

**Education Law
EDD 611**

Draft syllabus as of January 16, 2009

Changes will be posted on SacCT.

Riverside Hall, Rm 1004

Spring 2009

Specific class dates in schedule at end of syllabus

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Please note that this syllabus is subject to modification, explanation, etc. Categories of assignment will be enriched through supplemental communications with students about resources and expectations and through access to materials in the SacCT site.

Course Description:

EDD 611. Legal Issues for Educational Leaders. This course examines key legal issues that govern daily and long-range decisions of educational leaders. The course focuses on understanding California and federal codes, case law, policies, and significant precedent and will emphasize analysis of key legal concepts and application of law to major areas including finance, personnel, risk management, curriculum, student services, teacher rights, torts, students rights, and access. Students will examine trends in law and the initiation and influence of educational law to positively influence educational institutions. **Prerequisite:** Admission into the Ed.D. in Educational Leadership Program and instructor permission. **Graded:** Graded Student. **Units:** 2.0.

Introduction and course objectives

The course will explore in a general way the field of education law and, particularly, how the law – constitutional, statutory, regulatory and case law – can be used as a tool for policy making, advocacy and system development in the field of education. It will not be possible in a two credit course to cover in depth the entire field of education law, as that field is applied in the PreK-12 education system AND in the postsecondary education system. These two fields are each distinct in their own right and each easily fills a longer course. Students will be directed to treatises in the fields of public school law and of higher education law for an overview of the branch of education law which is most related to their area of specialization.

Together, however all students will look at some core documents, such as the California Constitution, the California Education Code and certain significant federal laws that affect education. Students will go online and learn to access the CSUS library online law-related resources, particularly LexisNexis and practice using them. The class will visit a local law library and look at ANNOTATED copies of the California Education Code and Federal education laws. The class will discuss the importance legislative history in helping to unlock the meaning of ambiguous passages in a statute and learn about sources of legislative history. We will look at the way the professional case law reporter series of cases from state and federal judicial systems use

keywords, annotations and head notes to help make the case more understandable. Students will learn how to “Shepardize” a case to see if it is still good law.

For the transformational educational leader, law is a policy tool. It is important for doctoral students in the field of education to learn how to use the law as a resource for transformational policy, and how to understand the ways in which policy has been expressed through statutory, regulatory and case law, including ways in which “immutable” legal principles have changed with time. Students will be expected to analyze and consider the options on some tough policy issues using the statutes, cases, regulations and legislative history as their tools. Truly transformational leaders need to be pragmatic visionaries who know how to use the tools of the state to build portfolios that advocates for the educational programs and values they believe in. Examples of areas of educational policy development which require a legal component for their realization include equal access to educational excellence, respect for minority language and culture, accommodation and acceptance of the differently able, equitable access to adequately resourced public postsecondary education. An understanding of law is also a necessary tool for addressing the changing educational landscape as it is affected by communications technology, including the evolving field of copyright law in the digital age and the problems with misuse of technology.

Following are the learning objectives for this course as set forth in the approved program documents. Note that this course syllabus will integrate some of the pre-identified assessment strategies into assignments which reflect the instructor-planned learning activities for the course.

CSU Sacramento: • **EDD 611** - Legal Issues for Educational Leaders

Learning Outcomes

- Cite significant cases and their influence on key areas of educational law
- Demonstrate knowledge and apply key concepts in the major areas of school law including: pupil records, student discipline, separation of church and state, employee rights, student rights, first amendment rights, and torts.
- Analyze legal case studies and cite key legal provisions and decision points in these cases.
- Explain the interrelationship and sources of law and regulation including federal, state, local laws, codes, case law, constitution, administrative regulations, precedent, etc.

Assessment Strategies

- Analysis and presentation of case studies (20%)
- 2. Educational research assignments (3 assignments in varied areas); involving in-depth, research, critical analysis, references (40%)
- 3. Quizzes and tests on key legal concepts and their application (15%)
- Attendance and participation (15%)
- Written reflection on legal concepts and situations (10%)

4. Class presentation

At the conclusion of the program the graduate will be able to:

4. critically analyze policy perspectives shaped by political, economic, social, and cultural factors at the federal, state, and local levels

5. take effective action as a leader to address the distance between policy and organizational capacity for policy implementation

6. engage in evidence-based discussion with legislators and policymakers to impact educational reform

Format of Course

The course is taught in a seminar style. That is, students are expected to come to class prepared to participate in conversations about the materials they have read. Simply put, it will not be possible to benefit from this class without doing the readings ahead of class, participating in the class time fully and for the full duration of the class periods, completing assignments in the period between classes and at the conclusion of the law class and participating fully in the SacCT class environment. The class will involve modeling the use of statutory, regulatory and case law to help formulate and advance educational policy agendas. Students will be working with law, both together in the class and individually between sessions. The learning is integrated and scaffolded and requires full participation in every aspect.

What You Gain

The result of this class will not be an encyclopedic knowledge of education law, either in its PreK-12 aspect or its postsecondary aspect. However, the result of the class will be, for those who fully participate, the acquisition of the ability to use the law – Constitutional language, statutes and their legislative history, regulations, policies of local governing boards, adopted handbooks of policies and procedures – as an increasingly comfortable tool for effective and transformational leadership in your particular area of educational expertise.

