FAIRLEIGH DICKINSON UNIVERSITY
Peter Sammartino School of Education

EDUC 6717 - SCHOOL LAW

SYLLABUS

Section:  EDUC 6717:81

Day and Time:

Instructor:

Required Texts:

ORDER THROUGH THE BOOKSTORE OR omnipub@hotmail.com $56.95 + shipping

http://www.omnipublishers.com/searchquick-submit.sc?keywords=New+Jersey+Educator%27s+Legal+handbook

AVAILABLE AT THE BOOKSTORE OR


*This course is a “web-enhanced” or “blended” course. Students will be required to demonstrate proficiency using WEBCAMPUS (Blackboard).
http://webcampus.fdu.edu (Use your FDU Webmail username/password.)

COURSE DESCRIPTION
This course focuses on the school principal as an instructional leader and manager of the educational enterprise. It builds upon the philosophical base that the organization, structure, policies, procedures, facilities, and finances of schools are designed to support the goals of the school that result in high levels of student learning. The course curriculum is structured to assist future school leaders in acquiring the knowledge and skills necessary to ensure that the management of the school educational program, facility, and its resources produce a safe, efficient, and effective learning environment for the success of all students. This semester course includes important areas of school law in a learning organization. The course provides information for prospective school administrators about managing the school community with a focus on law, legislation, and court decisions that may impact the rights and responsibilities of teachers, students, and parents. The concepts learned during this course will be applied and measured during the Field-based Internships.

The school of Education is an active partner in the understanding, use and development of the NJ Professional Standards for Teachers and School Leaders. The NJ CORE CURRICULUM CONTENT STANDARDS are an integral part of the process of educational leadership and are fostered and utilized as an important element in the development of school leaders.

New Jersey Professional Standards for Teachers and School Leaders (NJPSTSL)  
Interstate School Leadership Licensure Standards Consortium (ISLLC)

New Jersey’s new professional standards for teachers and school leaders were adopted by the State Board of Education in December 2003 as part of the new licensing regulations. These new professional standards provide a clear vision of the knowledge, performances and dispositions that teachers and school leaders need to support the learning called for in the revised Core Curriculum Content Standards. Aligned with the Core Curriculum Content Standards, as well as national professional standards, New Jersey’s professional standards for educators illustrate the wide range of knowledge and abilities contemporary educators must possess to provide high-quality instruction and support improved student results. While the sets of professional standards are interdependent and interconnected, each distinct standard focuses on a specific aspect of effective practice. Each standard also has a series of indicators comprised of knowledge, dispositions, and performance statements. The knowledge statements describe the body of knowledge critical to effective practice. The disposition statements indicate the behaviors which communicate the traits and qualities valued by educators. The performance statements illustrate the application of that knowledge. The professional standards serve as the foundation for a more thoughtful certification system, more productive pre-service education and induction programs, and more effective and relevant professional development.

Professional Standards for Teachers and School Leaders  (429 kb PDF )  
http://www.state.nj.us/education/profdev/profstand/
COURSE GOALS/OUTCOMES

Upon completion of this course student will:

1. Have a basic knowledge of the sources of educational law and how they interact with one another.

2. Make use of legal resources to research case law, relevant statutes and administrative code.

3. Understand the government’s authority to compel and regulate education.

4. Analyze the relationship of school finance, school reform, and school law as it relates to ensuring educational opportunity for all students.

5. Synthesize ideas and designs of racial discrimination laws and their impact on ensuring educational opportunity for all students.

6. Synthesize ideas and designs of gender discrimination laws and their impact on ensuring educational opportunity for all students.

7. Apply handicapped discrimination laws to ensure equal educational opportunity for all students.

8. Have knowledge of students’ rights and responsibilities under the law.

9. Understand the legal powers, duties, and obligations of local school boards.

10. Analyze and be familiar with teachers’ rights and responsibilities under the law.


12. Be aware of the Establishment Clause and its influence on public schools and their effort to maintain neutrality in matters of religion.

