COURSE #/TITLE: EAD 850 School Law Online

COURSE DESCRIPTION: Students will study the impact of school law on public education and on the work of the school principal. The course will examine constitutional law, common law, federal and state statutes, local agency regulations and school level policies that school leaders typically consult in their daily practice. Students will analyze and interpret primary law sources and apply their knowledge to school-related scenarios.

INSTRUCTOR: Dr. Eugene “Geno” Thomas. Ph: (740) 357-2677
thomasem@westminster.edu Emergencies: Contact via phone


MEETINGS: Online

TENTATIVE COURSE SCHEDULE:

<table>
<thead>
<tr>
<th>Date</th>
<th>Course Topic Activity/Assignment or Documentation</th>
<th>Meets PDE Core/Corollary #’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Module 1 Sources of School Law and Risk Management</td>
<td>Topics</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sources of school law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Federal, state, and local responsibility for education</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PA and OH constitutions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tenth and Fourteenth amendments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Risk management in student discipline</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Researching PA and OH school law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Understanding federal appellate court jurisdictions (Stare decisis)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Guided Instruction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forum Post: Sources of School Law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OneNote Practice Scenarios: Sources of School Law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assignments and Assessments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assigned textbook readings: Chapter 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Case Brief: Tinker v. Des Moines ISD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Slides: Sources of School Law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Case Law and Statutes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969) (Student symbolic expression)</td>
<td></td>
</tr>
<tr>
<td>Module 2 Student Freedom of Expression</td>
<td>Topics</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student 1st amendment rights inside &amp; outside school</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Oral, written, and symbolic expression</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forum analysis test</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student grooming</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PA or OH student conduct regulations for students</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Core IE, IIIA Corollary 2F, 2G, 5C5E</td>
<td></td>
</tr>
</tbody>
</table>
- Social media and cyberbullying
- Zero tolerance policies
- Introduction to due process

**Guided Instruction**
- Forum Post: Student Expression
- OneNote Practice Scenarios: Student Expression

**Assignments and Assessments**
- Assigned text readings: Chapter 3 (52-77, 83-84)
- Slides: Student Freedom of Expression
- Field Experience #1: Student Conduct

**Case Law and Statutes**
- *Saxe v. State College Area SD*, (3d Cir. 2001)
- PA Code and OH revised Code

### Module 3
**Search & Seizure, Due Process, Suspensions & Expulsions**

<table>
<thead>
<tr>
<th>Topics</th>
<th>Core IE, IIIA Corollary 1D, 4A, 4C, 4D</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Reasonable suspicion: inception and scope</td>
<td></td>
</tr>
<tr>
<td>- Factors impacting the legality of student searches</td>
<td></td>
</tr>
<tr>
<td>- Drug testing</td>
<td></td>
</tr>
<tr>
<td>- Student discipline (corporal punishment)</td>
<td></td>
</tr>
<tr>
<td>- Factors impacting student suspensions and expulsions</td>
<td></td>
</tr>
<tr>
<td>- Procedural and substantive due process</td>
<td></td>
</tr>
<tr>
<td>- Overbreadth and vagueness</td>
<td></td>
</tr>
<tr>
<td>- Intro to equal protection</td>
<td></td>
</tr>
</tbody>
</table>

**Guided Instruction**
- Forum Post: Student Searches and Due Process
- OneNote Practice Scenarios: Searches, suspension and expulsion, and due process for students

**Assignments and Assessments**
- Assigned text readings: Chapter 3 (64-71, 77-89, 145-148) and Chapter 5
- Articles: Brief History of Religion in America & Bringing Religion Into our Schools
- Slides: Due Process, Search, and Seizure
- Field Experience #1: Student Conduct (Due)

**Case Law and Statutes**
- *Goss V. Lopez*, 419 U.S. 565 (1975) (Student 14th amendment rights)
- PA Code and OH Revised Code

### Module 4
**Religion in Public Schools**

<table>
<thead>
<tr>
<th>Topics</th>
<th>Core IE, IIIA Corollary 4A</th>
</tr>
</thead>
<tbody>
<tr>
<td>- History of case law on religious activities in schools</td>
<td></td>
</tr>
<tr>
<td>- State support of parochial schools</td>
<td></td>
</tr>
<tr>
<td>- Bible distribution</td>
<td></td>
</tr>
<tr>
<td>- School prayer</td>
<td></td>
</tr>
<tr>
<td>- Prayer at school functions</td>
<td></td>
</tr>
</tbody>
</table>
- Religious symbols
- Student release for religious instruction
- Equal access

**Guided Instruction**
- Forum Post: Religion in Public Schools
- OneNote Practice Scenarios: Religion in Public Schools

**Assignments and Assessments**
- Assigned text readings: Chapter 2
- Slides: Religion in Public Schools
- Guidelines for Religion in Public Schools
- Overview of Religion in Public Schools
- Separation of Church and State in Public Schools

