



EDIL 876
***Advanced Educational Law: A
Legal Perspective in Specified
Areas of Need***

Summer 2017

VALUES • EDUCATION • SERVICE

Course Section: EDIL 876 K0
Meeting Time and Place: Cedar Bluff
1:00 PM – 5:00 PM
June 15, 16, 17
June 28, 29, 30
July 6, 7, 8
Course Credit Hours: 3 Credit Hours

FACULTY CONTACT INFORMATION:

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Office Hours Scheduled Upon Request

I. COURSE DESCRIPTION:

This course is designed for candidates to attain expertise in sophisticated areas of educational law. Though the course will involve a legal overview/review, it will allow candidates to develop areas which they believe would be of practical professional use.

This course consists of 32.5 hours of anchored instruction; 3.5 hours of professional learning community activities; and 2 hours of web-enhanced learning.

II. COURSE OBJECTIVES:

Each candidate will present evidence that he/she can identify factors of the following topics.

A. Overview: The American Legal System and the Schools

- a. Develop a working vocabulary of legal terms relevant to the legal system and its application to teachers, administrators, and the school boards in lawsuits.
- b. Explain basic issues that should be considered in choosing the jurisdiction in which to file suit.

- c. Demonstrate how to interview and choose a competent, experienced attorney to act on his/her behalf, given an appropriate scenario.
- d. Rank order the usual chain of events from filing the complaint through the levels of appeal possible, given an appropriate scenario.
- e. Compare and contrast the value of alternative dispute resolution programs to the value of the normal adversarial, litigious process.
- f. Demonstrate an ability to utilize a law library and do simple research on cases cited in this and later chapters.

B. Contract Law

- a. Enumerate and explain the five parts of a contract.
- b. Draft a simple, basic, first-year teacher's contract. Further, the candidate will be able to compare and contrast their contract to a first-year teacher's contract obtained from his/her local school district.
- c. Demonstrate how to analyze both the employment contract of a first-year teacher and a collective bargaining agreement to determine whether these contracts contain the five parts of a legal contract. Further, the candidate will be able to identify additional items that are terms and conditions of the contract and are included by reference.
- d. Explain the remedies for breach in their state and cite several court cases in their state which illustrate these remedies.
- e. Develop a working vocabulary of basic legal terms relevant to contracts.
- f. Understand the difference between teacher contracts and contracts between boards of education and the teachers' union, which covers groups of teachers.

C. Tenure

- a. Explain the general criteria used for granting teachers tenure status, enumerate the specific criteria necessary to achieve tenure status in his/her state, and compare and contrast these criteria with the criteria used in other states.
- b. Explain the usual rights teachers acquire when they achieve tenure in his/her state and compare and contrast these rights with the rights acquired by teachers in other states.
- c. Explain the ways that tenure can be broken, list the usual reasons for breaking tenure, enumerate the reasons in his/her state, and explain the justification behind the reasons his/her state has adopted.
- d. Explain the process that must be followed, the type of notice(s) that must be received, the due process rights of the teachers, and the type of hearing(s) that must be held before tenured teachers can be dismissed in his/her state.
- e. Differentiate between the rights of probationary and tenured teachers with respect to non-renewal of contracts in his/her state.
- f. Discriminate between property and liberty interests and state the relevance to teacher dismissal proceedings, providing examples of an infringement on each type of interest.
- g. Explain the usual reasons for dismissal of a tenured teacher, compare and contrast the usual reasons to the specific reasons that have been adopted in his/her state, and explain the justification for those specific reasons.
- h. Develop a working vocabulary of basic legal terms related to teacher tenure and dismissal.

