

## COURSE SYLLABUS

SOUTHEAST MISSOURI STATE UNIVERSITY

Department of Educational Leadership and Counseling

Course NO: EA-651: School Law



New: Spring 1973

Revision: Spring 1984

Revision: Spring 1990

Revision: Fall 2000

Revision: Fall 2005

Revision: Fall 2010

### **THE ADMINISTRATOR AS PROFESSIONAL EDUCATOR**

#### I. Catalog Description and Credit Hours of the Course:

The course provides school administrators and persons seeking certification in school administration with in-depth study of Missouri and federal laws regulating the operation of public schools and a survey of the state and federal court decisions that affect the operation of public schools. (3)

#### II. Prerequisite(s):

Satisfactory completion of graduate level course in elementary or secondary administration (or equivalent) or permission of the instructor.

#### III. Purposes or Objectives of the Course:

The candidate will demonstrate knowledge, understanding, and an ability to:

- A. Analyze Federal and State Constitutional provisions which are applicable to education.
- B. Analyze Federal and State statutes which are applicable to both regular and special education.
- C. Analyze case law, common law, and contractual requirements which are applicable to school operations.
- D. Recognize implications of regulatory agencies regarding public education.
- E. Assess the implications of state, county, and local governmental units for public operation.
- F. Assess applications given specific circumstances regarding tort, contract, district

- and personal liability related to the operation of Missouri public schools.
- G. Assess implications of State Board Policies on policy development at the local level.
- H. Assess implications at DESE regulations on decision making at the local level.

The candidate will become cognizant of:

- I. The impact of diversity and equity on policy-making and administrative practices at the local level.
- J. Recent federal legislation having either direct or indirect impact on the operation of public schools.
- K. Legal issues governing relationships with local boards of education.
- L. Pertinent laws and court decisions affecting the rights of candidates and teachers.
- M. Decisions of the various federal courts affecting the function of public schools.
- N. Missouri Attorney General's opinions on matters relating to state school laws.
- O. Laws and decisions relating to confidentiality.
- P. Laws and decisions relating to separation of church and state.

IV. Expectations of Candidates:

- A. Intensive reading of the text and other reference materials.
- B. Class participation and oral reports to the class on briefs and opinions.
- C. Prepare briefs of current litigation.
- D. Research on a topic of interest to the candidate and relevant to the course. A written report of the research will be submitted as well as an oral presentation to the class.
- E. Examination covering assigned readings and class discussions.

V. Course Content or Outline:

Topics:

- A. The Legal Foundation of Public Education
  - State Control of Education
  - Federal Role in Education
  - Function and Structure of the Judicial System
- B. Church - State Relations
  - Constitutional Framework
  - Religious Influences in Public Schools
  - Excusal from Public School for Religious

Instruction and Observances  
Religious Exemptions from Public School Activities  
Religious Challenges to The Secular Curriculum  
Governmental Regulations of Private Schools

- C. School Attendance and Instructional Issues
  - Compulsory Attendance
  - Residency Requirements
  - Required Fees for Textbooks and Courses
  - The School Curriculum
  - Competency Testing
  - Educational Malpractice
  - Instructional Privacy Rights
  
- D. Students' Rights in Noninstructional Matters
  - Freedom of Expression
  - Freedom of Press: Candidate Publications
  - Student Appearance
  
- E. Student Classification Practices
  - Equal Protection Guarantees
  - Classifications Based on Sex
  - Classifications Based on Marriage and Pregnancy
  - Classifications Based on Age
  - Classifications Based on Ability or Achievement
  - Classifications Based on Handicaps
  - Classifications Based on Native Language
  
- F. Candidate Discipline
  - Conduct Regulations
  - Expulsions and Suspensions
  - Disciplinary Transfers
  - Corporal Punishment
  - Academic Sanctions
  - Search and Seizure
  - Remedies for Unlawful Disciplinary Actions
  
- G. Terms and Conditions of Employment
  - Certification
  - Employment by Local School Boards
  - Contracts
  - Personnel Evaluation
  - Personnel Records
  - Other Employment Issues
  - Use of Copyright Material

## Reporting Child Abuse

- H. Teachers' Substantive Constitutional Rights
  - Freedom of Expression
  - Academic Freedom
  - Freedom of Association
  - Personal Appearance
  - Privacy Rights
  - Remedies for Violations of Substantive Constitutional Rights
  - Remedies for Violations of Substantive Rights
  
- I. Discrimination in Employment
  - Constitutional and Statutory Standards of Review
  - Discrimination Based on Race or National Origin
  - Sex Discrimination
  - Age Discrimination
  - Discrimination Based on Handicaps
  - Religious discrimination
  
