



SCHOOL LAW

EDAD 570

Texas A&M University-Texarkana

FACE TO FACE: 1/24, 2/7, 2/14, 2/21, 2/28

30% OF YOUR GRADE WILL BE EARNED IN 22.5 HOURS FACE TO FACE SESSIONS
70% OF YOUR GRADE WILL BE EARNED IN 22.5 HOURS RESPONDING ON BLACKBOARD

FOLLOW THE WRITTEN LAW AND POLICY

To The 'Letter'

&

The 'Spirit'

In which It Was Written....

-Ivy-

Professor: W.Fred Ivy, Ed.D.
Ed. Administration Prof At
Texas A&M Univ.Texarkana

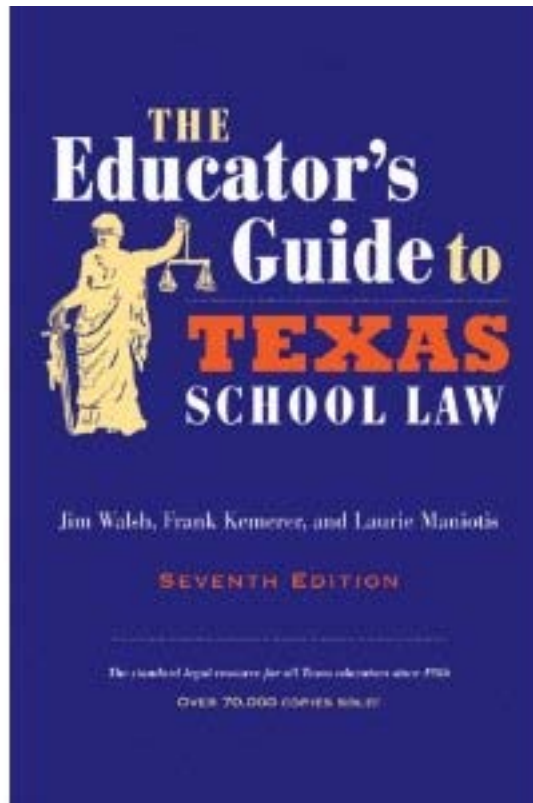
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570. School Law. The purpose of this course is to examine the legal framework of education in the United States and Texas. A study of the impact of, and relationship between, constitutional laws, statutory laws, administrative law, and judicial laws that influence the administration of public schools in Texas will be a primary focus of the course. Texas principal and superintendent certificate proficiencies, as outlined by the State Board of Educator Certification (SBEC) will be addressed in the curriculum and activities. The course involves field based or applied experiences as well as typical graduate level academic activities. The Web-enhanced section of the course requires a minimum of 51 percent face-to-face with the instructor. Students will spend the remaining course time engaged in course assignments/activities designed for the Web/email/Power Point Leadership.

Course Rationale. School leaders of today are faced with “doing the right thing” and “doing it right,” overlaid with a high level of accountability. As a result of these expectations and the increase in litigation throughout the entire society, principals and superintendents must be able to deal daily with a multitude of legal issues regarding constitutional rights, contracts, property, torts, general administration, curriculum and instruction, students and student rights, employees and employee rights, finance, et al. in their efforts to administer schools.



Required Text:

Walsh, J., Kemerer, F, and Maniotis, L. (2010). *The educator's guide to Texas school law (7th edition)*, Austin, TX: University of Texas Press (ISBN-10: 0292722931 ...). (Can be ordered at <http://www.utexas.edu/utpress/books/waled6.html>).

As a result of the activities in: *Course Requirements/Assignments*, demonstrate an understanding of:

1. The relationships within and between the federal and state court systems;
2. The four sources of law and how they interact to impact the administration of public schools;
3. The structure and governance of the Texas public school system;
4. The basic rights of parents of students who attend Texas public schools;
5. Texas public school student enrollment and attendance requirements;
6. Fundamental issues related to the instructional, assessment, and accountability of programs;
7. The current legal status of the Texas public school finance system;
8. The issues related to maintaining a safe school environment for students and employees;
9. Legal issues in identification, instructional & related service delivery of "special programs"
10. The needs of other students w/special needs—at-risk, "504," ELL, GT, abused/neglected;
11. The types of employment arrangements available in Texas public schools;
12. Legal issues involved in selection, hiring, and dismissal of employees in our public schools;
13. Issues related to the supervision of employees: reassignment, compensation, grievances, etc.;
14. The legal rights and limitations of expression by and association of employees and students;
15. Establishing and administering a fair and equitable student discipline program for all;
16. The legal framework for the relationship between religion and public schools;
17. The delicate interplay between the public's right to know what is happening in schools;
18. Students' and employees' rights to privacy;
19. Specific legal issues related to the search and seizure of students and their possessions;
20. Conditions under which school districts and employees are liable

Curriculum Alignment to the State Board of Educator Preparation (SBEC) Proficiencies

The course activities and assignments, as well as the above student learner objectives, support the following State Board of Educator Preparation (SBEC) Proficiencies for the Principal Certificate.