D. Collective Bargaining

- a. Explain his his/her own words the logic of teachers' right to organize versus the teachers' right to strike as found in the Norwalk Teachers Association case.
- b. Explain whether or not he/she has the right to join a union in general, and specifically whether or not he/she has the right to bargain collectively in his/her state. He/she will then compare and contrast this right to the same right in adjoining states.
- c. Name the labor relations board that governs educational collective bargaining in his/her state, if one exists, and if one does not exist, identify how that process is conducted.
- d. Outline the process for selecting the exclusive bargaining representative in his/her state.
- e. Define "union shop," "closed shop," and "agency shop." Additionally, compare and contrast those concepts and explain the ramifications of each in the workplace. Finally, as a result of research, describe his/her district's collective bargaining agreement to determine whether or not the district has a fair-share provision, the way in which it is collected, amount of the fair share contribution, the way in which it is computed, penalties for non-compliance, and alternatives to fair-share if there is a constitutional conflict.
- f. Explain the union's legal responsibilities as the exclusive collective bargaining representative and outline how these responsibilities are carried out in his/her district.
- g. Define then compare and contrast the concepts of *impasse*, *mediation*, *factfinding*, *arbitration*, and *strike*, explaining what concepts are legal options in his/her state, what options are illegal, and what the penalties are for violation of the law.
- h. Analyze the collective bargaining agreement from his/her district, identify the agreement's parts, explain the grievance procedure, and identify the rights and responsibilities of each of the parties under the grievance procedure.
- i. Develop a working vocabulary of basic legal terms related to the collective bargaining process.
- j. Demonstrate the ability to read and thoroughly analyze the collective bargaining agreement found in his/her district.
- k. Identify which topics are deemed "mandatory" subjects of bargaining, which are "illegal," and which, if any, are "permissive."

E. Liability

- a. Explain when a teacher might be found personally liable for the injury of a student and what action(s) a teacher might take to prevent the liability suit from being successful.
- b. Define and explain the appropriate uses for the following defenses: contributory negligence, comparative negligence, assumption of risk, and governmental immunity.
- c. Explain in simple terms the weaknesses and appropriate uses for a waiver or release.

- d. Explain to other class members the school board policy in his/her district concerning students with communicable diseases and AIDS, and analyze that policy in light of the comments in the text concerning AIDS policies.
- e. Explain why appeals courts do not usually find teachers guilty of educational malpractice.
- f. Explain the concepts of *punitive damages*, *compensatory damages*, and *nominal damages*, giving examples when each type might be awarded and the conditions under which punitive damages might apply.
- g. Explain the necessity of background investigations of potential employees and the liability implications should the completion of such investigations be ignored or accomplished in a shoddy manner.
- h. Explain the rights of students and teachers under Section 1983 of the U.S. Code and explain why this section is important if the plaintiff's constitutional rights are violated.
- i. Develop a working vocabulary of basic legal terms related to negligence and liability.
- j. Examine and understand teacher immunity laws, both local and federal, including the Paul D. Coverdell Teacher Immunity Act.
- k. Understand the limits of written waivers of liability that parents and students sign for various school activities.

F. Slander and Libel

- a. Explain the difference between slander and libel and the manner in which damages are determined and the types of damages usually assessed.
- b. Determine whether the statements made or the information written about him/her is defamatory on the face and in what ways that determination is more significant than statements or written information being simply defamatory.
- c. Explain when communications he/she sends or receives would be subject to conditional privilege, qualified privilege, and absolute privilege.
- d. Analyze comments found in student record folders or spoken comments made in the teachers' lounge to determine whether or not they could be defamatory.
- e. Determine when his/her remarks might place him/her in the role of *in loco parentis*, public figure, and public official; be able to compare and contrast these concepts; and provide examples of each.
- f. Develop a working vocabulary of basic legal terms relevant to slander, libel, and civil defamation.

G. Child Abuse and Neglect

- a. Explain the reporting procedure for child abuse and neglect in his/her state and the process for reporting within his/her school district.
- b. Recognize child abuse and neglect symptoms consistent with Table 7.1.
- c. Explain the penalties that he/she would expect to receive for failing to report suspected child abuse and neglect.
- d. Explain why public policy concerns take precedence over privileged communication concerns for reporting child abuse and neglect.
- e. Develop a working vocabulary of basic legal terms related to child abuse and neglect.

H. Copyright Law

- a. Define fair use for printed matter; detail the exceptions for teachers; explain when teachers may copy for use in the classroom, how many copies can be made, and how often; and explain the penalties for copyright infringement.
- b. Explain when he/she can obtain a copyright, the value of a copyright, and the time limits involved in obtaining a copyright.
- c. Compare and contrast the concepts of joint-work and work-for-hire and explain how these two concepts relate to ownership of copyright.
- d. Describe the fair use exceptions to the copyright law pertaining to libraries.
- e. Compare and contrast fair use for computer software, videotape presentations, and printed media and be able to enumerate the rules for videotape retention.
- f. Develop a working vocabulary of basic legal terms relevant to copyright law.
- g. Apply copyright principles to distance learning and other uses of the internet.

