EDAD 5363 - Classroom Management and Legal Issues

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(Text Messaging)

Spring 2015 Semester
Location: CS-108
Thursday, 7:00 p.m. – 9:30 p.m.

Class Meeting Dates

January 22
January 29
February 12
February 26
March 5 (Portfolio due)
March 26
April 16
April 30 (Take-Home FINAL Due)
(Dates are subject to change with proper notice to students)

No late papers will be accepted. **Hard copies will be turned in on the Due Dates** listed above. **Papers do not have to be placed in binders.**
Course Description

Study of legal and ethical issues as related to practical problems of school administration. Constitutional provisions and court decisions are examined as they impact education. Issues of ethics as it pertains to legal tenets will be integrated throughout the semester.

Course Objectives

This course examines the relationship between law, public policy, ethics and current issues in K-12 education. The College of Education is dedicated to preparing outstanding teachers and administrators for K-12 public and private schools. In order to adequately prepare leaders, a basic understanding of school law is crucial. Teachers and administrators need to understand school legal issues in order to create legally sound policies and to legally advocate for themselves and their students. As such, this course examines the current legal issues related to education and introduces students to legal reasoning and analysis. Its objectives are to (1) interpret the U.S. judicial and legislative systems and the formation of laws relating to public education; (2) understand the Texas legal context within which schools function, (3) understand how legal and ethical issues interact within schools, (4) analyze current school practices from the standpoint of potential legal controversies, including the ability to practice "preventative law;" and (5) identify the dynamic nature of school law and locate resources utilizing available technology to remain current.

Topics covered in this course include:
1. Legal framework of public education: federal, state and local.
2. The educational implications of the First, Fifth, Tenth, and Fourteenth Amendments.
3. Seminal case law in matters related to speech, religion and the schools.

Educational Impact reading resource:
4. Teacher rights, responsibilities and limitations.
5. Student rights, responsibilities and limitations.
6. Title IX, Title VII and harassment and bullying issues.
7. Title VI, Title VII and equity in the schools.
8. Guidance provided by the doctrine of in loco parentis
10. School district applications of the federal disability statutes. (IDEA, Section 504, etc)

The course BlackBoard site will have extensive links to important LANDMARK court cases. Materials on the site will be added on an on-going basis. This means that you are expected to access the course Blackboard site routinely as information will be added, without notice, for which you will be responsible.

Special “VIP” in-class guests will be invited via live, interactive video, using WebEx or Shype.

Attendance & Other Matters

Regular attendance in class is essential. However, at times professional responsibilities may create conflicts with class attendance. Students must make decisions about these priorities. If students must miss classes, then it is their responsibility to get materials, notes, and assignments from a class peer and to notify the instructor of the reason for the absence, before the missed class. In the event of emergency absences (e.g., personal illness, major accident, death of family member), students need to notify the instructor about the cause of the absence as soon as possible, preferably through e-mail communication. If there are any “in class activities” that result in points that are attributed to the regular “grade distribution,” students who miss class may not make up those assignments.

Additional assignments may be required if deemed necessary by the instructor because of the nature of the class missed or because of excessive absences (usually interpreted as more than two classes missed for unavoidable circumstances). Generally acceptable reasons for absences as (a) serious illness, (b) major religious holidays, and (c) other circumstances that are “reasonable cause for nonattendance.”
Canceled Class. If a class session must be canceled due to bad weather or other unforeseen circumstances, the instructor will make every possible effort to contact students in sufficient time to avoid an unnecessary trip to class.

Changes to Syllabus. The instructor retains the right to modify this syllabus, if necessary, to meet the learning objectives of this course. Changes to this syllabus will be discussed with students and provided in writing as an addendum distributed electronically via email attachment and paper copy to the entire class.

### Grading Criteria

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<tr>
<th>Grade</th>
<th>Points</th>
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<tr>
<td>A</td>
<td>93 – 100</td>
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<td>B</td>
<td>85 - 92</td>
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<td>C</td>
<td>78 - 84</td>
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<td>D</td>
<td>72 – 83</td>
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- School Law Portfolio: 30 Points *(Hard Copy DUE: March 12, 2015 @ 7:00 p.m. CT)*
- Take Home Final Examination: 60 Points *(Due April 30, 2015 @ 7:00 p.m. CT)*
- Attendance, In-Class Writing Activities and Participation: 10 Points

*No late papers accepted.*

### Your PRIMARY Reading Material


Students are encouraged to subscribe to the National School Boards Association's Legal Clips via email at (it is free): [http://www.nsba.org/legalclips](http://www.nsba.org/legalclips)

### Grade Appeals

As stated in University Rule 13.02.99.C2, Student Grade appeals, a student who believes that he or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complaint about a grade is encouraged to first discuss the matter with the instructor. For complete details, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Rule 13.02.99.C2, Student Grade Appeals, and University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures. These documents are accessible through the University Rules Web site at [http://www.tamucc.edu/provost/university_rules/index.html](http://www.tamucc.edu/provost/university_rules/index.html). For assistance and/or guidance in the grade appeal process, students may contact the Office of Student Affairs.

### Disabilities Accommodations

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodations of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Disability Services Office at (361) 825-5816 or visit the office in Driftwood 101.

### Academic Integrity/Plagiarism

University students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, falsification, forgery, complicity or plagiarism. (Plagiarism is the
presentation of the work of another as one’s own work.) In this class, academic misconduct or complicity in an act of academic misconduct on an assignment or test will result in an “F” in the course.