13. Understand the cause and effect relationship that exists between the federal and state government in support of education.
IMPORTANT DATES

No Class Semester break - March 18, 2009
Final Class - 5/13/09

TOPIC SEQUENCE

Unit 1 - Sources of Law and the Courts

I. Sources of Law
   A. Federal Level
      1. Constitution and Amendments
         a. Historical Perspective
         b. Due Process and Equal protection
      2. Statutes
      3. Case Law
      4. Executive Order and Attorney General Opinions
   B. State Level:
      1. State Constitutions
      2. State Statutes
      3. Case Law
      4. State Board of Education, Chief state School Officer, and State Department of Education
      5. Attorney General Opinions
   C. Local Level

II. Judicial System
   A. State Court System
   B. Federal Court system
      1. District Courts
      2. Courts of Appeal
      3. Supreme Court
   C. New Jersey Judicial System
   D. New Jersey Administrative Code

III. Governing Agencies
   A. US Department of Education
   B. N.J. Department of Education
   C. State board of Education
   D. Commissioner of Education
   E. County Superintendent
Unit 2 - School and the State; Religion in the Public Schools

I. Compulsory Attendance
   A. Parochial, Private, or Home Schooling
   B. Regulation of Nonpublic Schools
   C. Home Schooling
   D. Admission Issues
   E. Truancy
   F. Excused Absences

II. Right to a Free Public Education
    A. Age and Residency
    B. Charter Schools
    C. Parental Choice
    D. Transportation

III. Religion in the Schools
     A. School Prayer and Bible Reading
        1. Recitation of a State Prayer
        2. Prayer and Bible Reading
        3. Prayer at Graduation Exercises and other School Sponsored Activities
           a. Prayer at Graduation Exercises
           b. Prayer at other Public School Activities
    B. Equal Access/Equal Education Opportunity
    C. Teaching of Evolution
    D. Textbooks
    E. Distribution of Religious Literature
    F. Released Shared Time and Religious Instruction
    G. Religious Holidays
    H. Suggested Guidelines Regarding Religion in the Public Schools

IV. Use of Facilities by Outside Groups

V. Cooperative Agreements Between Public Schools and Religious Communities

VI. Aide to Nonpublic Schools

VII. School/Student Fees

IV. Health Services
    A. Immunization and Health Exams
B. Distribution of Condoms
C. Documentation Required Upon Student Enrollment

Unit 3 - Students and the Law: The First Amendment in the Schools

I. Core Issues for All Schools to Consider
   A. Student Extracurricular Clubs and Activities
   B. Use of School Facilities by Outside Groups
   C. Release Time Programs
   D. Free Expression Rights of Students
   E. Speech Codes
   F. Student Searches and Lockers
   G. Intrusive Searches
   H. Students and the Internet
   I. Student Publications
   J. Teacher and Administrator Rights and Responsibilities
   K. Book Selection and Other Decisions About the Curriculum
   L. Pregnancy, Parenthood, and Marriage

II. Student/Parent Rights – Curriculum, Speech, and Dress
   A. Student Speech and Press
   B. Student Publications
   C. Public Forum for Speech
   D. Reporting Child abuse
   E. Megan’s Law
   F. Student appearance
   G. Dress Codes and School Uniforms
   H. Parental Consent
   I. Student Distribution of Literature
   J. Participation in Extracurricular Activities
   K. Legal Status of Extracurricular Activities
   L. Athletics

III. Student Discipline
   A. Student Searches
   B. Alcohol and Controlled Substances
   C. Academic Penalties
   D. Removal from Extra-Curricular Activities
   E. Corporal Punishment
   F. Suspensions
   G. Assaults by Students
   H. Expulsions
   I. Disciplinary Transfers
   J. Anti-Bullying Law
   K. Disciplining Educationally Disabled Students
Unit 4 - Teachers and the Law

