



# EDL 401

## The Professional Teacher: Legal Perspectives

*University of Kentucky College of Education  
Research and Reflection for Learning and Leading*

### Course Syllabus

Fall Semester 2009  
Friday's 10-12  
Taylor Education Building, Room 245

#### Contact Information

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### **Catalogue Description 2008:**

Study of legal concerns of public school teachers. Emphasizes legal rights and responsibilities of teachers and pupils. Lecture, two hours per week for eight weeks.

### **Purpose and Objectives of Course:**

This course examines the relationship between law, public policy, ethics and current issues in K-12 education. The College of Education is dedicated to preparing outstanding teachers and administrators for K-12 public and private schools. In order to adequately prepare leaders, a basic understanding of school law is crucial. Teachers and administrators need to understand school legal issues in order to create legally sound policies and to legally advocate for themselves and their students. As such, this course examines the current legal issues related to education and introduces students to legal reasoning and analysis. Its objectives are to (1) interpret the U.S. judicial and legislative systems and the formation of laws relating to public education; (2) understand aspects of the Kentucky legal context within which schools function, (3) understand how legal and ethical issues interact within schools, (4) analyze current school practices from the standpoint of potential legal controversies, including the ability to practice "preventative law;" and (5) identify the dynamic nature of school law and locate resources utilizing available technology to remain current.

### **Course Readings and Textbook**

This course will rely on multiple sources for readings. In addition to the sources listed below, this course will also occasionally read additional materials such as articles, cases, and law reviews. When such readings are required, they will be provided by the instructor in advance either in paper form or available at an electronic source.

Additionally, students are encouraged to subscribe to the National School Boards Association's Legal Clips via email at (it is free):

<http://www.nsba.org/site/page.asp?VID=1&TRACKID=&CID=373&DID=8614>

Finally, part of the knowledge base for educational law is a working knowledge of how to access legal information online. Instructions regarding accessing legal information will be provided by the course instructor on the first night.

### **Requirements**

With the exception of class participation, additional information on all the course requirements will be provided by the instructor. The following are a list of course requirements for which points have been allocated and from which the final grade will be determined.

1. Class Participation: Due to the course format, schedule and content, attendance is essential. Absences are reflected in a student's grade. Students are required to attend all classes, participate in discussions, interact with others in group work, and read the assigned material prior to each class. (An understanding of legal principles is cumulative.)
2. Think Now Quiz (2): Several online readings are assigned for meetings two (student issues) and three (teacher issues). These readings are short and direct. They provide a

background that is necessary for us to move quickly in our few class meetings. Thus, it is expected these will be read. To ensure they are read, in meetings two and three a think now quiz will be used based on these readings. Each of these quizzes will have only a few questions and students will be given only a few minutes to complete them.

3. Find Information Assessment: In today’s world the majority of educational law exists online. Teachers can gather some information on legal issues they face online. Much of this is promulgated by legislatures and administrative bodies in the form of statutes and regulations. This assignment is intended to test the ability of students to utilize these tools. This assessment will be conducted online and instructions will be provided.
4. Exam: The major objective knowledge assessment in this course will take the form of an exam at the end of the course. A basic and readily accessible knowledge of the law related to schools is required for all teachers. Thus, the exam in this course will consist of multiple choice and other objective questions designed to elicit the student’s stored memory of issues in school law. An exam review sheet will be provided.
5. Youtube Assignment: In groups of no more than 4, students will make a youtube video about a topic covered in class. This assignment is not due until March 23 and may be submitted online or in hard copy (CD’s usually work pretty well) to the instructor or my assistant in 111 Dickey Hall. Details and instructional videos will be provided. The video is expected to be short, in the range of 2-5 min. Alternatively, students may complete an alternative assignment individually (groups not allowed). Alternative assignments include writing a blog entry, writing a wikipedia entry, or making a podcast. Details on the alternative assignment will also be provided, but are expected to be one page in length. Note, students are not required to actually publish their work on the Internet.