Students Needing Veterans Assistance:

Students needing assistance with the transition from military to academic life or with appropriate veteran’s benefits should contact the Veterans Affairs Office in Cubicle 101 of the Student Services Center or call them at 361-825-2331 or e-mail them.

Dropping a Class:

I hope that you never find it necessary to drop this or any other class. However, events can sometimes occur that make dropping a course necessary or wise. Please consult with me before you decide to drop to be sure it is the best thing to do. Should dropping the course be the best course of action, you must initiate the process to drop the course by going to the Student Services Center and filling out a course drop form. Just stopping attendance and participation WILL NOT automatically result in your being dropped from the class. April 10, 2015 is the last day to drop a class.

Here is the LINK for the Spring, 2015 Academic Calendar.

Course Expectations

1. Students are expected to engage as co-participants in this course working closely and consistently with professor and student colleagues.
2. Students are expected to show human concern for each of those with whom they work and study, while presenting a positive attitude and professional demeanor.
3. Students are expected to engage respectfully in a dynamic classroom environment, creating and maintaining a safe place in which ideas can be explored, shared, and evaluated.
4. Students are expected to submit work that meets the academic honesty standards of Texas A&M Corpus Christi.
5. Students are expected to respect the rights and dignity of each member of the campus community.
6. Students are expected to contact the instructor with questions, concerns, or issues that need to be addressed.
7. Use of cellular phones is limited to emergency purposes only. Students are expected to be respectful of their colleagues and the professor in this regard. Having to call attention to the use of cellular phones in the classroom for purposes other than emergency purposes may cause unnecessary embarrassment and may disrupt the learning process in the classroom.
8. Use of laptop computers or other portable computing devices is limited to classroom activities. Students are expected to be respectful of their colleagues and professor in this regard. Having to call attention to the use of computers in the classroom for purposes other than course related purposes may cause unnecessary embarrassment and may disrupt the learning process in the classroom.
Below is an outline of the content and activities in each unit of the course.

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics and Related Activities</th>
<th>Textbook Chapter(s) And IMPORTANT LANDMARK COURT CASES AND FEDERAL AND STATE OF TEXAS LAW</th>
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<tr>
<td>Jan. 22</td>
<td>Course Introduction. Overview and the Importance of School Law and Ethics. A Brief Tour of the Course Website. How to BRIEF a Case. <strong>Education Law Landmark Supreme Court Cases</strong> &lt;br&gt;Sources of Law; Powers of the Court; Purpose of Law; “Stare Decisis;” Rule of law; How to read a case; The American Court system; <strong>The EQUAL PROTECTION CLAUSE OF THE U.S. CONSTITUTION.</strong>&lt;br&gt;America’s first school laws; System of education; Struggle for public schools; Education as a fundamental right under state constitutions, including Texas; Tuition and fees in schools; Sources of Federal role; Fundamental rights and education; Education as a unique governmental function; School Finance; School discrimination. &lt;br&gt;Several video tape clips will be shown; PowerPoint’s (in the PPT section of the Blackboard website) YOUTUBE: (1) Conversation with Chief Justice of the United States John G. Roberts Jr.; (2) <strong>Who is Clarence Thomas?</strong> (CBS 60 Minutes); (3) The U.S. Supreme Courts <strong>Antonin Scalia discusses his public and private life</strong> in a remarkably candid interview with Lesley Stahl.</td>
<td>Ch. 1: An overview of education law, Texas Schools, and Parent rights. &lt;br&gt;YouTube Videos: &lt;br&gt;U.S. v. Lopez Marbury v. Madison. Pierce v. Society of Sisters Title VI Title VII ADA IDEA Title IX San Antonio ISD v Rodriguez</td>
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<td>Jan. 29</td>
<td><strong>Ch. 2 : Desegregation of Public Schools.</strong> The Fourteenth Amendment; The American dilemma; Separate but equal (Plessy); Separate but equal challenged; Events leading up to Brown v. Board; Quotas and school busing; Defacto segregation; <strong>In-Class Discussion Focus:</strong> Why isn’t the “separate-but-equal doctrine more widely accepted? Why do you think so many people simply ignored the Fourteenth Amendment to the U.S. Constitution with respect to equal rights for Whites and Blacks? How did they get away with such discriminatory actions for so long? Do you think that racial segregation in public school hurts the separated races, assuming the schools are “equal” in terms of facilities, class size, teacher pay, etc?</td>
<td>Ch. 2. &lt;br&gt;Roberts v. City of Boston Plessy v. Ferguson Gong Lum v Rice Brown v. Board</td>
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Discussion Focus: Many schools today are virtually all white or all-minority, even though no law requires segregation. This is sometimes called “de facto segregation.” Do you think de facto segregation has a detrimental effect on students? If the Jim Crow South had actually followed the requirements of Plessy by providing its segregated schools with truly equal facilities, class size, teacher pay, and all other tangible ways, would an effort to challenge Plessy have succeeded? Would such an effort have been mounted in the first place? How would the country be different today if “separate but equal” were still the law?

Discussion Focus: 1. Was it the intention of the framers and ratifiers of the Fourteenth Amendment to end racial segregation in public facilities?
2. Why do you think states such as Louisiana adopted the “one drop rule,” classifying persons with as little as one-eighth African-American ancestry as black?
3. Why do you think many of the early challenges to segregated education were directed against segregation in law schools and other graduate programs?
4. Did Brown specifically overrule Plessy?
5. Given the basis for the Brown decision, what made segregation of other types of public facilities, such as beaches or golf clubs, unconstitutional?
6. Should the Court have ordered the immediate integration of public schools in 1954, rather than requiring integration “with all deliberate speed.”? (There turned out to be a lot more deliberation than speed). What would have been the likely result of an immediate and massive integration of the public schools? Would it have been any worse than the problems associated with the long, slow march toward integrated schools?

