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### EDLD 554.50: School Law (online)

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**EDLD 554: School Law**  
**Fall 2013 On-Line**  
**The University of Montana**  
**Department of Educational Leadership**

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**Textbook:** Alexander, K., & Alexander, M.D. (2012). *American Public School Law*, 8<sup>th</sup> ed.

**Course Purpose:** School Law provides a comprehensive overview of the laws that govern primary and secondary education in America. The purpose of this course is to familiarize students with general administrative and constitutional law principles affecting education, thereby enabling students to apply these principles to future conflicts they encounter in school settings. A secondary purpose is to integrate, apply, and reinforce knowledge acquired in other graduate courses in education through the study of school law.

**Course Objectives:** Upon successful completion of this course, students will be able to:

1. Identify basic constitutional principles which come into play in a particular school conflict;
2. Analyze the politics of school governance and operations [OPI 10.58.704;bii];
3. Use legal concepts, regulations, and codes for school operation to evaluate possible courses of action in educational settings [OPI 10.58.704;fv];
4. Understand the decision-making process in schools and the proper allocation of decision-making power among those who compete for it;
5. See the evolving nature of the law by tracing changes in the Court □s approach to a
6. Understand special education programs, Section 504 of the Rehabilitation Act, and the processes necessary for the management of such programs [OPI 10.58.704;h] and
7. Integrate legal theory with applied professional educational experience via a fieldwork project opportunity.

**Grading:**

Case summaries (8 total) - 1/3 of grade

These will be emailed to the professor and posted on the discussion board so that classmates can relate the content of each case to the accompanying PowerPoint.

Unit Quizzes – 1/3 of Grade

These are individual assignments.

Final Exam – 1/3 of grade

**Assignments:**

Group Assignments – Your group will be responsible for constructing a total of 8 case summaries in a format that will be explained in unit 1. You will be able to practice on a case in unit 1 that will not count toward your grade. All of the case assignments are contained in the syllabus and in a document called “Case Assignments.” Your case summaries should be submitted to the instructor by ONE person in your group. In the email in which you submit your case assignment, copy it to your fellow group members. When the instructor grades the summary and sends it back, it will be copied to all group members.

**All case summaries should be uploaded to the “Case Summary Forum” provided for each unit. This will be a forum for students to view the cases related to the unit.**

### **How to Submit Assignments to the Professor:**

Email completed assignments as attachments to [john.matt@mso.umt.edu](mailto:john.matt@mso.umt.edu). Please use the following format when **naming the file**:

(Your last name)(your first name) (Class)(Unit # )(Assignment)

Example: Matt John School Law Unit#2 Unit summary

In the “Subject” line of the email please give the unit number.

Example: Unit 2 assignment

**ISLLC Standards:** The knowledge, dispositions and performances articulated in the standards are included in this course in the following areas:

#### ***Standard 1***

A school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

#### ***Standard 2***

A school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.

#### ***Standard 3***

A school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

#### ***Standard 4***

A school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.

***Standard 5***

A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.

***Standard 6***

A school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

***Standard 7***

The internship (fieldwork project) provides significant opportunities for candidates to synthesize and apply the knowledge and practice and develop the skills identified in Standards 1-6 through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and school district personnel.

***Students anticipating the M.Ed. culminating portfolio for Educational Leadership will be required to reference specific ISLLC standards in their presentations.***

**Course Context:** The study of education law is consistent with the following mission statements guiding this graduate program:

***School of Education Mission Statement***

The School of Education shapes professional practices that contribute to the development of human potential. We are individuals in a community of lifelong learners, guided by respect for knowledge, human dignity and ethical behavior. To advance the physical, emotional, and intellectual health of a diverse society, we work together producing and disseminating knowledge as we educate learners.

***Educational Leadership Mission Statement***

The mission of Educational Leadership at The University of Montana is to develop leaders for learning organizations who are guided by respect for knowledge, human dignity, and ethical behavior. This is accomplished by providing high quality academic and professional opportunities. We subscribe to a definition of leadership wherein individuals assume evolving roles within influence relationships requiring their contributions in order to achieve mutual purposes.