I. Freedom of Expression: Teachers and Students

- a. Compare and contrast the concepts of personal interest and public interest in light of Garcetti, Pickering, and Connick, explaining when he/she might be punished or dismissed for publicizing his/her views.
- b. Explain, given specific scenarios, the four step balancing test used by courts to determine when teachers' speech is protected and when it is not.
- c. Explain the concept of whistle blowing, explain whether or not there is such a statute in his/her state or neighboring states, and outline the procedures and penalties contained in the statute.
- d. Explain the concept of academic freedom and compare and contrast the relative amounts of academic freedom given to teachers in the areas of controversial materials, textbooks, literary classics, religious beliefs, personnel issues, distribution of irrelevant materials, rated films and videos, and language.
- e. Develop a working vocabulary of basic legal terms relevant to freedom of expression.
- f. Explain the rights to free speech determined in Tinker, Fraser, Hazelwood, and Morse.
- g. Explain the conditions under which administrators and teachers may regulate student publications, either school-sponsored or underground, and those under which they may not.
- h. Define obscene, and give examples of publications that would be considered such in his/her community.
- i. Develop a working vocabulary of basic legal terms relevant to freedom of expression.

J. Religious Freedom

- a. Explain why the courts have found differently on application of the Constitution to the conflict between the rights of teachers and those of students concerning religious freedom.
- b. Explain occasions on which teachers might be allowed to be absent from school for religious holiday observation, how often this may occur, and whether or not the teacher should expect to be paid for this leave.

- c. Compare and contrast the concepts of establishment of religion and exercise of religion and be able to describe situations when each of these might occur in the course of the school year.
- d. Describe occasions on which students and teachers may be excused from the pledge to the flag and occasions on which religion may be included and excluded from public schools.
- e. Analyze specific scenarios found in public schools to determine if the scenario violates the Lemon test.
- f. Explain how student-led invocations before school-sponsored athletic events violate the Establishment Clause.
- g. Explain how a situation could be depicted as a religious celebration, an exercise of religion, or antireligious.
- h. Compare and contrast the concerns of exercise of religious freedom under home schooling and compelling state interest of compulsory attendance.
- i. Explain occasions on which religious literature may be distributed at school and occasions on which religious groups may or may not be excluded from using school facilities.
- j. Have a working vocabulary of basic legal terms relevant to religious freedom and its limitations.

K. Freedom of Association

- a. Explain how the Equal Access Act protects controversial student organizations.
- b. Explain the characteristics of a loyalty oath that would meet the present requirements outlined by the Supreme Court.
- c. Describe situations under which a teacher could most likely be dismissed for political and social affiliations and those under which the teacher could not be dismissed, making certain to give reasons this action could be taken.
- d. List examples of situations in which affiliation with partisan politics could enter into a teacher's employment, rehiring, or right to tenure.
- e. Explain the concept of freedom of association as it applies to both teachers and students.
- f. Describe the ability of the local board of education to regulate and/or restrict student organizations and to include religious organizations, gay student groups, controversial student groups, fraternities, sororities, and other undemocratic organizations.
- g. Explain the rights of school administrators and boards of education to limit demonstrations and protests on school campuses.
- h. Have a working vocabulary of basic legal terms related to teacher and student freedom of association.

L. Due Process: Teachers and Students

- a. Explain the components of due process as described in the Fifth and Fourteenth Amendments.
- b. Explain and give examples of the following concepts: substantive due process, procedural due process, minimal due process, and formal due process.
- c. Compare and contrast the concepts found in probable cause versus those found in reasonable suspicion, and describe how to conduct a proper search of