Ch.7: Religion in the Schools
Historical background; The Wall of Separation; The writings of Jefferson and Madison; Public schools and religion; School vouchers; Equal Access Act; Flag salute;

In-Class Focus Discussion Points (FDP)
Discussion Focus: Does voluntary prayer, silent meditation, or graduation prayer violate the First Amendment? Must teachers and students recite the Pledge of Allegiance? To what extent can public schools teach about religion? Discussion Focus: How does the First Amendment apply to these cases? What is the difference between the Establishment Clause and the Free Exercise Clause? Do courts still use the Lemon test? Discussion Focus: What are some of the other tests that courts will consider? What is the Equal Access Act? Must you give equal emphasis to evolution and creationism in science class? To
what extent can public schools teach about religion? May a teacher lead a prayer if no student objects? Can students pray at graduation or at sporting events? **Discussion Focus:** When students “meet at the pole” for prayer, may teachers join their students, even if the teachers are not leading the prayers? May coaches lead their team members in a prayer before a match or game?

![Wall of Separation](image)

**The Scopes Trial, Creationism v. Evolution.** The early 1920s found social patterns in chaos. Traditionalists, the older Victorians, worried that everything valuable was ending. Younger modernists no longer asked whether society would approve of their behavior, only whether their behavior met the approval of their intellect. Intellectual experimentation flourished. Americans danced to the sound of the Jazz Age, showed their contempt for alcoholic prohibition, debated abstract art and Freudian theories. In a response to the new social patterns set in motion by modernism, a wave of revivalism developed, becoming especially strong in the American South.

Who would dominate American culture--the modernists or the traditionalists? Journalists were looking for a showdown, and they found one in a **Dayton, Tennessee** courtroom in the summer of 1925. There a jury was to decide the fate of **John Scopes**, a high school biology teacher charged with illegally teaching the theory of evolution. The guilt or innocence of John Scopes, and even the constitutionality of Tennessee’s anti-evolution **statute**, mattered little. The meaning of the trial emerged through its interpretation as a conflict of social and intellectual values.

**William Jennings Bryan**, three-time Democratic candidate for President and a populist, led a Fundamentalist crusade to banish **Darwin**’s theory of evolution from American classrooms. Bryan’s motivation for mounting the crusade is unclear. It is possible that Bryan, who cared deeply about equality, worried that Darwin’s theories were being used by supporters of a growing eugenics movement that was advocating sterilization of “inferior stock.” More likely, the Great Commoner came to his cause both out a concern that the teaching of evolution would undermine traditional values he had long supported and because he had a compelling desire to remain in the public spotlight—a spotlight he had occupied since his famous “Cross of
Gold“ speech at the 1896 Democratic Convention. Bryan, in the words of columnist H. L. Mencken, who covered the Scopes Trial, transformed himself into a "sort of Fundamentalist Pope." By 1925, Bryan and his followers had succeeded in getting legislation introduced in fifteen states to ban the teaching of evolution. In February, Tennessee enacted a bill introduced by John Butler making it unlawful "to teach any theory that denies the story of divine creation as taught by the Bible and to teach instead that man was descended from a lower order of animals."

The Scopes Trial had its origins in a conspiracy at Fred Robinson's drugstore in Dayton. George Rappalyea, a 31-year-old transplanted New Yorker and local coal company manager, arrived at the drugstore with a copy of a paper containing an American Civil Liberties Union announcement that it was willing to offer its services to anyone challenging the new Tennessee anti-evolution statute. Rappalyea, a modernist Methodist with contempt for the new law, argued to other town leaders that a trial would be a way of putting Dayton on the map. Listening to Rappalyea, the others--including School Superintendent Walter White--became convinced that publicity generated by a controversial trial might help their town, whose population had fallen from 3,000 in the 1890’s to 1,800 in 1925.

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Feb. 26 and Mar. 5

**A Landmark U.S. Supreme Court Case**

Tinker v. Des Moines

**Supreme Court**

**Federal appellate court issues en banc decision in Layshock v. Hermitage Sch. Dist.: school district violated First Amendment by disciplining student for off-campus online speech**

Attached in the CONTENT AREA is an article written by Dr. Bultinck and myself that was published in the Phi Delta KAPPAN. It was written after Howard and I interviewed JOHN TINKER and KENNETH W.STARR as part of the 40th anniversary of the Tinker decision. Attached is an article written by Dr. Bultinck and myself that was just published in the Phi Delta KAPPAN. It was written after Howard and I interviewed JOHN TINKER and KENNETH W.STARR as part of the 40th anniversary of the Tinker decision. The FULL INTERVIEW can be heard at the WGTD.ORG website, which aired on "Education Matters", of which I was executive producer. **WGTD is a public radio station**, based in Kenosha, Wisconsin. 

Click here. TINKER-STARR INTERVIEW

**In-Class Discussion Focus:** Reflect on Justice Fortes’ famous quote “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Should students be permitted to wear clothing with political messages? How free are students to distribute unpopular or controversial views in school-sponsored and underground publications? Can schools censor off-campus speech? Do dress codes unconstitutionally restrict students’ freedom of speech? How do the First Amendment and Fourteenth Amendment apply to these cases?