**Case Law and Statutes**
- Engel v. Vitale, 370 U.S. 421 (1962) (School prayer)
- Wisconsin v. Yoder, 406 U.S. 205 (1972) (State cannot compel Amish to attend school)
- Lemon v. Kurtzman, 403 U.S. 602 (1971) (State aid to parochial schools)
- Aguilar v. Felton, 473 U.S. 402 (1985) (Public funding of parochial schools)
- Lee v. Weisman, 505 U.S. 577 (1992) (Clerical prayer at commencement)
- Aguilar v. Felton, 473 U.S. 402 (1985) (Public funding of parochial schools)
- Agostini v. Felton, 521 U.S. 203 (1997) (Payment parochial school Title I teacher)
- West Virginia S BOE v. Barnette, 319 U.S. 624 (1943) (Flag Salute)

<table>
<thead>
<tr>
<th>Module 5</th>
<th>Topics</th>
<th>Core IE, IIIA Corollary 4A,5A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher Rights and Employment Discrimination</td>
<td>Teacher rights in and out of school: political and religious expression, dress, privacy, academic freedom, due process</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employment discrimination: Race, gender, age, disability, veterans, and pregnancy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sexual harassment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equal protection in employment discrimination</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Federal statutes regulating employment discrimination</td>
<td></td>
</tr>
</tbody>
</table>

**Guided Instruction**
- Forum Post: Teacher Rights and Academic Freedom
- OneNote Practice Scenarios: Teacher Rights, Academic Freedom, and Employment Discrimination

**Assignments and Assessments**
- Assigned text readings: Chapters 8-9 and pages 35-35.
- Slides: Teacher Academic Freedom and Rights
- Slides: Employment Discrimination
- Field Experience #2: Federal Statutes

### Case Law and Statutes
- *Daniels v. Quinn*, 801 F. 2d 687 (4th Cir. 1986) (Teacher speech)
- *Civil Rights Act, 1964* (Title VI and VII)
- *Americans with Disabilities Act* ( Sect. 504), 1990
- *Title IX of Education Amendments, 1972*

### Module 6
**Teacher Responsibilities**

<table>
<thead>
<tr>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tort law- Intentional and unintentional</td>
</tr>
<tr>
<td>Defenses for negligence</td>
</tr>
<tr>
<td>Civil rights and Sect. 1983 claims</td>
</tr>
<tr>
<td>Child abuse reporting</td>
</tr>
<tr>
<td>McKinney-Vento and homelessness</td>
</tr>
<tr>
<td>Immunity laws</td>
</tr>
<tr>
<td>FERPA (Federal Education Rights and Privacy Act)</td>
</tr>
<tr>
<td>Teacher duties un special education law</td>
</tr>
<tr>
<td>Professional Code of Conduct (PA and OH)</td>
</tr>
</tbody>
</table>

**Assignments and Assessments**

- Assigned text readings: Chapters 6-7
- Slides: Teacher Responsibilities
- Field Experience #2: Federal Statutes (Due)
- Legal concepts of defamation, slander, libel, and malice

**Guided Instruction**

- Forum Post: Teacher Liability
- OneNote Practice Scenarios: Teacher Responsibilities

**Case Law and Statutes**


---

Core IE, IIIA Corollary 1D, 2C,2F,2G, 4A,5A
<table>
<thead>
<tr>
<th>Module 7</th>
<th>Topics</th>
<th>Case Law and Statutes</th>
</tr>
</thead>
</table>
| Labor Law | • Collective bargaining agreement provisions  
• Grievances  
• Collective bargaining for administrators (Act 93)  
• Weingartner and Loudermill rights  
• Due process procedures for dismissal and suspension  
• Tenure  
• Grounds for dismissal for tenured and nontenured employees  
• Recruitment discrimination | • Cleveland BOE v. Loudermill, 470 U.S. 532 (1985) (Just cause)  
• NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975) (Right to representation)  
• Gaylord v. BOE of Unified SD, 14 Kan. App. 2d 468 (1990) (Termination for insubordination)  
• Johnson v. BOE of Independent SD No. 709, 921 F.2d 1022 (1986) (Inefficiency)  
• AFSCME v. Woodward, 406 F. 2d 137 (1969) (Public sector bargaining)  
• Garcia v. San Antonio Transit Authority, 469 U.S. 528 (1985) (Public sector bargaining) |

<table>
<thead>
<tr>
<th>Module 8</th>
<th>Topics</th>
<th>Case Law and Statutes</th>
</tr>
</thead>
</table>
| Instruction and Attendance | • Curriculum standards  
• Health requirements  
• Compulsory attendance and truancy  
• Residency and guardianship issues  
• Academics and student discipline  
• Child internet protection laws  
• Federal education laws (ESSA) | • Every Child Succeeds Act (2015)  
• Children's Online Privacy Protection Act (1998)  
• Children's Internet Protection Act (2000) |