- a student locker and under what circumstances evidence gained might be subject to the exclusionary rule.
- d. Differentiate between major and minor offenses, demonstrate how to conduct a student disciplinary hearing for both a minor offense and a major offense, and explain under what circumstances reduction in academic grade or withholding of a diploma may be utilized as disciplinary measures.
 - e. Compare and contrast the rights to due process, upon termination, of tenured teachers versus those of non-tenured teachers, giving justification for the differences.
 - f. Explain why punishment in school and punishment by civil authorities for the same offense is not double jeopardy.
 - g. Explain the concept of *in loco parentis* and also explain both the responsibility and freedom it places upon the teacher.
 - h. Where permissible, explain the correct procedure for administering corporal punishment in his/her district, under what circumstances corporal punishment may or may not be excessive, and why it is not cruel and unusual punishment.
 - i. Explain the current law in your state regarding random drug testing of students in his/her home state. Critique the law in terms of Supreme Court decisions in *Vernonia v. Action and Board of Education v. Earls*.
 - j. Have a working vocabulary of basic legal terms related to teacher and student due process rights.

M. Teachers' Off-Duty Behaviors

- a. Describe the situations in which a teacher may be dismissed for exhibiting immoral behavior, including, but not limited to, excessive drinking, use of illegal drugs, lying, pre-marital sex and pregnancy, and homosexual behavior.
- b. Describe the thinking of the courts in protecting homosexual teachers under the equal protection clause from arbitrary dismissal.
- c. Describe the situations in which a teacher might be dismissed for exhibiting immoral behavior or unprofessional conduct towards students, including, but not limited to, making sexual advances, using vulgar or profane language, engaging in sexual conduct with students, and encouraging students to lie.
- d. Explain the penalties which will result from a teacher being convicted of a felony in his/her state.
- e. Explain the limits and delimits of the board of education in regulating the lifestyle of teachers.
- f. Explain the justification for the Age Discrimination in Employment Act (ADEA), and compare and contrast arguments of proponents and opponents of the Act.
- g. Explain situations in which a person protected by ADEA could lawfully be released.
- h. Explain conditions under which an employee could or could not be released for reasons of citizenship, residency, or physical condition.
- i. Have a working vocabulary of basic legal terms relevant to a teacher's right to privacy.

N. Racial Discrimination

- a. Explain the justification of the overturn of Plessy v. Ferguson in the decision Brown v. Board of Education and the intent of the Supreme Court in Brown II.
- b. Compare and contrast the concepts of *de jure* and *de facto* segregation and explain the duties of a board of education that has reached unitary status when/if resegregation occurs.
- c. Explain the function of quotas in both hiring of staff and assignment of students.
- d. Explain the conditions under which a desegregation order might be dissolved.
- e. Compare and contrast court rulings concerning issues of seniority, tenure, and hiring of minority teachers during periods of staff reduction.
- f. Explain the use of objective standardized tests in the employment and certification of teachers.
- g. Explain the role of bussing and transfer to promote racial neutrality in both student and staff populations within schools.
- h. Explain the conditions necessary for a school to be declared a *racially hostile educational environment*.
- i. Have a working vocabulary of basic legal terms related to racial discrimination of both students and teachers.

O. Sex/Gender Discrimination

- a. Compare and contrast the conditions under which one employee may receive a pay differential over another employee, giving logical criteria under which this would be legal.
- b. Compare and contrast the concepts of disparate treatment and disparate impact and explain the concept of business necessity and its use as a defense in a discrimination case.
- c. Explain the remedies available to a victim of sex discrimination under Title VII.
- d. Explain the principle established in Gebser v. Lago Independent School Board and how it extends protection to school districts in the area of sexual harassment by staff members, and explain the principle established in Davis v. Monroe County Board of Education, and how it extends protection to school districts in the area of sexual harassment by fellow students.
- e. Explain the conditions under which a school district may be held liable for student-to-student peer sexual harassment.
- f. Explain the limited situations under which gender may be a relevant factor in selecting an employee.
- g. Draft a maternity leave policy that will meet the guidelines outlined in LaFleur and further explain the impact of the Family and Medical Leave Act of 1993 (as amended in 2008) upon board of education maternity leave policies.
- h. Explain the three guidelines developed by the court to determine whether sexual harassment has occurred and develop guidelines to determine whether the reasonable person standard is being met in the workplace.

- i. Describe the requirements for equal access to programs under Title IX, the impact these standards have/have had on extracurricular activities, and under what circumstances women are allowed to participate on predominately men's teams and men allowed to participate on predominately women's teams.
- j. Explain under what circumstances schools may regulate admission to specific schools based upon sex.
- k. Have a working vocabulary of basic legal terms related to student and teacher sex discrimination.