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**Ch. 6: Expression and Association Rights:** Clear and present danger; Material and substantial disruption; Threats of violence; Forum analysis; Student publications; The Internet and free speech;

**Ch. 6: Tinker v. Des Moines; Bethel v. Fraser; Morse v. Frederick; Hazelwood v. Kuhlmeier**

(Professor Doug Linder’s website, UMKC)

New Jersey v. TLO; Vernonia v. Acton;


Pickering v. Board of Education

Mt. Healthy City School District v. Doyle

Connick v. Myers
Course Syllabus p. 9

**Discussion Focus:** How does the Eighth Amendment apply to corporal punishment? Does a temporary suspension require procedural due process? When a student is suspended, should s/he be given the opportunity to make up the work? When can school officials search student lockers, cars, possessions, and persons? How does the 4th Amendment apply? What is the difference between reasonable suspicion and probable cause? What does the data say about searches and students of color? What amendment prohibits illegal search and seizure?

Educator rights of expression. The Pickering case.

**Mar. 26**

**Ch. 3: Special Education.** A history of neglect; EAHC; IDEA; FAPE; LRE; Inclusion; Placement in private schools; Burlington test; Stay-Put provision; Section 504 of Rehabilitation Act; LRE (Least Restrictive Environment);

**General Definitions and Special Education Law**

What is special education?

What is meant by disability, exceptionality and special needs?

What is IDEA? What is IDEIA?

What is Public Law 94-142?

**Section 504**

What is a 504 Plan?

What are the criteria for eligibility under a 504 Plan?

What is meant by "major life activities?"

Is the process leading to a 504 Plan similar to the IEP process?

Who is on the 504 Plan Team?

**Apr. 16**

**Ch. 10: Torts and Liabilities.** Definition of a tort; Strict liability; Negligence; The Tort of Bullying; Bully liability; Defenses for negligence; Educational malpractice

**Ch. 5: Personnel Issues:** PDAS; New Teacher Evaluation System;

Videotape on Bullying.

**Apr. 30**

**Ch. 9: Privacy Issues.** Open Meetings Act; Texas Public Information Act; Lifestyle Issues;

**Garcetti v. Ceballos**

**Portfolio Due:**

Hard copy is to be turned in at this class meeting.

**Ch. 3:**

Mills; PARC v. PA Rowley;

Timothy W. Oberti; Florence County v. Carter

Irving v. Tatro; Honig v. Doe;

**Ch. 10**

Spears v. Jefferson;

Wallmuth v. Rapides Parish;

**Ch. 5**

Ambach v. Norwich;

Pickering; Connick v. Myers; Garcetti;

Mt. Healthy; Givhan;

Board of Regents v. Roth; Perry v. Sindermann;

**FINAL EXAM DUE**

Hard copy is to be turned in at this class
Grading RUBRIC

GRADING RUBRIC FOR ASSIGNING GRADES
To ensure high quality graduate work, the following rubric for assigning grades indicates the minimum general requirements.

For a Grade of A:

1. **Content** - Assignments are complete, thorough, and meet or exceed stated specifications and criteria and are submitted on time. Students have completed all parts of the assignments as defined by the instructor. Knowledge of subject matter is clear, and all work is clearly focused on the assigned topics. Topics are fully developed. If appropriate, students have included additional material/information beyond requirements. If applicable, students have demonstrated applicability to the work setting (theory into practice). Students show evidence of critical thinking. If appropriate, students demonstrate originality and fresh perspectives.

2. **Quality of Writing** - Written work shows superior graduate quality in verbal expression, attention to detail, and correct application of the conventions of the English language. In students' written work, paragraphing is appropriate with clear thesis statements and supporting details. Sentences are clear and concise. Students vary sentence structure making use of subordinate clauses. Transitional words and phrases are used effectively. Points and ideas are well organized. Word choice is effective. English language conventions are applied correctly (i.e. spelling, capitalization, punctuation, agreement, pronoun usage, sentence structure).

3. **Preparation** (readings, court cases) - Preparation for all classes is evident. Students participate regularly contributing ideas to class discussions that demonstrate careful reading of assigned texts and articles, attention to audio or video tapes or other media assigned, and engagement in interviews, observations, or any other in-class or out-of-class activities assigned.

4. **Format** - Where applicable, citations and references are used correctly and consistently with clear efforts made to include a wide range of relevant works. For any work requiring citations, students refer to a wide range of suitable sources. All unoriginal ideas are cited correctly and referenced in a reference list. All works in the reference list are cited in the text. Students follow APA style as well as the instructor's requirements regarding type face and size, margins, headings, title pages, etc.

For a grade of B:

1. **Content** - Assignments are complete and meet stated specifications and criteria and are submitted on time. Knowledge of subject matter is clear. Written work focuses on assigned topics. Students have made clear efforts to address all parts of assignments, but might have missed one part of one or two assignments. Students have met all but perhaps one criterion or specification indicated by the instructor. (For example, if students are asked to provide examples of classroom strategies, perhaps the number of examples provided is insufficient; perhaps the examples are not explained in enough detail for the reader to form a clear picture of the strategy). In some assignments, a match between theory and practice may not be evident.

2. **Quality of Writing** - Written work shows good graduate quality in verbal expression, attention to detail, and correct application of the conventions of the English language. In students' written work, paragraphs are organized around topics with supporting details. Sentences are clear and somewhat varied. Some transitional words and phrases are used. Organization is adequate. Words are used correctly. A few minor errors in the conventions of English usage do not interfere with the readability of the work.