Required Texts and Materials

This course will use a combination of online and off line books. The core texts include:

California Education Code, 2009 ed. (California Desktop Codes)
Thomson West New Edition Book - softbound Copyright: 2009
Cost: \$59.95

Legal Research: How to Find & Understand the Law. 14th Ed. 2007. By Stephen Elias & Susan Levinkind. Ed. By Richard Stim. Berkeley, CA: NOLO on line publishing. E-book at <http://www.nolo.com/statute/index.cfm> under Related Products

One book on either K-12 education law or postsecondary education law:

Best choices:

The School Law Handbook: What every leader needs to know. (2004) By William Boscher, Kate Kaminski, & Richard Vacca. Alexandria, VA: Association for Supervision and Curriculum Development. (Downloadable e-book available on line for \$28.95. Less for ASCD Members: <http://www.ebookmall.com/ebooks/school-law-handbook-what-every-leader-needs-to-know-boscher-jr-kaminski-vacca-ebooks.htm>). Also available to be ordered online in paperback.

OR

A Teacher's Pocket Guide to School Law. (2006). By Nathan Essex. Boston, San Francisco and New York: Pearson Education, Inc. Paperback edition can be ordered online.

OR

School Law: What every educator should know. (2008). By David Schimmel, Louis Fischer and Leslie Stellman. Boston, San Francisco and New York: Pearson Education, Inc. Paperback edition can be ordered on line.

OR

The Academic Administrator and the Law: What every dean and department chair needs to know. (1999). By J. Douglas Toma and Richard L. Palm. ASHE-ERIC Report Volume 26, No. 5. Association for the Study of Higher Education. Available through ERIC on line without cost: http://eric.ed.gov/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?_nfpb=true&_ERICExtSearch_SearchValue_0=ED427628&_ERICExtSearch_SearchType_0=no&accno=ED427628

OR

Legal Issues in the Community College. Ed. By Robert C. Cloud. Spring, 2004. New Directions for Community Colleges, No. 125. San Francisco, CA: Jossey Bass. Order through: <http://www.josseybass.com/WileyCDA/WileyTitle/productCd-078797482X.html>

Recommended Texts:

EITHER

California School Law. By Frank Kemerer, Peter Sansom and Jennifer Kemerer. (2005, with on-line updates). Stanford, CA: Stanford University Press.

OR

The Law of Higher Education. Student Edition. By William Kaplan and Barbara Lee. (2007). San Francisco, CA: Jossey-Bass/ John Wiley.

Journal Reading.

Students will be expected to access and read at least two law review articles about a subject that they research and write upon in this course.

Assignments and Grading

Students are expected to attend class regularly, participate, and turn in assignments in a complete and professional manner. Complete and professional means proofread, well written, appropriately cited, and on time. Especially poorly written papers may be returned to be re-done at the discretion of the instructor. Especially in this format, excessive absences will be reflected in your grade.

All work will be submitted to me on-line in the SacCT site. Written assignments should be in MS Word and attached to an e-mail in the SacCT site for the class I use the computer to review student written work and must receive it in this format so that I can access it. Work must be on time if it is to receive full credit. Work may be rejected if it is late. Any student who for a good and unavoidable reason will be turning an assignment in late must contact the instructor ahead of time and make arrangements.

Class Participation (Prompt attendance and active participation in conversations contribute to this grade.): 20%

Participation in and Initiation of Discussion on Sac CT site: 20% of grade

Legal Memorandum on Diversity in Education – policy implications of the legal possibilities and limitations : 20% of grade

Legal Memorandum on Equity of Educational Opportunity in the PreK-12 system and/or the Postsecondary system: 20% of grade

Legal Memorandum on access and services for students with disabilities in the PreK-12 system and the Postsecondary System: 20% of grade

Total

100%

Important note regarding formatting papers:

All papers are to be typed, double spaced, paginated, and fall within the page limits specified.

Please put a cover page on each assignment containing your name, your email, and the assignment title. Follow APA format.

**EDD 611
Spring, 2009**

	Date	Topics and Assigned Readings	Assignments
1	Jan 23 5:30 – 9:30	<u>Assigned readings from Legal Research and handouts on reading statutes and cases. Class will go online together and access LexisNexis. Look at California Constitution on Education</u>	Find cases, statutes and law review articles. Explore how law and policy are intertwined.
2	Jan 24 8:30 – 12:00	Factfinding visit to Sacramento County Law Library	Learn how to use the law library, how to use statute and case annotations, legislative history, etc. Ongoing SacCT discussions
3	Jan 24 1:00 – 5:00	Introduction to recent U.S. Supreme Court Cases regarding race and diversity both in K-12 and postsecondary level and California constitutional development on diversity and race.	Student group work in class on preparing for a policy memorandum on race, diversity, education & law Ongoing SacCT discussions
4	Jan 31 e-mail turn-in	Cases, constitutions, statutes and law review articles regarding race, diversity and law	First legal memorandum due Ongoing SacCT discussions
5	Feb 6 5:30 – 9:30	Cases, constitutions, statutes and law review articles regarding equity in educational resources and/or educational master plan In class discussion of first legal memorandum	Second legal memorandum due Ongoing SacCT discussions
6	Feb 7 8:30 – 12:00	In class discussion of second legal memorandum Beginning of discussion on education of persons with disabilities in PreK-12 and Postsecondary	Students will engage in on-line research on disability, education and the law. Ongoing SacCT discussions
7	Feb 7 1:00 – 5:00	Student research on case law, statutes and law review articles on disability and education – including accessibility and technology	Student groups will address identified disability law issues affecting PreK-12 and/or Postsecondary education – explore implications of Section 504 of the Rehabilitation Act and report out Ongoing SacCT discussions
8	Feb 14 on-line turn-in	Cases, constitutions, statutes, regulations and law review articles regarding education and disability Optional 3 rd legal memorandum to revise one of first two.	Due online on Feb. 14 in SacCT site. Ongoing SacCT discussions