I. Teachers’ Rights
   A. Freedom from Sexual Harassment
   B. Whistleblowers
   C. Leaves of Absence Due to Illness or Disability, or Military Service
   D. Child/Rearing/Adoption/Serious Family Illness Leaves
   E. Personal Leave
   F. Evaluation of Certified personnel
   G. Access and Confidentiality of Personal Records
   H. Copyright Guidelines for Classroom Use
   I. Workers’ Compensation
   J. Teachers’ Pension and Annuity Fund
   K. Collective Bargaining
   L. New Model for Highly Qualified
   M. Open Public Meeting Act
   N. No Child Left Behind
   O. Conflicts of Interest

II. Teachers and the Law
   A. Non-renewal and Dismissal
   B. Freedom and Expression
   C. Academic Freedom
      i. Appropriate Material
      ii. Political Speakers
   D. Drug Testing
   E. Personal Appearance
   F. Teacher as Exemplar
      i. Homosexual Teacher
      ii. Adulterous Teacher
      iii. Criminal Activities
      iv. Impropriety with Students
   G. Employment Discrimination
      i. Racial Discrimination
      ii. Sex Discrimination
      iii. Pregnancy
      iv. Religious Discrimination
      v. Age Discrimination
   H. Teacher Bargaining
   I. Political Activities
III. Teacher Discipline
   A. Reprimands
   B. Increment Withholding
   C. Transfers
   D. Suspensions, Minor Discipline & Fines
   E. Mid-Contract Termination for Cause
   F. End of Year Non-Renewal of Staff Members
   G. Tenure Dismissal

IV. Teacher Tenure
   A. Seniority and Tenure Rights
   B. Bumping Rights Due to Tenure

**Unit 5 - School Finance**

I. School Finance Reform
   A. Background
   B. Early Decisions
   C. Fiscal Neutrality
   D. San Antonio Independent School District v. Rodriguez
   E. Robinson v. Cahill
   F. Abbott v. Burke
      2. Decisions Effecting Reform
   G. Post-Rodriguez Litigation
      2. Decisions Effecting Reform

II. School Choice
   A. Choice Plans
      1. Public School Inter and Intra district Open Enrollment
      2. Intra district Specialized School Plans
      3. Voucher Plans
      4. Charter Schools
      5. Private Contractors
      6. Tuition Tax Credits

   B. Legal Implications
      1. Thorough and Efficient System of Schools
      2. Core Curriculum Content Standards
      3. Statewide Assessment
Unit 6 - Teacher and School District Liability

I. School District Immunity
   A. Liability Under State Law
   B. Liability Under Federal Law
   C. Subpoenas, Depositions, and Interrogatories

II. Teacher Liability
    A. Intentional Torts
    B. Negligence
       1. Duty of Care
       2. Standard of Care
       3. Proximate Cause
       4. Actual Loss or Injury
    C. Defenses for Negligence
    D. Liability, Indemnification, & Immunity for Certain Acts
    E. Tort Claims Act

III. Duties of Supervision
     A. Before and After School
     B. During School Hours
     C. Off-Campus Activities

IV. Parental Consent

V. Malpractice

VI. Insurance

Unit 7 - School Desegregation

I. Historical Perspective
   A. Separate but Equal
   B. De Jure Public School Segregation
   C. Brown v. Topeka Board of Education

II. Early Desegregation in the South

III. Desegregation in the Non-South
    A. Intentional Segregation
    B. Inter-district Integration
IV. Current Desegregation Issues
   A. Release from Court Order
   B. Race-Related Placements
      1. Magnet Schools
      2. Weighted Lottery

Unit 8 - Special Education

Concepts:

I. Individuals with Disabilities Act
   A. Eligibility
   B. Identification and Evaluation of Students
   C. Substantive Educational Rights
   D. Individualized Education Programs (IEP)
   E. Free Appropriate Education
   F. Related Services
   G. Procedural Protections
   H. Discipline
   I. Transition Services
   J. Graduation and Competency Exams
   K. Cost Issues
   L. Inclusion of Special Education Students
   M. Due Process Hearings

II. Section 504 of the Rehabilitation Act
   A. Students and Section 504
   B. Employees and Section 504

III. The Americans with Disabilities Act
Course Requirements:
To successfully complete this course, students will have to have access to a computer where he/she can use the Internet and where he/she can receive and send e-mails with attachments as well as participate in “Discussion Board” activities. Students are expected to have a degree of facility with computer technology so that it can be used as a tool to enhance learning experiences. Students are therefore expected to:

1. Compete all assigned readings and come to class prepared to discuss the readings.
2. Attend class and participation in class and on-line discussion forums.
3. Complete and submit all written assignments through Blackboard on time.