3. **Preparation** - Preparation for all classes is evident. Students participate regularly contributing ideas to class discussions that demonstrate careful reading of assigned texts and articles, attention to audio or video tapes or other media assigned, and engagement in interviews, observations, or any other in-class or out-of-class activities assigned.
4. Format - Where applicable, citations and references are used correctly and consistently. For any work requiring citations, all unoriginal ideas are cited correctly and referenced in all reference lists. All works in the reference list are cited in the text. Students generally follow APA style as well as the instructor's requirements regarding type face and size, margins, headings, title pages, etc.

For a Grade of C:

1. Content - Some assignments may be incomplete or do not meet some stated specifications and criteria. Students have made an attempt to complete all assignments, but some student papers do not address all parts of all assignments or do not meet some criteria specified in the instruction. Topics may be only partially developed. There may be no evidence of a match between theory and practice.

2. Quality in Writing - Written work is below graduate quality in verbal expression, attention to detail, and correct application of the conventions of the English language. In students' written work, paragraphing may be faulty with perhaps too many topics per paragraph or insufficient detail to support a topic. Sentences may lack variety, and sentence structure may be confusing. Organization may be lacking. Errors in word usage may be present. Errors in the conventions of English usage may interfere with the readability of the work.

3. Preparation - Preparation for most classes is evident. Students may choose not to participate in all class discussions or activities. When called upon, students may not be able to demonstrate that they have read assigned texts and articles or that they have completed other activities and assignments.

4. Format - Where applicable, an attempt is made to use citations and references. For any work requiring citations, students attempt to cite and reference all unoriginal ideas, but may make errors in format.

REQUIRED WRITING STANDARDS

As noted in the COURSE SYLLABUS, here are the WRITING STANDARDS for this course:

1. Written assignments must be organized into paragraphs. Each paragraph must have a topic sentence which is followed by statements which provide elaboration or supporting data.

2. Written assignments must demonstrate coherence. Ideas must be presented clearly and concisely. Transition statements should be used to link paragraphs.

3. Written assignments must clearly address the specified topic and conform to the required format. The reader should not have to guess how or why the writer's statements are linked to the assigned topic.

4. All written assignments must use standard sentence structure. Sentence fragments are not acceptable.

5. Written assignments must conform to standard rules of grammar, including punctuation rules. (If you are uncertain about comma usage rules, please seek assistance from a grammar text. Do not be creative with punctuation.)

6. Essays should include an introductory paragraph and a concluding paragraph.

7. If you have questions about any of these requirements, ask for clarification before you begin writing.

8. Always revise your work several times. Never hand in your first draft!

9. You may be asked to rewrite and resubmit a written assignment that does not communicate effectively.
10. All written assignments must conform to the length and format indicated on the syllabus.

11. All written assignments must be typed unless specifically noted otherwise.

12. Use of APA style is required for papers citing research

Discussion Questions provide a forum for students to seek clarification and answer important questions about the course material. The discussion also allows students to receive feedback from the instructor and other students in the class. A discussion question grade will be posted to the grade sheet for each Unit using the following grading criteria.

**Paper Submissions**

APA manuscript style dictates how your paper should appear on the page. There are two types of APA manuscripts: copy manuscripts (those submitted for publication) and final manuscripts (those not submitted for publication). Copy manuscripts are much more formal and may contain multiple sections. Specifically, they will have an abstract (a one-paragraph summary of the paper). The papers you produce for most University classes will be final manuscripts. Unlike copy manuscripts, final manuscripts do not, unless specifically required by an instructor, require an abstract. They do include:

- A title page
- The paper itself (the "discussion")
- A references page

A title page contains three items: a running head (a short version of the title), the paper's title, and the author's name. Traditionally, the author's affiliation (the university he or she attends or works for) appears below the author's name; however, many college instructors prefer students to put the course and section number in this place (since we all know which institution we are at). The running title appears in the top right corner of every page, including the title page, right before the page number. The title, the author's name, and the author's affiliation (or course and section number) appear in the center of the title page.

Formatting the discussion, or body, of the paper, is also quite straightforward. APA final manuscripts are generally double-spaced (unless your instructor requests otherwise). As mentioned above, the running head appears in the top right corner of each page, right before the page number. The full title also appears, but only on the first page of the discussion. For subsequent pages, the running head is the only "title" present.

New paragraphs should be indented (which is the default setting for the Tab key) and there should not be an extra blank line between paragraphs.

The last thing required is the references page. This page, like the others, has the running head and page number in the upper-right hand corner. Sources should be alphabetized by the author's last name (or, for sources without authors, by the first letter in the title) and the second line of each source should be indented a half inch (the first line is not indented). Here are a few additional formatting standards to keep in mind:

- Use standard margins: 1" on all sides.
- Use standard 12-point font size.
- Use standard double-spacing: average of 22 lines per page, and between 20 and 24 lines per page.
- Use left-aligned text. Do not right-justify.
- There should be no subtitles or spaces between paragraphs within the paper.
- When citing a quote of more than four lines, you should indent the entire quoted passage 10 spaces from the left margin. It is not necessary to indent these block quotes from the right margin. Continue with the usual double-spacing, and give the usual acknowledgements at the end of the quote. Block quotes do not require quotation marks.

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**School Law- The Portfolio**

**SEE GRADING RUBRIC BELOW**

**The PORTFOLIO Assignment – Total: 30 Points:**
I. Tinker v. Des Moines

A. Listen to the TINKER Oral Arguments.

SHOULD BE APPROXIMATELY 3-4 PAGES

(FOR THE ENTIRE TINKER QUESTION).