- J. Termination of Employment
  - Due Process in General
  - Procedural Due Process Requirement in Discharge Proceedings
  - Dismissal for Cause
  - Remedies for Wrongful Terminations
  
- K. Collective Bargaining
  - Employee's Bargaining Rights in the Private and Public Sectors
  - Statutory Bargaining Rights of Teachers
  - Scope of Negotiations
  - Union Security Provisions
  - Negotiation Impasse
  - Grievances
  - Strikes
  
- L. Tort Liability
  - Elements of Negligence
  - Educators' Liability
  - Defenses Against Negligence
  - Assault and Battery
  - Defamation
  
- M. School Desegregation
  - From Plessy to Brown
  - Phase I: Southern Desegregation
  - Phase II: Beyond Southern desegregation

## Staff Desegregation

### N. Summary of Legal Generalizations

### VI. Textbook(s):

Essex, N.L. (2008). *School law and the public schools* (4th ed.).  
Boston, MA: Allyn & Bacon.

### VII. Basis for Candidate Evaluation and Performance Outcomes

The weight of the evaluation criteria will vary according to each instructor and will be communicated at the beginning of the course.

The evaluation of candidate performance includes the following products and/or activities:

- A. Examinations.
- B. Oral Discussion/Reports
- C. Written Papers
- D. Problem Solving Exercises
- E. Federal and State Constitutional, Analysis
- F. \*Discussion of Legal Issues/Trends
- G. \*Development of Candidate Discipline Codes
- H. \*Curriculum Development and Leadership
- I. \*District Policy Analysis
- J. \*Teacher Evaluation/Termination

\*Items identified with an asterisk will be continued during the candidate's internship.

The evaluation of candidate performance includes the following products and/or activities and is standards based. Educational Leadership Constituent Council (ELCC) Standards and Missouri Standards for Teacher Education Programs (MoSTEP) standards follow each evaluation product or activity with the MoSTEP standards listed in parentheses. The weight of evaluation criteria may vary at the discretion of the instructor and will be indicated at the beginning of each class.

### VIII. Knowledge Base References:

**Bethel School District v. Fraser**, 478 U.S. 675 (1986). Student speech.

**Bethel School Dist. No. 403 v. Fraser**, 106 S.Ct. 3159 (1986). Student Discipline & Conduct Regulations

**Board of Education, Island Trees Union Free School District No. 26 v. Pico**, 457 U.S. 853 (1982). Library book censorship.

**Brown v. Board of Education of Topeka**, 347 U.S. 483 (1954) (Brown I) and 349 U.S. 392, 300 (1955) Brown II) Race.

Dayton, J. & Amau, L. M. (1999). *Special education law: A review and analysis*. Arlington, VA: Educational Research Service.

Dowling-Dendor, B. (1999). School Law: Opening your school: Deciding what groups can meet in school facilities, *The American School Board Journal*, 5, 186.

**Everson v. Board of Education**, 330 U.S. 1 (1947). Transportation reimbursement to private school students.

The First Amendment: The Constitution of the United States of America.

The First and Ninth Articles: The Constitution of the State of Missouri.

**Goss v. Lopez**, 419 U.S. 565 (1975). Due process/suspension.

**Griswold v. Connecticut**, 381 U.S. 479 (1965). Privacy Rights Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g). School records.

**Hazelwood School District v. Kuhlmeier**, 108 S. Ct. 562 (1988). Student freedom of press.

**Healy v. James**, 408 U.S. 169 (1972). Freedom of association.

**Honig v. Doe**, 108 S. Ct. 592 (1988). Handicapped student punishment.

**Illinois ex rel. McCollum v. Board of Education**, 333 U.S. 203 (1948). Religion classes in public schools.

**Ingraham v. Wright**, 430 U.S. 651 (1977). "Cruel and unusual" punishment (8th Amend).

**Ingraham v. Wright**, 430 U.S. 651 (1977). Remedies.

**Lau v. Nichols**, 4414 U.S. 563 (1974). Native Language.

**Lemon v. Kurtzman**, 403 U.S. 602 (1971). "Lemon I": State aid to church

related schools.

**Lemon v. Kurtzman**, 411 U.S. 192 (1973). "Lemon II": State aid to church-related schools.

Mayer, M. & Leone, P.A. (1999). Structural analysis of school violence and disruption: implication for creating safer schools. Education and Treatment of Children, 22(3) 333-356.

**Meyer v. Nebraska**, 262 U.S. 390 (1923). curriculum restriction.

**Mills v. Board of Education**, 348 F. Supp. 866 (D.D.C. 1972) Handicapped.

Missouri Revised Statutes, 167.161. Expulsion and Suspension

Missouri Revised Statutes, 168.104, 168.126. Terms and Board Powers.

Missouri Revised Statutes, 168.011, 168.081. Certificate.