Principal:

- Implement effective, legal, and appropriate strategies for the recruitment, selection, assignment, and induction of campus staff
- Respond to pertinent political, social, and economic issues that exist in the internal and external environment
- Implement strategies that enable the physical plant, equipment, and support systems to operate safely, efficiently, and effectively to maintain a conducive learning environment
- Apply local, state, and federal laws and policies to support sound decisions while considering implications related to all school operations and programs
- Acquire, allocate and manage human, material, and financial resources according to district policies and campus priorities
- Implement special campus programs to ensure that all students are provided quality, flexible instructional programs and services to meet individual student needs
- Facilitate the implementation of sound, research-based theories and techniques of classroom management, student discipline, and school safety to ensure an environment conducive to teaching and learning

Reading List/Secondary Resources:

Alexander, K. & Alexander, M. D. (2005 or later). *American public school law* (6th ed), CA:Thomson-West.

Imber, M. & Van Geel, T. (2000). *Education law* (2nd edition), NJ: Lawrence Erlbaum Assoc., Inc

Looney, S.(2004). *Education and the legal system: A guide to understanding law*, NJ: Prentice Hall.
Texas School Law Bulletin (2006 edition)

Shapiro & Gross, **Ethical Educational Leadership in Turbulent Times**. New York, 2008

Aquila, Frank, **School Law for K-12 Concepts & Cases**

Strike, Kenneth, **Ethical Leadership in Schools, AASA**

Texas Family Code (2006 edition or later)

Valente, W.D. & Valente, C.M. (2005 or later). *Law in the schools* (6th ed), NJ: Prentice Hall.

Websites for Internet Legal Searches:

www.law.cornell.edu/index.html (U.S. Supreme Court opinions)

www.ca5.uscourts.gov (Fifth Circuit Court of Appeals website and opinions)

www.courts.net (recent state court and appellate court decisions; federal court opinions)

www.law.emory.edu/LAW/refdesk/country/us/state/ (state court opinions:Law.Guru.com)

www.legaldigest.com (website for Texas School Assoc. Legal Digest—current legal issues)

www.lexisnexis.com (general legal website)

www.findlaw.com (comprehensive legal site)

www.washlaw.edu (provides wide range of legal data bases)

www.nsba.org/cosa (National School Boards Association website for school attorneys)

www.edlaw.com (Swartz & Eichelbaum Law firm)

<http://tlo2.tlc.state.tx.us/statutes/ed.toc.htm> (Texas Education Code)

www.tea.state.tx.us/rules/home (SBOE Rules, Texas Administrative Code)

- www.tea.state.tx.us/commissioner (TEA Commissioner's decisions)
- www.tea.state.tx.us/special.ed/hearings (special education hearings)
- www.oag.state.tx.us/opinopen/ogindex.shtml (Texas Attorney General Opinions)
- www.capitol.state.tx.us (state legislative news)
- www.tasb.org (go to member services; then to policy services and legal services)
- www.arkedu.state.ar.us (Arkansas State Department of Education)
- www.arkedu.state.ar.us/rules_regs/index.html (Arkansas Dept. of Ed. Rules+Regulations)

The First Amendment in Schools (Association for Supervision and Curriculum Development)
 Texas Association of School Board's Policy Reference Manual
 Local School Board Policy Handbook
 Others as Indicated During the Course

TEA ADOPTED MINIMAL COMPETENCIES FOR CAMPUS LEADERS

Domain I - School Community Leadership

Competency 003: The principal ACTS with integrity, fairness, and in an ethical and legal manner.-----

A. Discussion In ALL Oral Participation Activities **10%**

LEADERS Think On Their Feet'- 'Leaders Learn to Read Between Lines'
PRESENT 5 STRONGEST CONCEPTS: 5,4,3,2,1 (#1 being MOST important)

SPECIFIC POINTS by Evaluative Criterion Grading from 10 pt.scale; [i.e., 1=10 on 100 pt.scale]:

- TIME USAGE**--Excellent 1 pt, or much too long or way too short when deviating from allotment given -1
- POISED/PRESENCE** - - Excellent 1 pt, or nervous or shy, not projecting confidence -1
- HANDOUTS/VISUALS**--Excellent 1 pt, or did not follow sequential format, or make copies for the group -1
- CLARITY OF SPEECH**--Excellent 1 pt, or not understand because of syntax/speech pattern -1
- USEFUL INFORMATION**--Excellent 1 pt, or inaccurate/misleading/peripheral utility for practitioner -1
- EYE CONTACT**--Excellent 1 pt, or looked down in presentation a lot &/or read large portions -1
- SIMPLICITY OF INFORMATION**--Excellent 1 pt, or highly academic or superficial or obtrusive in style -1
- ORGANIZED**--Excellent 1 pt, or disorganized, splintered, disjointed, little connection of information -1
- PREPAREDNESS**--Excellent 1 pt, or does not seem prepared, loses track of what is happening -1
- LEADERSHIP**--Excellent 1 pt, or does not gain participation or enthusiasm from the group -1

TEXT PROJECT LEADERSHIP ASSIGNMENTS

B.PLEASE GO AHEAD & VOLUNTEER FOR YOUR TOP 3 CHOICES FOR LEADING Chapter(S) DISCUSSION:

II--SECOND MEETING PARTICIPATION REQUIRED-----10%
 LEAD DISCUSSION REGARDING THESE CONCEPTS AND ADD INFLUENTIAL CASES: **2/7**

01. Overview of Ed.Law, Texas Schools and Parent Rights-_____
Judicial Precedents Authority=Henry C.Black +Precedent in Judicial Decision=John Hanna

02. Student Attendance & the Instructional Program _____
Plyler v. Doe + Pierce v. Society+_____

LEAD DISCUSSION REGARDING THESE CONCEPTS AND ADD INFLUENTIAL CASES:

03. Special Education _____
Mills v. District of Columbia + Timothy v. Rochester+_____

III--THIRD MEETING PARTICIPATION REQUIRED ---same value

- LEAD DISCUSSION REGARDING THESE CONCEPTS AND ADD INFLUENTIAL CASES: **2-14**
04. Employment _____
Wygant v. Jackson + Trautveur v. Quick+ _____
05. Personnel Issues _____
Board of Regents v. Roth + Connell v. Higginbotham+ _____
06. Expression and Association Rights _____
Pickering v. Board + Givhan v. Western+ _____

- IV--FOURTH MEETING PARTICIPATION REQUIRED ---same value**
- LEAD DISCUSSION REGARDING THESE CONCEPTS AND ADD INFLUENTIAL CASES: **2-21**
07. Religion in the Schools- _____
Lemon v. Kurtzman + Zorach v. Clauson_ _____
08. Student Rights _____
Tinker v. Des Moines + Bethel v. Fraser + _____
- + BACK UP MATERIALS IN ADVANCE FOR THE FINAL WILL BE PROVIDED ON 4TH MEETING FOR BLACKBOARD...

- V—FIFTH MEETING PARTICIPATION REQUIRED ---same value**
- LEAD DISCUSSION REGARDING THESE CONCEPTS AND ADD INFLUENTIAL CASES: **2-28**
09. Privacy Issues _____
Hett v Plotetz + Milkovich v. Lorain + _____
10. Legal Liability _____
Mosley v. Portland + Hendricks v. Southfield+ _____
- C. ELECTR. & HARD COPIES UP-DATE LAWS DUE (ONE To Prof & ONE To Class Members)=10%**2-28****

----- **FACE-TO-FACE INFLUENCE ENDS...WEB ENHANCED BEGINS** -----

Web Assignments on BLACKBORAD
FOR 22.5 HOURS

*“Blackboard Assignments” for The College of Education and Language Arts (CELA).
Your specific assignments are listed on the WEB with corresponding due dates. I would appreciate your utilization of BLACKBOARD as 50% of your grade depends on making these deadlines. If you **have professional concerns** with any assignment, reach my office: 903 223-3128 or for a personal emergency purposes at: 903 949-0006.*

WRITTEN WEB Assignments



“6th WEEK”

Written Web Assignment #1= Draft 4=what I learned new about: 7%--2.5 hrs. **9-22**
INDIVIDUAL **RED-STUDENTS’ BULLETS**

LAW QUESTION: What have you learned new about Students in the Law?

Written Web Assignment #2= Draft 4=what I learned new about: 7%--2.5 hrs.
INDIVIDUAL **BLUE-PARENTS’ BULLETS**

LAW QUESTION: What have you learned new about Parents in the Law?