P. Students with Special Needs

- a. Explain the due process rights that the parent of a special education student has under P.L. 94-142/IDEA, and, given specific examples, be able to determine whether the parents' rights have been violated.
- b. Compare and contrast the concepts of least restrictive educational alternative and appropriate educational opportunity.
- c. Explain the purpose of the individual educational plan (IEP) and how it is related to an appropriate educational opportunity.
- d. Explain the difference in the concepts of exclusion, functional exclusion, and misclassification.
- e. Explain the relationship between the issues of related services and appropriate educational opportunity.
- f. Compare and contrast the issues involved in long-term suspension of students, expulsion, and change in placement.
- g. Describe the procedures necessary before a disabled child can be suspended for ten or more days.
- h. Differentiate between the concepts of program accessibility and building accessibility, and explain the impact of the American with Disabilities Act on schools.
- i. Explain the impact of the Bilingual Education Act of 1974 and 1988 and the impact of these acts on his/her district.
- j. Have a working vocabulary of basic legal terms related to students with disabilities and non-English-speaking students.

Q. Rights to Privacy

- a. Explain the justification for the Family Educational Rights and Privacy Act (FERPA).
- b. List the five characteristics of FERPA, and explain any companion state laws that limit or give direction to school districts in the transferal, retention, or destruction of student records.
- c. Compare and contrast the need for parents to review student information and the need for the teacher to keep information confidential, as well as explain how his/her local school district has operationalized FERPA.
- d. Identify directory information, list its various characteristics, and describe the limitations on use of directory information.
- e. Explain the appeal process for challenging incorrect information as it is used in his/her district.
- f. Explain the enforcement process for noncompliance to FERPA, including whether the law provides individuals with the right to sue under its terms.

- g. Explain whether FERPA permits grading one another's work.
 - h. Have a working vocabulary of basic legal terms relevant to student records and their control.
- R. Private, Parochial, Home Schooling, and Vouchers
- a. Differentiate between the concepts of compulsory schooling and compulsory attendance, and explain the compulsory attendance law in his/her state.
 - b. Compare and contrast the rights of parents and the interests of the state regarding home schooling, and explain the home schooling requirements in his/her state.
 - c. Describe the pros and cons of charter schools and vouchers.
 - d. Become familiar with cutting-edge issues such as school vouchers and charter schools.
 - e. Describe the rights of boards of education to dictate curriculum and whether parents have a right to protect their children from curriculum they feel in objectionable.
 - f. Follow contemporary trends governing the rise of charter schools, school vouchers, and other school choice alternatives.
 - g. Explain the right of schools to require certain courses as prerequisites to graduation, and enumerate his/her state requirements for graduation.
 - h. Have a working vocabulary of basic legal terms relevant to compulsory schooling and compulsory attendance.
- S. Personal Appearance
- a. Compare and contrast the rights of students and the rights of teachers to determine their own grooming standards, and explain the present court position concerning grooming in his/her jurisdiction.
 - b. Compare and contrast the position of the courts concerning grooming standards and dress codes as they relate to teachers and students.
 - c. Explain why student hair length is a constitutional right in some jurisdictions and not others.
 - d. Explain why courts have recently upheld dress codes, and compare and contrast the recent decisions supporting dress codes to earlier decisions striking them down.
 - e. Draft a reasonable dress code, after examining the dress code in his/her district and in other adjacent districts.
 - f. Explain why schools can require school uniforms.
 - g. Have a working vocabulary of basic legal terms related to teacher and student personal appearance.
- T. Control of the Internet
- a. Identify and describe new and emerging issues in school law.
 - b. Demonstrate the ability to utilize a law library and do simple research in cases cited in this and earlier chapters.
- U. Federal Programs (e.g., No Child Left Behind)
- a. Understand the basic precepts of the No Child Left Behind Act.
 - b. Understand laws establishing rights for homeless students.

III. TEXTS/MATERIALS FOR THE COURSE:

REQUIRED TEXT:

Stader, D. L. (2013). *Law and ethics in educational leadership* (2nd ed.). Boston, MA: Pearson.

RECOMMENDED READING:

LaMorte, M. W. (2010). *School law: Cases and concepts* (10th ed.). Boston, MA: Pearson.