The point allocation of the preceding course requirements follows:

<b><i>Assignment</i></b>	<b><i>Points</i></b>
<b>General Class Participation:</b> .....	<b>50</b>
<b>Think Now Quizzes (2 @ 25)</b> .....	<b>50</b>
<b>Find Information Assessment</b> .....	<b>50</b>
<b>Youtube Assignment</b> .....	<b>50</b>
<b>Exam:</b> .....	<b>100</b>
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<b>Total Possible Points</b> .....	<b>300</b>

Grade	Grade points per credit	Graduate school definition	Minimum number of points out of 300 to achieve grade
<b>A</b>	4 grade points per credit	High achievement	270
<b>B</b>	3 grade points per credit	Satisfactory achievement	240
<b>C</b>	2 grade points per credit	Minimum passing grade	210
<b>E</b>	0 grade points per credit	Failure	0

## Instructional Technology

This course requires the use of information technology (e.g., e-mail correspondence, word processing, web browsing and search, commenting on blogs, etc.). Students are expected to have regular access to a personal computer and the Internet to complete their learning activities.

## Student Responsibilities

Although students have a major responsibility for their own learning, the instructor will provide assistance with questions about the course content. Students are encouraged to network with their class peers and contact the instructor to seek assistance as needed. A class roster will be created and distributed to encourage and support class communication.

Regular attendance in class is essential. However, at times professional responsibilities may create conflicts with class attendance. Students must make decisions about these priorities. If students must miss classes, then it is their responsibility to get materials, notes, and assignments from a class peer and to notify the instructor of the reason for the absence, before the missed class. In the event of emergency absences (e.g., personal illness, major accident, death of family member), students need to notify the instructor about the cause of the absence as soon as possible, preferably through e-mail communication. Additional assignments may be required if deemed necessary by the instructor because of the nature of the class missed or because of excessive absences (usually interpreted as more than two classes missed for unavoidable circumstances). The University defines acceptable reasons for absences as (a) serious illness, (b) university-related trips, (c) major religious holidays, and (d) other circumstances that the instructor finds to be “reasonable cause for nonattendance.”

## UK Policies

The adopted UK academic policies apply in this course. These policies are articulated in the *Students Rights and Responsibilities Handbook* and the *UK Graduate Bulletin*, available online at <http://www.research.uky.edu/gs/bulletin/bullinfo.shtml>. Important policies and regulations applicable to this course include, but are not limited to, those concerning attendance, cheating and plagiarism, course withdrawal, incomplete grades, and acceptable standards of English. The instructor retains absolute discretion concerning the acceptance of required assignments after the established due dates and reserves the right to lower the grade on assignments that are submitted late.

**Canceled Class.** If a class session must be canceled due to bad weather or other unforeseen circumstances, the instructor will make every possible effort to contact students in sufficient time to avoid an unnecessary trip to class.

**Changes to Syllabus.** The instructor retains the right to modify this syllabus, if necessary, to meet the learning objectives of this course. Changes to this syllabus will be discussed with students and provided in writing as an addendum distributed electronically via email attachment and paper copy to the entire class.

### Quality of Student Work

Students in the EDL program are expected gain knowledge and develop skills during their studies that enable them to present high quality work.

**Plagiarism.** Where appropriate, references to professional literature need to be integrated into the manuscript text and cited at the end of all papers. According to UK rules, the minimum consequence for cheating or plagiarism is an “E” in the course. Cheating or plagiarism is basically stealing ideas or intellectual property created by others. Students are cautioned to reference all resources properly: The mere re-phrasing of another author’s work does not excuse the student from the requirement for including proper citations. Cite all your sources accurately and appropriately.

**Late Submittals.** Late assignments will be accepted only in cases of extreme emergencies—and upon notification of reasons for lateness provided by electronic message to the instructor. The decision to accept late work is solely at the discretion of the instructor.

## Additional Material

### UK Department of Educational Leadership Studies: Mission Statement

The mission of the Department of Educational Leadership Studies in the College of Education at the University of Kentucky (UK) is to engage in teaching, research, and service that promote and contribute to improving the quality of education and educational leadership in the Commonwealth, the nation, and the world.