(Approximately 800-1000 words).

BE SURE to indicate which of the sub-sections (B,C,D,E,F)

for each question you are answering.

A. Listen to the TINKER Oral Arguments.

B. While listening to the case, jot down some key points made by any of the participants. You are required to "react" to a statement made by a justice or one of the lawyers. BE SURE TO INCLUDE any quotes that you believe are important as you listen to the oral arguments.

C. How did the lawyers present their point of view? Was there anything (in your opinion) that one of both of the lawyers should have mentioned that they did not?

D. React to the actual decision made by the Court. Remember, what you hear during the oral arguments will not include the decision of the court. That usually occurs several months later. Within the COURSE MATERIALS you will have actual decision, with the majority and dissenting opinions. (Be sure to always read the "dissenting" opinions as those comments are often times quite interesting and dramatic.)

E. Did you get a sense during the ORAL ARGUMENTS which way the court was going to decide? Elaborate as to why?

F. Cite ONE QUOTE from BOTH the MAJORITY and DISSENTING opinions (Indicate WHO made the comments) that struck you as the most important or interesting. Why did you select that quote?

The ORAL ARGUMENT IS HERE


The COURT Decision is here with the Majority and Dissenting Opinions


II. Brown v. Board of Education.

Specific Instructions:

All papers are to be TYPED and Double spaced.

Use 12 Point Times Roman Font.
Be sure to use citations for any court cases.

Be sure to indicate WHICH portion of each question you are answering.

Do not place the papers in folders, notebooks, page holders or anything else. Please staple the paper in the upper left-hand corner, on a 45 degree angle.

NO LATE PAPERS WILL BE ACCEPTED.

School Law Final Examination –
“Take Home EXAM”

SEE GRADING RUBRIC BELOW

(60 Maximum Points)

DUE: April 30, 2015

Do not Email Your Exam. It will be turned in at our last class

Answer All Three Questions. (1, 2 and 3)
Indicate WHICH Questions (as in Part A, B, C, etc) You are Answering
NO LATE EXAMS WILL BE ACCEPTED.

• 1. TINKER and BETHEL v FRASER :

(800-1000 words: 25 Points)

Create a hypothetical case, set in 2015, which deals with a students’ rights issue in which both the Tinker and Bethel v Fraser cases can be used as important citations. Include the following ITEMS in your answer:

• A. A Brief summary of YOUR case;

• B. What are the legal issues? (Freedom of speech, expression or any other issues you deem appropriate);

• C. How do you think the court would rule in your case? Why?

• D. What was your reaction to our conversation with John Tinker? Why do you think he feels that the rights of students have eroded since 1969?

2. Some Supreme Court cases are decided unanimously. However, sometimes the justices do not agree with the majority decision. These justices often write dissenting opinions that express how and why they disagree with the majority decision.

(700-850 Words) 20 Points

Though dissents do not become law as majority opinions do, they are important because they document the struggle between different interpretations of the law. Sometimes the dissent in one case becomes the prevailing viewpoint in a future case that overturns an earlier decision.
In *Plessy v. Ferguson* (1896), Justice Harlan disagreed with the majority of his colleagues. The majority declared that it was possible for segregated facilities to be equal; therefore segregation did not violate the Fourteenth Amendment. Justice Harlan wrote a dissent stating that segregation violated the Fourteenth Amendment because it used the law to sanction inequality among races. Later, in *Brown v. Board of Education I* (1954), Chief Justice Earl Warren also declared that separate facilities violated the Constitution, though he based his argument on slightly different premises.

**ANSWER THESE QUESTIONS:**

A. The justices (Harlan and Warren) clearly have the same opinion of the constitutionality of segregation.  
B. Can you determine how they differ?  
C. Why do you think the majority of the Plessy court was so far off the mark?

3. (600-700 Words: 15 Points)

*Here are two scenarios. Address the issues for each one. Then, discuss how the two situations are related. Be sure to indicate which portions of each question you are addressing in your response.*

The community in which the high school (in the situations below) is located in a school district which is relatively conservative community in the Coastal Bend area. The religious right is quite active in this area and is always attending school board meetings and speaks out against such issues as sex education, Lesbian and Gay rights, and questioning why certain books are in the school or public libraries. Your school has both curricular and extra-curricular clubs already in place. This is your second year as principal of the high school.

**Situation 1:**

A group of students comes to you about starting a Bible Club.  
1) Do you have to let them meet at the school?  
2) Will it be a school-sponsored club?  
3) What guidelines will you give the students if you let them meet at school?  
(Cite 2 cases that pertain to this situation. Explain fully how those cases relates to this case study)

**Situation 2:**

At the same time the students (in the situation above) meet with you to start a Bible club, another group of students wishes to talk to you about starting a Gay, Lesbian, and Straight Alliance Student Club. They already have a sponsor, who is an English teacher, and she is “out” as a Lesbian.  

As principal, you know that forming this club will be controversial.  
A) What will your initial response be to these students at this first meeting with them?  
B) Will you contact your Superintendent, who is a very conservative woman? If so, what will your position be with her regarding the club?  
C) What “resource” groups might you contact about how you might deal with this matter?  
D) Finally, several teachers have already informed you that they absolutely oppose such a club, and they will be very vocal out in the community. How will you deal with them?
E) Cite at least ONE law case you believe is pertinent to this situation.

REMEMBER: You are to also draw a comparison between the two situations above. Be sure to separate out your comments for each situation and for each question within each situation.

SOME GUIDANCE for You.