Class Participation: The success of the class and learning often are dependent on students interacting with one another, sharing ideas with the class, and raising issues and questions for consideration. Therefore, students need to stay current with all readings, be in attendance and on time, and actively engage in discussions (both in class and on-line), readings, and activities during the class. Deductions will be made to final grade if a student is consistently late or absent from class. (Lateness is defined as arriving more than 10 minutes after the start of class.)

Assignments: In each unit of the course, students will be required to complete a Reaction/Response Assignment, a Case Study or Scenario and participate in an on-line Discussion Board. In addition, students will prepare and become involved in a Group Debate that will take place toward the end of the semester.

Specific directions for each of these assignments/activities will be given to each student. All assignments are to be submitted electronically by the due dates. Work submitted late will result in point deductions.

ASSIGNMENT SCHEDULE

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<tr>
<th>ASSIGNMENT #</th>
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<td>School and the State: Religion</td>
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<td>3</td>
<td>Students and the Law</td>
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<td>Teachers and the Law</td>
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<td>Teacher and School District Liability</td>
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<td>7</td>
<td>School Desegregation</td>
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## Assignments and Grading

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<th>Unit</th>
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<td>Grand Total</td>
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Grading Scale:

- **A** = 276 - 300  
- **A-** = 270 - 275  
- **B+** = 264 - 269  
- **B** = 246 - 263  
- **B-** = 240 - 262  
- **C+** = 234 - 239  
- **C** = 216 - 233  
- **F** = < 216  

Weighted grades: A, A-, B+, B, B-, C+, C, and F. (Grades of C- or D are not acceptable grades in graduate programs.) The minimum passing grade for the graduate programs is a C.

Incompletes (not a grade but a temporary status): STUDENTS HAVE THE RESPONSIBILITY TO COMPLETE ALL WORK IN A COURSE IN THE PRESCRIBED TERM. A student has the added responsibility to notify the course instructor of circumstances that will prevent the student from completing the required coursework on time. An incomplete should be given only in exceptional or emergency circumstances at the discretion of, and after consultation with, the instructor. The students will have through the third week of the next full semester (fall or spring) to complete the requirement for the course or the incomplete automatically will change to a failure. If appropriate, the instructor can request an extension of the incomplete, which requires the approval of the school director and the college dean.

Change of Letter Grades: “No instructor shall change a grade from one letter grade to another based upon submission by the student of additional work unless the same opportunity has been made to all other students in the class.” A change of grade is always legitimate and appropriate when the recorded grade is the result of an error by any university employee.

Repeat Courses: If a graduate student repeats a course, both grades remain on the transcript and are averaged in the cumulative grade-point-ratio (GPA). The student will earn credit for one course.

Degree Requirements and Academic Probation

The School of Education requires a minimum grade-point-ratio of 2.75 (3.25 for the MA in Learning Disabilities) for graduation.

- Students who receive two or more grades of C in graduate coursework will be warned, and if they do not demonstrate improvement in their academic performance they will be asked to withdraw.

- Retention in the MAT program is contingent on maintaining a minimum grade-point-ratio of 3.00 (3.25 for the MA in Learning Disabilities).