### Integration of Syllabus with UK College of Education Conceptual Framework

This graduate course addresses the four themes within the conceptual framework for the UK College of Education: *research*, *reflection*, *learning*, and *leading*. Throughout the semester students have opportunities to review, analyze, discuss, and apply *research* from diverse perspectives in education, including professional scholarship and practitioner inquiry and reflect on their own practices as P-12 administrators and teachers as they study, observe, and work in P-12 school and university classrooms. *Reflection* is integrated regularly through oral and written communication to help students hone their analytical and problem-solving skills that comprise critical professional reflection on one’s own practice. This course emphasizes the commitment of the UK College of Education to ensure that its graduates continue their professional careers equipped for life-long *learning* as educators actively *leading* colleagues in

their schools, districts, and professional organizations. The ultimate goal in addressing these four themes is to produce educational leaders who work together to improve student learning among diverse populations and improve education in Kentucky and beyond.

### **Commitment to Diversity**

UK is committed to making diversity central to university policies, decisions, and practices to strengthen diversity within the Commonwealth. Efforts by a broad-based task force appointed by President Todd defined diversity as:

embracing difference or promoting increased knowledge regarding race/ethnicity, gender, religion, sexual orientation, disability, veteran affairs, and thought within an inclusive community. This definition of diversity values an inclusive institutional culture, academic programs, and co-curricular activities that prepare students for active, global citizenship. This commitment further allows for an educational process that fosters growth among all members of the academic community by including a wide array of talents, and recognizing the human differences are organizational strengths (University-Wide Comprehensive Diversity Plan Task Force Report, April 2005, p. 6).

Because the desired outcome is excellence in education, UK “does not practice discrimination on the basis of race/ethnicity, gender, religion, sexual orientation, or disability” (p. 6).

The College of Education supports the university-wide definition of diversity and enhances it through an expanded interpretation. This broader conceptualization of diversity includes learning exceptionalities, native languages, socioeconomic status, and life experiences often created by residing in unique geographical regions such as Appalachia. Curricula within the UK College of Education, field experiences, and membership of its faculty and student body reflect a commitment to diversity.

Leading successful school improvement requires understanding of and sensitivity to differences among groups of people and individuals based on ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, sexual orientation, and geographical area. Hence, diversity is a theme woven throughout this graduate course, which focuses on preparing and developing principals and other educational leaders with requisite knowledge, dispositions, and skills to practice effectively multiple responsibilities of instructional leadership and change agency.

## Syllabus Supplement

### Course Schedule and Assignment Due Dates

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
1	9/4 - 10:00-12:00, Room 245	<p><b>Syllabus</b></p> <p><b>Legal Framework</b></p> <p><b>Legal Research</b></p> <p><b>Torts &amp; Immunity</b></p> <p><b>Church &amp; State</b></p> <p><b>Introduction to Student Rights</b></p>	<p>Syllabus</p> <p>Kentucky Constitution: § 183:  <a href="http://lrc.ky.gov/legresou/Constitu/list2.htm#Education">http://lrc.ky.gov/legresou/Constitu/list2.htm#Education</a></p> <p>U.S. Constitution:  <a href="http://www.law.cornell.edu/constitution/constitution.overview.html">http://www.law.cornell.edu/constitution/constitution.overview.html</a></p> <p>Professional Code of Ethics: 704 KAR 20:680:  <a href="http://www.lrc.state.ky.us/kar/016/001/020.htm">http://www.lrc.state.ky.us/kar/016/001/020.htm</a></p> <p>Watch:  <a href="http://edjurist.blip.tv/file/1244770/">http://edjurist.blip.tv/file/1244770/</a></p>	None	<p><b>Discussion Focus:</b> What are the requirements for this course? What do the various elements of the Syllabus mean? When are assignments due?</p> <p><b>Discussion Focus:</b> An overview of the U.S. Constitution. What constitutional amendments apply to school law? How has federal education policy impacted state education policy? What does the Kentucky Constitution say about schools and what is its impact? What is the difference between federal and state court? How do court cases impact the classroom teacher? What are the various sources of legal authority affecting school law? How do I read a case? What are the major legal databases? How can teachers stay current in legal issues?</p> <p><b>Discussion Focus:</b> When are schools liable for student injuries? What are the factors that courts will consider in determining negligence? What are the defenses to negligence? What are intentional torts? How is defamation treated differently for public v. private individuals?</p> <p><b>Discussion Focus:</b> Does voluntary prayer, silent meditation, or graduation prayer violate the First Amendment? To what extent can public schools teach about religion? How does the First Amendment apply to these cases? What is the difference between the Establishment Clause and the Free Exercise Clause? Do courts still use the <i>Lemon</i> test? What are some of the other tests that courts will consider? What is the Equal Access Act? Must you give equal emphasis to evolution and creationism in science class? To what extent can public schools teach about religion? May a teacher lead a prayer if no student objects? Can students pray at graduation or at sporting events?</p>