“7th WEEK”

Written Web Assignment #3= Draft 4=what I learned new about: 7%--2.5 hrs. **9-29**
INDIVIDUAL **YELLOW-RELIGION-BULLETS**

LAW QUESTION: What have you learned new about Religion in the Law?

Written Web Assignment #4= Draft 4=what I learned new about: 7%--2.5 hrs.
INDIVIDUAL **ORANGE-EMPLOYEES BULLETS**

LAW QUESTION: What have you learned new about Employees in the Law?

“8th WEEK”

Written Web Assignment #5= Draft 4=what I learned new about: 7%--2.5 hrs. **10-6**
INDIVIDUAL **PURPLE-GOVERNANCE BULLETS**

LAW QUESTION: What have you learned new about Governance in the Law?

“8th WEEK”

Written Web Assignment #6= Draft 4=what I learned new about: 7%--2.5 hrs.
INDIVIDUAL **GREEN-SPECIAL ED BULLETS**

LAW QUESTION: What have you learned new about Special Ed in the Law?

D. Analysis/Synthesis/ Evaluation of What Should Exist-----BELOW ON 6 Assignments=8%

REFLECTION

‘AN EITHICAL LEADER For Our Schools’

1.Ethic of Care: NURTURING RELATIONSHIPS (mutual respect is highly valued and demonstrated to others)

2.Ethic of Critique: CHANGING STATUS QUO (a challenge for betterment in what has needed improvement)

3.Ethic of Justice: ENCOURAGING FAIRNESS (is considered best equitable solution in all dealings with others)

4.Ethic of Profession: DEVELOPING ETHICAL SCHOOLS (that demonstrate & model our very best practices)

“9th WEEK” date _____

6.Web Assignment Discussion 6= 1.33% 1 hr. _____ 10-13

SCHOOL LAW BOTTOM-LINE FOR STUDENTS REGARDING THE ETHIC OF CARE!

7.Web Assignment Discussion	7= 1.33%	1 hr _____	
SCHOOL LAW BOTTOM-LINE (SPEAKING GENERICLY) REGARDING PARENTS:			

"10 th WEEK" date _____			
8.Web Assignment Discussion	8= 1.33%	1 hr _____	10-20
qSCHOOL LAW BOTTOM-LINE (SPEAKING GENERICLY) REGARDING RELEGION:			
9.Web Assignment Discussion	9= 1.33%	1 hr _____	
SCHOOL LAW BOTTOM-LINE FOR EMPLOYEES REGARDING THE ETHIC OF JUSTICE!			

"11 th WEEK" date _____			
10.Web Assignment Discussion	10= 1.33%	1 hr _____	10-27
SCHOOL LAW BOTTOM-LINE FOR GOVERNANCE REGARDING THE ETHIC OF CRITIQUE!			
11.Web Assignment Discussion	11= 1.33%	1 hr _____	
SCHOOL LAW BOTTOM-LINE FOR SPECIAL ED. REGARDING AN ETHIC OF THE PROFESSION			
12th WEEK" WEB FINAL DUE 20% 2.0 hrs. due as announced...MAY be moved up !			

ATTENDANCE & GRADING SYSTEM

Attendance is required for all class sessions and affects participation points. Students are responsible for letting the professor know when he/she is unable to attend class...in advance when possible.

ALL assignments must be typed/turned in or presented on time. Work not turned in when due will be graded as follows:

- To be eligible for an "A," student must have missed no class sessions and all work must have been turned in on time.
 - To be eligible for a "B," student must have no more than one absence with acceptable excuses, all work turned in on time.
 - To be eligible for a "C," student must have no more than two absences with acceptable excuses, all work on time.
- 90-100 A 80-89 B 70+79 C Lower grades awarded when performance warrants deductions.

Cell phone interruptions during class will lower your participation grade by two points each time this happens. Constantly arriving late or leaving class early will deduct a minimum of five pts.off of semester's participation. Letter grade subtracted from any assignment or test not completed on time, unless professor accepts explanation &/or makeup

Evaluation SUMMARY FOR CLASS DIVIDED IN HALF FOR WRITTEN & ORAL PARTICIPATION

A. FACE TO FACE REQUIREMENTS AS LISTED ABOVE IN CLASS	30%
B. WEB BASED ASSIGNED: USE BLACKBOARD FOR ANSWERING	70%
Total	100 %

Course Requirements

- A. Attend class as determined by university calendar & course activities. Notify in advance if to be absent.
- B. Participate in class discussions and comprehension activities as assigned
- C. Present research reports on course topics
- D. Complete professional readings on current issues
- E. Complete assignments to demonstrate proficiency in the TExES competencies.
- F. No work will be accepted late.
- G. Students absent one period: required to DEMONSTRATE concepts missed, or average lowered by one grade



