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**COURSE REQUIREMENTS**

Students are expected to attend class having read the assigned materials and prepared to discuss the readings in class. Students are required to complete three examinations, a research paper, and a class presentation. Examination dates as well as the due dates for the research paper are shown in the course schedule section of the syllabus. Information regarding the research paper and class presentations will be distributed separately.
Class Participation:

Students are expected to attend class having read the assigned materials and being prepared and willing to participate in classroom discussions, small group activities, panel discussions, etc. Students should also be prepared to be randomly called upon in class to answer questions regarding the assigned reading materials. Class discussions may prompt differing views, but all class members are reminded to be respectful of the opinions of others. Students are expected to arrive to class on time and to stay until class is dismissed. Cell phones and other electronic devices should be turned off or silenced during class.

GRADING

Final grades will be based on the following:
Three Examinations 60%
Research Paper 20%
Class Presentation 10%
Class Participation/Preparation 10%

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 other relevant topics.

2. 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 or incorporation of any other person’s work in, or as a basis for, one’s own 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.

3. 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 the instructor. If you feel that you are a target of harassment by your instructor, contact the Department Chair or Dean of the College.

4. ADA: The University of Utah seeks to provide equal access to its programs, services, and activities for people with disabilities. If you will require accommodations in the class, reasonable prior notice needs to be given to the instructor and to the Center for Disability Services (CDS). CDS will work with you and the instructor to make arrangements for accommodations.
COURSE STUDY GUIDE

Section A – Legal Aspects of Teaching

Session One – Legal Framework of Public Education

What are the primary sources of law in the United States?
Who controls public education in the United States?
What role does the federal government play with respect to public education in the United States?
What is the function and structure of the judicial system in the United States and in what ways do the courts impact public education?

Session Two – Key Legal Principles

What does it mean to be reasonable or to act in a reasonable manner?
What can one do as a teacher to assure that his/her actions and classroom rules are reasonable?
What is the nature and purpose of due process?
What are the key elements of procedural and substantive due process?
What is the general idea behind the concept of equal protection?
In what ways have the concepts of due process and equal protection been applied to public schools?

Session Three – Tort Liability

What is a tort?
What are the critical elements of intended harms, strict liability, and negligence?
What are the most common intended harms that emerge in a school setting?
What are the required elements of defamation?
What are the common defenses against a negligence action?
What things can a teacher do to minimize liability actions in a school?
What application do civil rights torts have to public schools?
Session Four – Church/State Relations

How does the United States Constitution’s First Amendment respecting the establishment of religion or prohibiting the free exercise thereof apply to the public schools?
What things may teachers allow or permit in their classrooms pertaining to religion (e.g., prayers, devotionals, holiday observances, religious displays, the singing of religious hymns, etc.)?
What judicial tests have the courts established pertaining to governmental actions or practices that violate the Establishment Clause?
What is the Equal Access Act, and how does it impact public schools?
In what ways can or must public schools provide accommodations for religious beliefs?
May governmental aid be extended to religious schools?

Session Five – Mid-Term Examination #1

Session Six – Instructional Issues

Who determines the curriculum for public schools?
Who determines what shall or shall not be taught in public schools?
Who selects instructional materials for public schools?
Do public school teachers enjoy academic freedom in their teaching?
Who controls how the curriculum is taught and what teaching strategies may be employed in public schools?
What is the Federal Copyright Act, and how does it apply to public school teachers? What is the Digital Millennium Copyright Act? What is the Technology, Education, and Copyright Harmonization Act?
What legal restrictions are placed on public schools and their teachers as it pertains to evaluating student performance?
May public school teachers be held liable for instructional negligence?
What is the Federal Educational Rights and Privacy Act? How does it pertain to public school teachers?
What is the Federal Pupil Protection and Parental Rights Law? How does it pertain to K-12 public school teachers?
Section B – Legal Rights of Students

Session Seven – Student Classifications and the Rights of Students with Disabilities

What legal restrictions are placed on public schools as it pertains to classifying students by reason of race, sex, and native language?
What legal responsibility do public schools and their employees have as it pertains to Employee-to-Student Harassment and Student-to-Student Harassment?
What are the central features and requirements of Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act (ADA), and the Individuals with Disabilities Education Act (IDEA)?

Session Eight – Student Expression, Association, and Appearance

What are the three major United States Supreme Court cases that control student expression in a public school setting? What are the requirements and tests of each case?
Under what circumstances may public schools permit or deny the student clubs and organizations?
What legal restrictions are placed on public schools and their teachers as it pertains to restricting or controlling student dress and grooming?

Session Nine – Student Discipline

What responsibilities and limitations do teachers possess as it relates to the overall discipline of students?
What kinds of due process requirements do courts require of public school educators involved in the expulsions and suspensions of students?
What laws and court cases govern the right of public school teachers to employ corporal punishment in the discipline of students? What do these laws and court cases require and/or allow?
May academic sanctions be employed as a means of disciplining public school students? If so, what limitations may apply?
What application does the search and seizure provisions of the Fourth Amendment to the Federal Constitution have in public school settings?
Section C – Legal Rights of Teachers

Session Ten – Terms and Conditions of Employment

What is the purpose of licensing or the certification of public school teachers?
What are the typical requirements to be licensed as a professional teacher?
Who actually has the power to hire and fire public school teachers?
What is a contract, and what are the elements of a contract?
What are the typical contractual conditions and duties of a public school teacher?
What are the collective bargaining rights of teachers? How do they work?

Session Eleven – Teachers’ Substantive Constitutional Rights

What are the major legal principles and court cases governing the freedom of expression of public school teachers?
What rights and restrictions apply to public school teachers outside the classroom?
What rights and restrictions regarding dress and appearance govern the lives of public school teachers?
Do public school teachers have a constitutional right to privacy as it pertains to their personal lives?
What rights do public school teachers have against job-related search or seizure by supervisors?

Session Twelve – Discrimination in Employment

What laws, rights, and protections do public school teachers have as it pertains to discrimination against them by reason of race and national origin, gender, religion, age, and disabilities in the context of such things as hiring, compensation, adverse employment actions, attire, retirement, etc.?
What laws and court cases assure these protections?

Session Thirteen – Termination of Employment

What are the procedural and substantive due process protections enjoyed by public school teachers in matters pertaining to termination?
What are the causes that justify the termination of public school teachers?
How do reduction-in-force provisions operate in most public school settings? What rights and remedies are available to public school teachers for wrongful termination?

Sessions Fourteen and Fifteen – Student Presentations Session Eight –