Missouri Revised Statutes, 168.108, 168.126. Contracts.

Missouri Revised Statutes, 168.128. Evaluation.

**New Jersey v. T.L.O.**, 469 U.S. 325 (1985). Candidate search/privacy.

**New Jersey v. T.L.O.**, 469 U.S. 492 (1985). Search and Seizure.

**Pickering v. Board of Education**, 391 U.S. 568 (1968). Freedom of Speech.

**Pierce v. Society of Sister**, 268 U.S. 510 (1925). Private Schooling.

**Pierce v. Society of Sisters**, 268 U.S. 510 (1925). **Wisconsin v. Yoder**, 406 U.S. 205. Compulsory Attendance.

**Plyler v. Doe**, 457 U.S. 202 (1982) Residency Requirements.

**Roe v. Wade**, 410 U.S. 113; **Loving v. Virginia**, 388 U.S. 1 (1967); **Griswold v. Connecticut**, 381 U.S. 479 (1965) Privacy rights.

Section 504 of the Rehabilitation Act of 1973.

*The Public School Laws of Missouri*, [www.dese.mo.gov](http://www.dese.mo.gov)

**Tinker v. Des Moines Independent Community School District**, 393 U.S. 503 (1969) Candidate peaceful protests.

**West Virginia State Board of Education v. Barnette**, 319 U.S. 624 (1943). Flag Saluting requirement.

**Wisconsin v. Yoder**, 406 U.S. 205 (1972). Compulsory school attendance exemption for religious reasons (Amish).

**Wood v. Strickland**, 420 U.S. 308 (1975). Remedies

**Wood v. Strickland**, 420 U.S. 308 (1975) and **Gross v. Lopez**, 419 U.S. 565 (1975) Expulsion and Suspension.

**Zorach v. Clauson**, 343 U.S. 306 (1952). Release time religious program.

**IX. Academic Dishonesty:**

Academic dishonesty is an offense against Southeast Missouri State University. A candidate who has committed an act of dishonesty has failed to meet a basic requirement of satisfactory academic performance. Thus academic dishonesty is not only a basis for disciplinary action, but is also relevant to the evaluation of the candidate's level of performance. Academic honesty requires that candidates do not cheat, or knowingly assist another to do so. Other unacceptable behavior includes plagiarism, which is submission of someone else's work as their own, and the unauthorized access to or changing of grades or examination. As required by Southeast Missouri State University policy, instructors must report cases of academic honesty. Refer to: <http://www6.semo.edu/judaffairs/code.html> website.

**X. Accommodations:**

Candidates with disabilities who require accommodations (academic adjustments and/or auxiliary aids or services) for this course must contact the instructor. To request accommodations, candidates must contact Services for Students with Disabilities. Refer to: <http://www.semo.edu/cs/services/disability.htm> website.

**XI. Harassment and Civility**

The University strives to offer learning experiences and opportunities designed to help candidates think effectively, develop the capacity to communicate, discriminate among values, and make relevant judgments. A major determinant of a successful educational experience is a shared sense of respect among and between the candidates and their instructor. Mutual respect for all as well as a no tolerance policy on harassment of any kind is expected. Every candidate at Southeast is obligated at all times to assume responsibility for his/her actions, to respect constituted authority, to be truthful, and to respect the rights of others, as well as to respect private and public property.

**XII. Dispositions**

**Professional Dispositions for Educational Leadership**



**The Dispositions, as assessed within** Educational Leadership are guided by the central core of the Conceptual Framework. The beliefs and attitudes related to the areas of competence, reflection and caring, were the guiding force in establishing the dispositions assessed at the beginning and end of coursework. These dispositions continue to be validated by P-12 personnel, faculty and the candidates themselves as the evaluation process evolves. In 2007, an Improvement *Disposition* Plan (IDP) form was created to inform and remediate the candidates who did not meet or exceed the expectations of the unit. The IDP form is available for faculty to utilize during supervision of field experiences, as well as in the classroom setting.

The following assessed *dispositions* are listed under the applicable Conceptual Framework Term.