Schimel, D., Fischer, L., Stellman, L. R. (2007). *School law: What every educator school know*. Boston, MA: Pearson.

Candidates should know how to access discussions and key court cases pertaining to any specific issue in school law in which he/she is interested.

The URL for some good Web resources are listed below.

- American School: <http://www.asbj.com/topicsarchive/schoollawarchive/school-law-2010/school-laws-top-issues.html>
- Cornell University Law School: <https://www.law.cornell.edu/constitution>
- Education Law Center: <http://www.educationjustice.org/>
- Find Law: <http://caselaw.findlaw.com/>
- Google Scholar (case laws):
https://scholar.google.com/scholar?hl=en&q=case+law&btnG=&as_sdt=2%2C43
- Justia: <https://www.justia.com/>
- National School Boards Association: <http://www.nsba.org/advocacy/school-law-issues>

MAJOR CATEGORIES OF SCHOOL LAW

1. Achievement / Performance
2. Athletics
3. Attendance
4. Curriculum
5. Employment
6. Equity and Discrimination
7. Facilities
8. Finance
9. Governance
10. Health and Nutrition
11. Liability
12. Privatization
13. Religion
14. School Safety
15. Special Education
16. Student Rights
17. Technology
18. Other

IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS:

EACH CANDIDATE:

- Must have a laptop with him/her during each class session
- Must select at least one recent legal issue in education (5-10 years but still relevant) to prepare a presentation for the class; I suggest choosing an area which will benefit you during your dissertation process. Each candidate should have a different category on which to focus.
- Must select one of the major sections of the text (see list under Course Objectives) to prepare a paper related to his/her research interest
- Must complete *Survey on Foundations of School Law*

CLASS ATTENDANCE POLICY

At the graduate level, direct interaction with the course instructor and with other candidates is integral to each candidate's ability to acquire, integrate, and obtain a better context for, the knowledge and skills that the course is designed to deliver. Therefore, each candidate is expected to attend each class and to interact with the instructor and other candidates as appropriate during, as well as outside of, class hours throughout the term. As classes only meet five times per semester, each course constitutes 20% of a candidate's attendance and is critical to a successful completion of the requirements. Candidates should immediately "block off" teaching weekends in their calendars and, on the first day of class or before, inform the instructor if they have an unavoidable conflict. If, in such instances, candidates are unable to attend a regular class session due to circumstances beyond their control, the instructor may ask them to meet outside scheduled class hours to ascertain the extent to which class obligations would have been met had the candidate attended the missed class and to make up for their absence as the instructor deems appropriate.

Candidates are also highly encouraged to collaborate with each other to ensure they are covered in the event of an absence. Candidates who violate the attendance policy will be given the option to accept a lower grade for the course or an incomplete until the attendance requirements have been met (unless a class absence qualifies for make-up assignments under ADA requirements). Candidates who miss one class will not be eligible to receive full credit for class participation; candidates who miss two or more classes will need to repeat the course. Finally, candidates must attend the final class weekend to receive a passing grade.

LEARNING OUTCOMES

- The candidate will complete a survey on the foundations of school law. See individual assignment description.
- The candidate will write a paper, 5-10 pages, relating to his/her dissertation topic/topic of interest in his/her school/district/position. See individual assignment description.
- The candidate will prepare a presentation on a current topic in educational law. See individual assignment description.

EVALUATION METHOD/GRADING SYSTEM

| <i>Due Date</i> | <i>Assignment</i> | <i>Grading</i> |
|-----------------|-------------------------------------|----------------|
| Continuing | Participation | 10% |
| Continuing | Case Studies | 10% |
| June 27, 2017 | Survey on Foundations of School Law | 20% |
| July 6-8, 2017 | Presentation of Current Issue | 30% |
| July 8, 2017 | Descriptive Paper | 30% |

- In order to obtain an “A” for the course, you must earn a 90-100% average on assignments.
- In order to obtain a “B” for the course, you must earn an 80-90% average on assignments.
- In order to obtain a “C” for the course, you must earn a 70-80% average on assignments.
- All other scores will result in the candidate earning an “F” for the course.

Please note: The instructor does not assign Incompletes in the course. As per program policy, a candidate must earn a grade no lower than a B- to successfully complete the course. If a candidate earns a C+, he/she must repeat the course. In the event a candidate earns a grade lower than a C+, he/she will be administratively withdrawn from the doctoral program.