1. Your examination consists of three essay questions. Please read each question carefully and pay attention to what you are being asked to do. Include WHICH portion of all the questions you are answering

2. Your paper must be typed. Please double-space your paper, and use a 12 point font (Times-Roman or Arial Font) Do not use any folders or plastic page holder. ONLY STAPLE your papers TOGETHER...ALL QUESTIONS should be stapled as ONE packet.

3. Think before you write. Organize your answer. You will receive points for clarity and succinctness. You will get penalized for an answer which is disorganized and confusing. THIS EXAM is DUE at the LAST class meeting

5. You are required to provide proper case citations, which may be embedded in your paper.

The Interstate School Leaders Licensure Consortium (ISLLC)

ISLLC Standard 1: An education leader promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders.

ISLLC Standard 2: An education leader promotes the success of every student by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.

ISLLC 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.

ISLLC 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 members, responding to diverse community interests and needs, and mobilizing community resources.

ISLLC 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.

ISLLC Standard 6: An educational leader promotes the success of every student by understanding, responding to, and influencing the political, social, economic, legal, and cultural context.

SBEC/TExES Framework for Principal Certification

Domain I- School Community Leadership

Competency 001: The principal knows how to shape campus culture by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

Competency 002: The principal knows how to communicate and collaborate with all members of the school community, respond to diverse interests and needs, and mobilize resources to promote student success.
Competency 003

The principal knows how to act with integrity, fairness, and in an ethical and legal manner.

**DOMAIN II—INSTRUCTIONAL LEADERSHIP**

Competency 004

The principal knows how to facilitate the design and implementation of curricula and strategic plans that enhance teaching and learning; ensure alignment of curriculum, instruction, resources, and assessment; and promote the use of varied assessments to measure student performance.

Competency 005

The principal knows how to advocate, nurture, and sustain an instructional program and a campus culture that are conducive to student learning and staff professional growth.

Competency 006

The principal knows how to implement a staff evaluation and development system to improve the performance of all staff members, select and implement appropriate models for supervision and staff development, and apply the legal requirements for personnel management.

Competency 007

The principal knows how to apply organizational, decision-making, and problem solving skills to ensure an effective learning environment.

**DOMAIN III—ADMINISTRATIVE LEADERSHIP**

Competency 008

The principal knows how to apply principles of effective leadership and management in relation to campus budgeting, personnel, resource utilization, financial management, and technology use.

Competency 009

The principal knows how to apply principles of leadership and management to the campus physical plant and support systems to ensure a safe and effective learning environment.

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**EDAD 5363**

**Classroom Management and Legal Issues**

<table>
<thead>
<tr>
<th>Elements of Standards Evident in Course</th>
<th>Knowledge Development</th>
<th>Skill Development: Projects, Activities, Simulations</th>
<th>Assessment</th>
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<tbody>
<tr>
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<tr>
<td>Candidate Successes</td>
<td>Candidate Requirements</td>
<td>Rubric Details</td>
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<tr>
<td>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 by the entire school. (Visionary Leadership)</td>
<td>Candidates successfully demonstrate the ability to collaboratively develop a shared mission and vision. The school administrator shall demonstrate a clear and measurable understanding of: 1) Effective consensus-building and negotiation skills; 2) Effective communications; and 3) Systems theory. The School administrator believes in and values a strong a measurable commitment to a willingness to continuously examine one’s own assumptions, beliefs and practices.</td>
<td>Detailed rubrics shall be used to assess the quality of student responses to all case study and in-basket activities. Self-assessment. Continuous feedback from the professor. Detailed rubrics shall be used to assess the quality of student responses to all case study and in-basket activities.</td>
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<tr>
<td>(ISLLC Standard 1)</td>
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<td>(SBEC/TExES Competency 001)</td>
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<tr>
<td>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 development. (Instructional leadership)</td>
<td>The candidates will demonstrate their skills development through simulations, case analyses and class discussions of pertinent landmark court decisions that relate to legal concepts. In addition, student will have the opportunity to interact through live, WebEx video connections with actual litigants in several important landmark U.S. Supreme Court cases. (i.e., Tinker v Des Moines, Hazelwood v Kuhlmeier, Brown v. Board of Education.)</td>
<td>Detailed rubrics shall be used to assess the quality of student responses to all case study and simulation activities, as well as “mock-trial” in-class exercises and case briefings (see examples below). Self-assessment.</td>
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</table>
### ISLLC Standard 2

#### SBEC/TExES Competencies 004, 005, 006, 007

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

- Professional staff development. School administrators will believe in and shall be committed to: 1) Professional staff development to ensure that all legal and ethical issues are part of the school improvement plan (SIP); 2) The benefits that a well rounded and diverse student population brings to the entire school community; 3) Ensuring that the school is a safe and supportive learning environment for all students with a clear and effective focus on student diversity.

The candidates will be able to demonstrate the ability to explain how the legal and political systems of schools have shaped a school and community, as well as the opportunities available to students and families.

Candidates will demonstrate their skills development through simulations, case analyses and class discussions of pertinent landmark court decisions that relate to legal concepts.

In addition, student will have the opportunity to interact with the professor. Continuous feedback from the professor.