Written Work graded as per this rubric—SHOWING REAL LEADERSHIP

H O L I S T I C G R A D I N G ;

LEARN FROM GLOBAL FEEDBACK:

G L O B A L P O I N T S by Holistic Grading Assessment: Grading from 10 pt.scale:

10=Clearly Outstanding

Paper or Presentation: One of the very best I have seen; excellent in development, expression, and structure (98)

8=Exceeds Expectations

Paper or Presentation: Language Control is excellent but some problem w/ mechanics-& above (88)

6=Satisfactory

Paper or Presentation: Showed minimal development, needed polish, had structural flaws-& above (78)

4=Below Expectations

Paper/Presentation: Little development or evidence of process writing/thinking (68)

2=Unsatisfactory

Not exhibit skills needed to be an administrator & must complete remedial work & possibly another course (58)

**EXTRA CREDIT: ‘What New Rules I learned from Reading POLICY= 5 pts
‘What I learned about the SUPREME COURT—one page= 5pts**

*** ASSIGNMENTS for EXTRA CREDIT: +5 PT. (court search) &/or +5 PT. (policy search)**

Date	Topic	Besides Your Face-to-Face Meeting Prep Assignments...make sure you have:	Follow-up Web Assignments
By the Second Face to Face Meeting Make Sure You Have:	• Courts & Board Policy	<ul style="list-style-type: none"> • Located and studied the following information regarding the United States Supreme Court: http://www.supremecourtus.gov/about/about.html <ul style="list-style-type: none"> ○ Brief Overview ○ Court & Constitutional Interpretation ○ Court as an Institution ○ Court and its Traditions ○ Court and its Procedures ○ Biographies of SC Justices • Locate map of 13 Federal Judicial Circuits; study, print, and bring to class: http://www.law.du.edu/daustin/sjag/circuitmap.pdf 	READ your Local School Board Policy Online

Internet Resources:

State Board for Educator Certification (SBEC) (principal TExES study guide):

www.excet.nesinc.com/excetstudyguide/68%20Principal/68%20principal.pkf

Texas Elementary Principals and Supervisors Association: www.tepsa.org
Texas Association of Secondary School Principals: www.tassp.org
Texas Association of School Administrators website: www.TASAnet.org
Texas Education Association website: www.tea.state.tx.us
State Board for Educator Certification (SBEC) web site: www.sbesc.state.tx.us
American Association of School Administrators website: www.aasa.org

Journals:

TAASP News Highlights (Texas Association of Secondary School Principals *TEPSA Journal* (Texas Elementary Principals and Supervisors Association)

PLEASE OBSERVE THE RULES

Disability Accommodations Students with disabilities may request reasonable accommodations through the A&M-Texarkana Director of Student Services by calling 903-223-3062.

Academic Honesty

Academic honesty is expected of students enrolled in this course. Cheating on examinations, unauthorized collaboration, falsification of research data, plagiarism, and undocumented use of materials from any source, constitute academic dishonesty, and may be grounds for a grade of "F" in the course and/or disciplinary actions." For additional information see the university policy manual.

A grade of F in this Course + Program Discipline will be earned by utilizing other persons' work w/o quotations;

Academic Honesty:

Academic honesty is expected of students enrolled in this course. Cheating on examinations, unauthorized collaboration, falsification of research data, plagiarism, and copying or undocumented use of materials from any source, constitute academic dishonesty, and may be grounds for a grade of "F" in the course and/or disciplinary action. The student is responsible for reading and understanding the University Policy on Academic Integrity.

What is plagiarism?

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas. But terms like "copying" and "borrowing" can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to use (another's production) without crediting the source
2. to commit literary theft
3. to present as new & original an idea or product derived from an existing source.

Plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward. (TurnItIn Website)

Cell Phone Class Policy

Cell phones should be turned-off. If a student thinks there may be a need to be contacted during class, notification should be given for individuals to call the main desk and someone will notify you of emergency.

Texas A&M-Texarkana email account:

Upon application to Texas A&M University-Texarkana an individual will be assigned an A&M-Texarkana email account. This email account will be used to deliver official university correspondence. Each individual is responsible for information sent and received via the university email account and is expected to check the official A&M-Texarkana email account on a frequent and consistent basis. Faculty and students are required to utilize the university email account when communicating about coursework.

The instructor reserves the right to make changes to assignments, the class schedule or the syllabus if the need arises.