Candidates will submit their final written work on each assignment to viaLiveText for analysis and evaluation. Submissions must be in the form of uploaded document files (Microsoft Word or PowerPoint).

V. METHODS OF INSTRUCTION:

This course will rely heavily on discussion and individual assignments. The instructor’s role is to facilitate candidates’ learning by providing resources, challenging assumptions, reinforcing and helping to build knowledge, concepts, and skills pertaining to school law. The course will include presentations of the principles of school law, exemplary cases in the area of school law, guidelines for protecting one’s self against law suits, and how candidates can use information technologies to research case law and to keep up to date with legal issues pertaining to school law.

VI. INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:

- Candidates will need to be able to access the internet in order to communicate with each other and the instructor throughout the course.
- Candidates are expected to be proficient in word processing applications, PowerPoint, and electronic mail.
- Candidates must check LMU email daily for any updates. All course-related emails must be conducted through the LMU email server.

Via-LiveText: Each student will be required to establish or continue an account with the Via-LiveText program. Via-LiveText is a web-based application offering a comprehensive suite of development, management, and assessment tools. This suite of tools provides colleges and universities with the capability to assess student work online using assessment instruments that have been developed and implemented by the individual college faculty and/or departments. Specific instructions are posted on the School of Education website at <http://www.lmunet.edu/academics/schools/school-of-education/via-livetext>.

VII. UNIVERSITY POLICIES:

STUDENTS WITH DISABILITIES POLICY: LMU is committed to providing reasonable accommodations to assist students with disabilities in reaching their academic potential. If you have a disability which may impact your performance, attendance, or grades in this course, please contact Dr. Dan Graves, Director of Accessible Education Services, to discuss your specific needs.

If your disability requires an accommodation, you must register with the Office of Accessible Education Services. The Office of Accessible Education Services is responsible for coordinating classroom accommodations and other services for students with disabilities. Please note that classroom accommodations cannot be provided prior to the course instructor's receipt of an Accommodations Form, signed by you and the Director of Accessible Education Services. To register with the Office of Accessible Education Services, please contact the Director of Accessible Education Services, Dr. Dan Graves at dan.graves@lmunet.edu and/or 423.869.6531 (800-325-0900 ext. 6531).

COUNSELING: LMU counselors are available to help current students with personal, career and academic concerns that affect academic success and quality of life. The Director of Counseling, Jason Kishpaugh, can be contacted at jason.kishpaugh@lmunet.edu and/or 423.869.6401 (800-325-0900 ext. 6401).

DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES can be found in the student handbook: LMU's website: <http://www.lmunet.edu/student-life/handbooks>.

MANDATORY REPORTING FOR TITLE IX SEX DISCRIMINATION AND HARASSMENT: LMU is committed to providing a campus environment free of all forms of prohibited discrimination and sexual harassment (sexual assault, domestic and dating violence, gender or sex-based bullying and stalking, etc.). As an instructor, one of my responsibilities is to help create a safe learning environment for my students and for the campus as a whole. As a member of the University community, I have the responsibility to report any instances of sexual harassment, sexual violence and/or other forms of prohibited discrimination of which I become aware. This means that if you tell me about a situation of sexual harassment or sexual violence that may have violated university policy or state or federal law, I am required to share the information with my supervisor and/or the University's Title IX Coordinator. If you would rather share information about sexual harassment, sexual violence, or sex discrimination with an employee

confidentially who does not have this reporting responsibility, you may share the information with campus counselors at the Office of Counseling Services.

If you have experienced any form of gender or sex-based discrimination or harassment and would like to file a complaint, please contact the Title IX Coordinator, Jeana Horton, at jeana.horton@lmunet.edu or titleixcomplaints@LMU.net or by phone at 423-869-6586. Know that help and support are available. LMU has staff members trained to support survivors in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, helping with legal protective orders, and more.

COURSE EVALUATIONS: In addition to meeting degree requirements specified in the graduate and undergraduate catalogs, all students are required to complete University-administered course evaluations.