Detailed **rubrics** shall be used to assess the quality of student responses to all case study and simulation activities, as well as “mock-trial” in-class exercises and case briefings (see examples below)

Self-assessment.
<table>
<thead>
<tr>
<th>ISLLC Standard 5</th>
<th>Understand the federal and state legal structure within which all Texas schools function.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SBEC/TExES Competency 003</td>
<td>Recognize key education related provisions of the U.S. Constitution, federal statutes, the Texas Constitution, and Texas statutes, including provision of the Texas Education Code.</td>
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<td>Demonstrate an understanding of Texas and district school law from the standpoint of the campus-level Administrator.</td>
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<tr>
<td></td>
<td>The candidates will be able to demonstrate the ability to explain how the legal and political systems of schools have shaped a school and community, as well as the opportunities available to students and families.</td>
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<td>The school administrator will be able to demonstrate the knowledge as outlined in these competency areas by having a clear and clearly definable and through live, WebEx video connections with actual litigants in several important landmark U.S. Supreme Court cases. (i.e., Tinker v Des Moines, Hazelwood v Kuhlmeier, Brown v. Board of Education.)</td>
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<td>Candidates will demonstrate their skills development through simulations, case analyses and class discussions of pertinent landmark court decisions that relate to legal concepts.</td>
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<td>Detailed rubrics shall be used to assess the quality of student responses to all case study and simulation activities, as well as &quot;mock-trial&quot; in-class exercises.</td>
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</tbody>
</table>
School administrators are leaders who have the knowledge and ability to promote the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

(ISLLC Standard 6)

(SBEC/TExES Competencies 001, 002, 003)

measurable knowledge and understanding of: 1) The principles of representative governance that undergird the system of American schools; 2) The law as related to education and schooling; 3) The importance of diversity and equity in a democratic society.

In addition, students will have the opportunity to interact through live, WebEx video connections with actual litigants in several important landmark U.S. Supreme Court cases. (i.e., Tinker v Des Moines, Hazelwood v Kuhlmeier, Brown v. Board of Education.)

Sample Rubric for Case Briefings:

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Exceptional</th>
<th>Acceptable</th>
<th>Marginal</th>
<th>Unacceptable</th>
<th>Score</th>
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</thead>
<tbody>
<tr>
<td>Citation</td>
<td>Cites the court case accurately and completely</td>
<td>Cites the court case accurately and completely in most respects</td>
<td>Cites the court case inaccurately or incompletely</td>
<td>Does not cite the court case</td>
<td></td>
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<tr>
<td>Topic and issue(s)</td>
<td>Identifies and describes in detail the topic and issue(s) of the case</td>
<td>Identifies and describes the topic and issue(s) of the case</td>
<td>Identifies the topic and issue(s) of the case</td>
<td>Incompletely identifies the topic and issue(s) of the case</td>
<td></td>
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<tr>
<td>Facts</td>
<td>Presents and explains the facts of the case</td>
<td>Presents the facts of the case</td>
<td>Presents some facts of the case</td>
<td>Presents few, if any, facts of the case</td>
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<tr>
<td>Findings</td>
<td>Summarizes comprehensively the trial court’s</td>
<td>Summarizes the trial court’s</td>
<td>Provides a partial summary of the</td>
<td>Provides an incomplete</td>
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<tr>
<td>Reasoning</td>
<td>Trial court's decision and, if applicable, the appellate court's decision</td>
<td>Summary or omits a summary of the court's decision</td>
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<td>Explains the reason(s) for the decision</td>
<td>Explains the reason(s) for the decision</td>
<td>Partially explains the reason(s) for the decision</td>
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<tr>
<td>Thoroughly assesses the implication(s) of the decision and its importance for administrators</td>
<td>Adequately assesses the implication(s) of the decision and its importance for administrators</td>
<td>Somewhat assesses the implication(s) of the decision and its importance for administrators</td>
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<td>Incompletely assesses the implication(s) of the decision and its importance for administrators</td>
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<tr>
<th>Overall Presentation</th>
<th>Well-written and insightful (writing demonstrates a sophisticated clarity, conciseness, and correctness); includes thorough details and relevant data and information; extremely well-organized</th>
<th>Carelessly written (writing lacks clarity or conciseness and contains numerous errors); gives insufficient detail and relevant data and information; lacks organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well-written (writing is accomplished in terms of clarity and conciseness and contains only a few errors); includes sufficient details and relevant data and information; well-organized</td>
<td>Poorly written (writing is unfocused, rambling, or contains serious errors); lacks detail and relevant data and information; poorly organized</td>
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</table>

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<thead>
<tr>
<th>Implications for administrators</th>
<th>Uses APA format accurately and consistently</th>
<th>Uses APA format with minor violations</th>
<th>Reflects incomplete knowledge of APA format</th>
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<tbody>
<tr>
<td>Does not use APA format</td>
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<table>
<thead>
<tr>
<th>APA format</th>
<th>Uses APA format accurately and consistently</th>
<th>Uses APA format with minor violations</th>
<th>Reflects incomplete knowledge of APA format</th>
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<tr>
<th>Comments:</th>
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Note: Criteria are evaluated on a 4-3-2-1-0 basis. Total rubric points are converted first to a letter grade and then to a numerical equivalent based on a 0-100 scale.
<table>
<thead>
<tr>
<th>Writing mechanics</th>
<th>Writing demonstrates a sophisticated clarity, conciseness, and correctness</th>
<th>Writing is accomplished in terms of clarity and conciseness and contains only a few errors</th>
<th>Writing lacks clarity or conciseness and contains numerous errors</th>
<th>Writing is unfocused, rambling, or contains serious errors</th>
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**Comments:**

Note: Criteria are evaluated on a 4-3-2-1-0 basis. Total rubric points are converted first to a letter grade and then to a numerical equivalent based on a 0-100 scale.