***Professional Standards for Student Performance***

Graduate students in the Department of Educational Leadership at The University of Montana are expected to:

- Demonstrate professional vision in the practice of educational administration
- Accept responsibility and accountability for class assignments in their role as members of the class
- Demonstrate growth during the period of their graduate career
- Demonstrate good decision making and an awareness of organizational issues from a variety of perspectives

- Demonstrate imagination and originality in the discussion of educational leadership issues
- Understand the relationship between theory and practice and the value of reflective leadership
- Demonstrate a moral, humanistic, ethical and caring attitude toward others
- Demonstrate an ability to build trust and positive relationships with others
- Demonstrate a tolerance for diversity and a warm acceptance of others regardless of their backgrounds or opinions
- Demonstrate emotional stability and an ability to work well with other members of the class, including the instructor
- Demonstrate an ability to express himself/herself well in speech and writing, and
- Demonstrate mastery of fundamental knowledge of course content and an understanding of its application

*The aforementioned standards have been adopted by the Educational Leadership faculty and are used both for admission to the program and to judge student progress. It is the belief of the EDDL faculty that those entering graduate programs in education should reflect these crucial traits for high-caliber individual academic performance and for creating meaningful, positive learning environments. Students incapable of demonstrating these expectations on a consistent basis may be removed from class and are subject to dismissal from the Educational Leadership program.*

## **Course Outline:**

### **TOPICS (in order of study)**

Unit 1 - Class introduction & overview;

- Constitutions; Structure of the court system; Case summaries; Assignments.

Unit 2 - History and governance; Open meeting laws

Unit 3 - Church & state.

*Group 1 - Everson v. Board of Education (p187)*

*Group 2 - Board of Education of Central School District No. 1 v. Allen (p190)*

*Group 3 - Lemon v. Kurtzman (p193)*

*Group 4 - Sloan v. Lemon (Not in Book)*

*Group 5 - Meek v Pittenger (Not in book)*

*Group 6 - Mueller v. Allen (p199)*

*Group 7 - Aguilar v. Felton (Not in book)*

*Group 8 - Zobrest v Catalina Foothills SD (Not in book)*

*Group 9 - Agostini v Felton (p204)*

*Group 10 - Mitchell v Helm (p208)*

Unit 4 - Church & state continued

*Group 1 - McCollum v. BOE Champaign (p234)*

*Group 2 - Zorach v Clauson (p236)*

*Group 3 - Abington v Schempp with Murray v Curlett (p240)*

*Group 4 - Stone v Graham (p.243)*

*Group 5 - Wallace v Jafree (p246)*

*Group 6 - Lee v Weisman (p249)*

*Group 7 - Santa Fe ISD v Doe (p251)*

*Group 8 - BOE of Westside v Mergens (p258)*

*Group 9 - West Virginia State BOE v Barnette (p270)*

*Group 10 - Kitzmiller v Dover (not in Book)*

Unit 5 - Compulsory attendance; Instructional program.

*Group 1 - Swanson v. Guthrie Independent School District I-L, page 315*

*Group 2 - Murphy v. State of Arkansas, page 318*

*Group 3 - Maack v. School District of Lincoln*

*Group 4 - Sandlin v. Johnson, page 342*

*Group 5 - Meyer v. Nebraska, page 343*

*Group 6 - Immediato v. Rye Neck School District, page 345*

*Group 7 - Board of Education, Island Trees Union Free School District No. 26 v. Pico, page 354*

*Group 8 - Virgil v. School Board of Columbia County, Florida, page 362*

*Group 9 - Leebaert v. Harrington, page 373*

*Group 10 - Keefe v. Geanakos, (not in book)*

Unit 6 - Student rights.