OUTCOMES ASSESSMENT TESTING: Degree requirements include participating in all outcomes assessment testing (e.g., general education assessment, major field tests, etc.) and activities when requested. Students may be required to complete one or more questionnaires and to take one or more standardized tests to determine general educational achievement as a prerequisite to graduation (see appropriate catalog for additional information).

All Associate of Science – Nursing; Associate of Science – Veterinary Health Science; and Associate of Science – Veterinary Medical Technology students must take the General Education Proficiency Profile examination.

LMU’S INCLEMENT WEATHER POLICY can be found at the following link to LMU’s website: <http://www.lmunet.edu/student-life/weather-cancellation-notification>. Students should check their LMU email during delays/closures to receive information from individual faculty regarding potential assignments and/or other course information.

INSTRUCTIONAL CONTINUITY IN CASE OF TEMPORARY CAMPUS CLOSURE POLICY: Faculty and students should expect scheduled instruction to continue even if class meetings are cancelled due to weather, epidemic illness, or other factors. Students will be required to complete alternate instructional activities online as directed by the course instructor.

VIII. MISSION STATEMENTS:

LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT can be found at the following link to LMU’s website: <http://www.lmunet.edu/about-lmu/heritage-mission>.

IX. COURSE OUTLINE/ASSIGNMENTS/UNITS OF INSTRUCTION: TENTATIVE SCHEDULE OF TOPICS

- The Legal System
 - Session 1, June 15, 2017, Chapter 1
 - Law, Ethics, and Educational Leadership

- Overview of US Court System – Found in Chapter 2
 - Types of Law
 - Contract Law
 - Constitutional Provisions in which School Law Finds Position
 - Session 2, June 16, 2017, Chapter 2-3
 - Introduction to School Law
 - Ethical Practice of Law in Education
 - School Boards and Tennessee Law
 - Contract Law
 - Human Resources
 - Church and State
 - Finance
 - Copyright Law
 - Discrimination
 - Private/Parochial/Home School/Vouchers
- Students and the Legal System
 - Session 3, June 17, 2017, Chapters 4-5
 - Student Privacy
 - First Amendment Rights
 - Due Process
 - Student Discipline
 - Child Abuse and Neglect
 - Student Rights
 - Due Process
 - Session 4, June 28, 2017, Chapters 6-7
 - Student Search
 - School Safety
 - Harassment / Bullying
 - Internet / Social Media
 - Session 5, June 29, 2017, Chapters 8-9
 - Equal Protection, ELL, Desegregation
 - Children with Disabilities
 - No Child Left Behind Act of 2001
 - Right to Privacy
 - Special Needs
 - Freedom of Expression
 - Personal Appearance
 - Religious Freedom
 - Discrimination
- Teachers and the Legal System
 - Session 6, June 30, 2017, Chapter 10
 - Tort Liability and Risk Management
 - Copyright and Fair Use
 - Teachers' Off Duty Behavior
 - Teachers' Personal Appearance
 - Session 7, July 6, 2017, Chapter 11

- Teacher Employment, Supervision, and Collective Bargaining
- Contract Law
- Collective Bargaining
- EEO
- Tenure
- Due Process
- Session 8, July 7, 2017, Chapter 12-13
 - Freedom of Association
 - Freedom of Expression
 - Religious Freedom
 - Slander/Libel
 - Teacher Constitutional Law
 - Law Ethics, and Educational Leadership
 - Presentations
- Class Wrap Up
 - Session 9, July 9, 2017
 - Presentations
 - Class Evaluations

X. HONORS CONTRACT ADDENDUM INFORMATION:
NOT APPLICABLE

XI. IMPORTANT DATES IN THE ACADEMIC CALENDAR SUMMER 2017:

| | |
|------------------------------|--------|
| Memorial Day, no classes | May 29 |
| Independence Day, no classes | July 4 |

XII. Student Community Engagement: A cornerstone of the University’s mission is service to humanity. As part of the University’s Student Service Initiative, undergraduate students receiving any form of institutional aid participate in at least 10 hours of service learning per semester. Students are encouraged to network with one another in classroom settings and with instructors and advisors for searching out and creating appropriate service learning projects related to their field of study. For more information visit: <http://www.lmunet.edu/student-life/student-service-initiative> or contact the Associate Dean of Students, Elise Syoen, at Elise.Syoen@LMUnet.edu.

XIII. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.