**Assignments and Assessments**  
Assigned text readings: Chapter 11

**Guided Instruction**  
• Forum Post: ESSA 2015  
• OneNote Practice Scenarios: Instruction and Attendance

**Case Law and Statutes**

**STUDENT EVALUATION:**  
**Total Points: 250**  
1. Forum Posts (40 points)  
2. Practice Scenarios (40 points)  
3. Case Brief (5 points)  
4. Field Research (100 points)  
5. Exams (90 points)
READINGS:

Findlaw
http://litigation.findlaw.com

U.S. Department of Education
http://www.ed.gov

U.S. Supreme Court
http://www.supremecourt.gov/

Ohio Department of Education
http://education.ohio.gov (search Education Law)

Pennsylvania Department of Education
http://www.pde.state.pa.us (search Education Law)

Wrightslaw
http://wrightslaw.com

Ohio Revise Code
http://codes.ohio.gov/

PA General Assembly
http://www.legis.state.pa.us/

COURSE OBJECTIVES

1. Apply case key federal and state statutory, regulatory law, and case law to real-world scenarios.

2. Analyze and apply local school policy and contract law to real-world scenarios.

3. Describe specific strategies for safeguarding the constitutional rights of students and limiting a school’s exposure to litigation while administering school rules and policies.

4. Explain the significance of the 10th and 14th amendments of the U.S. constitution in issues of school law.

5. Explain state and federal level court systems, their jurisdictions, and their role in school law decision-making.

6. Given a U.S. Supreme Court case law brief, analyze and explain the implications of the court ruling and appropriately interpret citations and legal terminology.

7. Explain the federal level appeals process from various state courts and/or lower federal courts to the U.S. Supreme Court.
8. Analyze and apply constitutional rights for teachers and students including but not limited to privacy, due process, equal protection, freedom of religion and expression, and search and seizure.

9. Develop student and faculty policies aligned with school law.

10. Articulate recruitment and hiring practices that align with federal and case law on employment discrimination.

11. Apply tort law to real-world scenarios.

12. Explain risk management and apply risk management principles to real-world scenarios.

13. Explain remedies for students and/or teachers whose constitutional or statutory rights have been violated.

14. Research state education statutes to respond to real-world problems and scenarios related to policy development and/or risk management.

GRADING POLICY:
Grading is based on a point system. Letters grades will be assigned based on the course catalog as follows:

<table>
<thead>
<tr>
<th>Score Range</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>94-100</td>
<td>A</td>
</tr>
<tr>
<td>84-93.99</td>
<td>B</td>
</tr>
<tr>
<td>74-83.99</td>
<td>C</td>
</tr>
<tr>
<td>64-73.99</td>
<td>D</td>
</tr>
<tr>
<td>0-63.99</td>
<td>F</td>
</tr>
</tbody>
</table>

LATE WORK AND MAKE-UP WORK:
Meeting deadlines is important for any professional employee. As prospective school leaders, students enrolled in the Educational Administration program are preparing for a career that will require them to manage time and meet deadlines. However, the need to hold students accountable for deadlines must be balanced with the need for students to meet course goals and learning outcomes. With this in mind, a grading system should reward students who meet the highest level of professionalism while encouraging students to benefit from all learning activities.

When students must submit an assignment late due to a serious illness, family emergency, or other compelling reason, work submitted beyond the due date is considered make-up work and, absent other arrangements with the instructor, may be submitted seven days beyond the original due date without penalty. Beyond this, make-up work becomes a "late" assignment and is scored accordingly.

Late assignments are those submitted beyond the original due date without a compelling reason or permission of the instructor. Such assignments will be accepted up to seven days beyond the original due date. However, the final score for assignments submitted late will be reduced by an amount equal to 5% per day of the maximum points that can be earned on the assignment. (Example: A paper worth 40 points, submitted three days late and scored 35/40 would be reduced as follows: 35-(3 x 2 points) = 29.)
ACADEMIC INTEGRITY
Students are expected to adhere to standards for academic integrity as presented on the Westminster College graduate school website:

http://www.westminster.edu/academics/graduate/ethics.cfm

COURSE EXPECTATIONS
EAD 850 is a core course within the certification program for school leaders. The willingness of students to contribute their ideas to discussions is a critical factor in the success of this course. In addition, the ability to effectively communicate and collaborate with other educators is a key skill for school leaders. Thus, it is expected that students will participate fully in all discussions and, in doing so, will adhere to professional standards. This includes providing substantive and clearly articulated comments regarding the ideas of other class members.

TECHNICAL REQUIREMENTS
At a minimum, students will require a computer or laptop with reliable access to high speed internet. A 5MB or higher internet connection will be needed to properly access video posts. Students will need word processing, spreadsheet, and presentation software. Microsoft Word is highly recommended since documents have been created using Microsoft Word, Microsoft Excel, and Microsoft PowerPoint. In addition, students will need Acrobat Adobe Reader to view PDF file format and updated Adobe Flash Player and Adobe Acrobat.

All students will need to establish an e-mail account through Westminster. No webcam or microphone is needed for this course.