- A graduate program of study must be completed within a period of five years from the time the student first registers for graduate study.
Attendance

Students are required to attend class, arrive on time and participate in all courses for which they are enrolled. Class attendance and participation are essential to academic progress. Individual instructors may include class participation in the determination of the final grade. Each instructor will announce his or her grading policies at the beginning of the semester in each course, making clear the weight to be given to participation in grade determination. (FDU policy)

The School of Education’s Policy Committee requires the following for graduate classes which meet for 15 sessions:

- Attendance is required in all our classes
- 3 absences, grade drops by a half a grade
- 4 absences, grade drops by one full grade
- 5 absences, the student fails or withdraws from the class

FDU Academic Integrity Policy

- Students enrolled at Fairleigh Dickinson University are expected to maintain the highest standards of academic honesty. Students have the responsibility to each other to make known the existence of academic dishonesty to their course instructor, and then, if necessary, the department chairperson or the academic dean of their College. Course instructors have the added responsibility to state in advance in their syllabi any special policies and procedures concerning examinations and other academic exercises specific to their courses. Students should request this information if not distributed by the instructor.

Academic dishonesty includes, but is not necessarily limited to, the following:

1. Cheating—Giving or receiving unauthorized assistance in any academic exercise or examination. Using or attempting to use any unauthorized materials, information
or study aids in an examination or academic exercise.

2. Plagiarism—Representing the ideas or language of others as one’s own.

3. Falsification—Falsifying or inventing any information, data or citation in an academic exercise.

4. Multiple Submission—Submitting substantial portions of any academic exercise more than once for credit without the prior authorization and approval of the current instructor.

5. Complicity—Facilitating any of the above actions or performing work that another student then presents as his or her assignment.

6. Interference—Interfering with the ability of a student to perform his or her assignments.

Sanctions: Any student found guilty of academic dishonesty will, for the first offense, receive one or a combination of the following penalties:

1. No Credit (0) or Failure for the academic exercise.

2. Reduced grade for the course.

3. A Failure in the course that is identified on the student’s permanent record card as permanent and cannot be removed.

4. Recommendation for academic probation to the Dean’s Office. In cases of interference and complicity, when the student is not registered in the affected course, the incident may be recorded on the student’s permanent record card. In any case, the incident and penalty will be recorded in the student’s file maintained in the campus Office of Enrollment Services. For a second offense of academic dishonesty, a student will be subject to any combination of the above sanctions and, with concurrence of the academic dean, one of the following:

1. Suspension from the University for one year. Readmission will be contingent upon the approval of the academic dean.

2. Dismissal from the University.


Student Academic Services

- The University attempts to meet the needs of all students with special needs. The Office of the Dean of Students coordinates, through appropriate campus
offices, services that would provide reasonable accommodations for students with special needs.

- If special accommodations are required, contact the dean of students as early in the semester as possible to that appropriate arrangements can be made.

Policy on Course Completion

- In order to maintain matriculation status, students must register consecutively for the fall and spring semesters. If consecutive registration is not maintained, students must reapply to the Admissions Office.

- A leave of absence allows students to interrupt their graduate studies if necessary. Please see the Student Handbook for specific details.

Fulfilling Course Requirements

It is expected that students enrolled in courses and programs in the FDU SOE take a proactive stance in assuring that they meet the requirements to fulfill all courses necessary for certification and/or their respective program in the correct sequence and in a timely fashion. This means that it is the student’s responsibility to meet regularly with his or her advisor, to line up a sequence of courses and a time frame for completion, to make sure that all check sheets are updated regularly and are current, and to make sure that all documentation such as resumes, transcripts, and Praxis reports are on file. While the SOE faculty will make every effort to smooth the path for the student and to keep accurate records, it is ultimately the responsibility of the student to ensure that he or she has completed the necessary paperwork and courses for certification and/or graduation.

Disclaimer

This syllabus is subject to change as the need arises. Students will be given ample notice of any changes in assignments and due dates.

Additional Resources


New Jersey Association of School Administrators, School News Briefs. Trenton, N.J. (monthly publication)

New Jersey School Boards’ Association, School Law Reporter. Trenton, N.J. (quarterly publication)


Websites

http://www.state.nj.us/education
http://www.camlaw.rutgers.edu/library
http://www.njleg.state.nj.us
http://www.findlaw.com
http://njlegallib.rutgers.edu/njar/casesbyagency.php
http://njlegallib.rutgers.edu/njar/casesbyagency.php