***Competent:***

- Committed to the development of a quality learning environment
- Willingly shares ideas and materials with others
- Prefers being part of a team
- Maintains high ethical and professional standards
- Is aware of program policies and professional practices
- Responds to program guidelines positively
- Maintains a professional appearance
- Recognizes the variety of ideas, values and cultures in the larger political, social, economic, legal and cultural context.
- Receptive to change for continuous improvement of learning environments
- Displays a results-oriented (professional program assessment) mentality
- Quality of oral expression is good and effective with a variety of audiences
- Exhibits effective written expression with proper mechanics and spelling

***Reflective:***

- Makes decisions that enhance learning and instruction
- Is willing to take risks to improve candidate achievement (learning)
- Is creative and resourceful and independently implements plans
- Demonstrates the ability to distinguish between relevant and irrelevant information
- Poses probing questions and identifies problems regarding educational issues
- Demonstrates appropriate analysis, synthesis and evaluation of data and information
- Solicits input and feedback from others
- Properly channels constructive criticism to the improvement of programs and learning

***Caring:***

- Believes that all students can learn
- Sees education as a key to opportunity and social mobility

- Maintains a high rate of attendance
- A self-starter who identifies needs and attends to them immediately
- Displays good judgment regarding the maintenance of good relationships
- Is diplomatic and sensitive to others' feelings and opinions
- Appears to be deeply committed to a career in administration
- Displays enthusiasm for the profession

### XIII. Alignment of Standards

Objective	Conceptual Framework Unit Standard Met	ELLC/ ISLLC Standard Met	MOSTEP Standard Met	Assessment Assuring that the Objective has been met	
A. Analyze Federal and State Constitutional provisions which are applicable to education.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Examinations Discussion Reports Case Studies	
B. Analyze Federal and State statutes which are applicable to both regular and special education.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Examinations Discussion Reports Presentations	
C. Analyze case law, common law, and contractual requirements which are applicable to school operations.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Examinations Discussion Reports Presentations	
D. Recognize implications of regulatory agencies regarding public education.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Examinations Discussion Reports Presentations	
E. Assess the implications of state, county, and local governmental units for public operation.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Discussion Reports	
F. Assess applications given specific	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2,	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4,	Examinations Discussion	

circumstances regarding tort, contract, district and personal liability related to the operation of Missouri public schools.	3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3		1.3.5, 1.3.6	Reports Presentations	
G. Assess implications of State Board Policies on policy development at the local level.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Discussion Reports Presentations	
H. Assess implications of DESE regulations on decision making at the local level.	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 6.2, 6.3	1, 2, 3, 4, 5, 6	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6	Discussion Reports	

#### Relationship of the Conceptual Framework to Standards

The increasing emphasis on professional standards for educators that focus on resultant *dispositions* and School Leaders Licensure Assessment (SLLA) and the School Superintendent Assessment (SSA) results of program graduates has reinforced the relevance of the College's emphasis on a synergistic meld of the themes of *competent, reflective, and caring* as the foundation of its *conceptual framework*. As the lists of expected achievement indicators, competencies, and *dispositions* issued by government and professional groups become more extensive, only a *competent* professional who assiduously *reflects* on his/her teaching, while maintaining a *caring* attitude, is and/or will be capable of meeting the intent of those standards. For a unit the size of the College of Education at Southeast Missouri State University, the broad applicability of *competencies, reflective learning, and caring* supports its utility as a purposeful conceptual framework that all constituents apply to their work. Specific instances of how the conceptual framework influences work within programs will be found in evidence provided by the programs.

It is the collaborative belief of the faculty of the College of Education at Southeast Missouri State University and the professional community of educators who work with the College to prepare future educators at all levels that any overarching statement or theme must encompass a vision for the entire College and its constituent parts. That vision, encapsulated within a theme statement, is to prepare pre-service professionals and to encourage and support the teacher, the administrator and the counselor in their efforts to at all times be, act and believe as competent, reflective and caring professionals in their support of all learners.

Given that such a vision arises from divergent constituencies, in diverse fields within education, it is important for us to be clear on what constitutes the foundational pieces on which this vision rests. While the primary tenets of this vision are our collective belief that to be professional educators, one must be *competent, reflective and caring* in both the personal and professional senses, equally important are the many components that we believe are both required and evoked by those three attributes. These components are to be found in the collegially derived descriptions for teacher education, administrator education and counselor education. We have developed visions for each of these areas as separate descriptions because we felt that while intertwined in the College and in the field, each approaches the task through curricular and pedagogical means unique to that field.

The general theme of the vision, as noted above, is that each of these areas strives to nurture and prepare the pre-service candidate, and challenge and stimulate the continuing professional to be a

*competent, reflective and caring* professional, so they can meet the needs of diverse learners. These efforts include continuous endeavors to creatively incorporate *technology* throughout their individual subject area fields, to promote understanding and appreciation for *diversity*, and to support the development of *literacy* skills needed in an increasingly complex society. This *Conceptual Framework model, with the six centrally located terms of competent, caring, reflective, diversity, technology and literacy*, provide guidance for all programs in the College of Education in a continuous effort to develop, utilize and *assess* proficiencies according to standards evidenced in college, state and national standards.

DEPARTMENTAL APPROVAL DATE: \_\_\_\_\_

COLLEGE COUNCIL APPROVAL DATE: \_\_\_\_\_