*Group 1 - Tinker v. Des Moines Independent School District, page 409*  
*Group 2 - Bethel School District No. 403 v. Fraser, page 414*  
*Group 3 - Chandler v. McMinnville School District, (not in book)*  
*Group 4 - Hazelwood School District v. Kuhlmeier, page 438*  
*Group 5 - Doe v. Pulaski, page 425*  
*Group 6 – Wisniewski v. BOE of Weedsport, page 444*  
*Group 7 - New Jersey v. T.L.O., page 469*  
*Group 8 - Vernonia School District 47J v. Acton, page 477*  
*Group 9 - Cornfield v. Consolidated High School District No. 230(not in book)*  
*Group 10 - Morse v. Fredericks, page 417*

Unit 7 - Rights of handicapped children.

*Group 1 - Mills v. Board of Education of District of Columbia, page 563*  
*Timothy W. v. Rochester School District, page 584 REVIEW*  
*Group 2 - Schaffer v. Weast, page 580*  
*Group 3 - BOE of Hendrick Hudson Central School District v. Rowley, page 577*  
*Group 4 - School Comm. Town of Burlington v. Mass. DOE (not in book)*  
*Group 5 - Florence County School District Four v. Carter, page 598*  
*Group 6 - Foley v. Special School District of St. Louis County, page 602*  
*Group 7 - KDM v. Reedsport School District, (not in book)*  
*Group 8 - Cedar Rapids v Garret F., Page 607*  
*Group 9 - Honig v. Doe, page 610*  
*Group 10 – Arlington Central School District v. Murphy, Page 616*

Unit 8 - Desegregation

Unit 9 - Torts

Unit 9:

*Group 1 - Spears v. Jefferson Parish School Board, page 636*  
*Group 2 - Medieros v. Sitrin, page 643*  
*Group 3 - Jerkins v. Anderson, page 648*  
*Group 4 - Brownell v. Los Angeles Unified School District, page 652*  
*Group 5 - Johnson v. School District of Millard, (no longer in book)*  
*Group 6 - Wallmuth v. Rapides Parish school Board, page 659*  
*Group 7 - Funston v. School Town of Munster, page 664*  
*Group 8 - Hutchison v. Toews, page 666 Dennis*  
*Group 9 - Hammond v. Board of Education of Carroll County, page 670*  
*Group 10 - Wagenblast v. Odessa School District, Page 673*

Unit 10 - Defamation, Contract Rights and Collective Bargaining

Unit 11 - Teacher rights

*Group 1 - Pickering v. Board of Education, Page 835*  
*Group 2 - Lee v. York County School Division, Page 840*  
*Group 3 - Stroman v. Colleton County School District, page 856*

*Group 4 - East Hartford Education Association v. Board of Education, page 858*  
*Group 5 - Seemuller v. Fairfax County School Board, page 860*  
*Group 6 - Daury v. Smith, page 865*  
*Group 7 - Knox County Education Association v. Knox County Board of Education, page 869*  
*Group 8 - Cooper v. Eugene School District No. 4J, page 876*  
*Group 9 - Barrett v. Steubenville/Lucci, Page 879*  
*Group 10 - Beilan v. Board of Public Education, School District of Philadelphia, page 882*

Unit 12 - Employment discrimination; Finance

*Group 1 - North Haven Board of Education v. Bell, page 930*  
*Group 2 - Jackson v. Birmingham, page 927*  
*Group 3 - Masson v. School Board of Dade County (Not in book)*  
*Group 4 - Clark County School District v. Breeden Page 935*  
*Group 5 - Trautvetter v. Quick, page 938*  
*Group 6 - Ansonia Board of Education v. Philbrook, page 942*  
*Group 7 - Cowan v Strafford R-VI School District, page 944*  
*Group 8 - School Board of Nassau County v. Arline, page 952*  
*Group 9 - Chalk v. United States District Court Central District of California and Orange County Superintendent of Schools, page 955*  
FINANCE  
*Group 10 - Rose v. Council for Better Education Inc., page 1062*

Unit 13 - Due Process and Montana cases

December 13th - Final Due