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
1.5	Sept. 5-Sept. 18	<b>Student Rights</b> 1. Student Classifications 2. Student Expression 3. Bullying & Harassment 4. Child Abuse 5. Student Discipline 6. Search and Seizure 7. Instructional Issues / Copyright / Confidentiality 8. Special Education	First Amendment Center – Student Expression Rights: <a href="http://www.firstamendmentcenter.org/Speech/studentexpression/overview.aspx">http://www.firstamendmentcenter.org/Speech/studentexpression/overview.aspx</a>  Kentucky Anti-Bullying Law: <a href="http://www.bullypolice.org/ky_law.html">http://www.bullypolice.org/ky_law.html</a>  Kentucky Child Abuse Stats: <a href="http://www.pcaky.org/guide.aspx?tabID=4">http://www.pcaky.org/guide.aspx?tabID=4</a>  Center for Public Education, Search and Seizure, Due Process & Public Schools: <a href="http://www.centerforpubliceducation.org/site/c.kjXJ5MPlwE/b.1537263/k.CB45/Search_and_seizure_due_process_and_public_schools.htm">http://www.centerforpubliceducation.org/site/c.kjXJ5MPlwE/b.1537263/k.CB45/Search_and_seizure_due_process_and_public_schools.htm</a>  Encyclopedia of Everyday Law: Curriculum: <a href="http://www.enotes.com/everyday-law-encyclopedia/curriculum">http://www.enotes.com/everyday-law-encyclopedia/curriculum</a>  Jefferson County (CO) Guidelines on Copyright and Fair Use: <a href="http://jeffcoweb.jeffco.k12.co.us/isu/library/copyright.html">http://jeffcoweb.jeffco.k12.co.us/isu/library/copyright.html</a>  Missouri DESE – FERPA Overview: <a href="http://dese.mo.gov/schoollaw/freqaskques/FERPA.htm">http://dese.mo.gov/schoollaw/freqaskques/FERPA.htm</a>		<p>Discussion Focus: Should schools seek equal educational outcomes? What is the difference between <i>de facto</i> and <i>de jure</i> segregation? Are separate but equal schools inherently unequal? Should selective schools be able to give admissions preferences based on race or disadvantage? What are groups doing to circumvent the Michigan affirmative action decisions? How does the Fourteenth Amendment apply to this topic?</p> <p>Discussion Focus: Should students be permitted to wear clothing with political messages? How free are students to distribute unpopular or controversial views in school-sponsored and underground publications? Can schools censor off-campus speech? How do the First Amendment and Fourteenth Amendment apply to these cases?</p> <p>Discussion Focus: When, if ever, should schools be held liable for student-to-student harassment? Are separate schools for men and women constitutional? What is the difference between Title VII and Title IX? What is the legal standard for employer-to-employee, employee-to-student, and student-to-student harassment? What does the research tell us about harassment and bullying? Does Title IX apply to same sex harassment? How can administrators train their teachers and students on peer harassment? Has the KY legislature proposed anti-bullying legislation?</p> <p>Discussion Focus: Does a temporary suspension require procedural due process? When a student is suspended, should s/he be given the opportunity to make up the work? When can school officials search student lockers, cars, possessions, and persons? How does the 4<sup>th</sup> Amendment apply? What is the difference between reasonable suspicion and probable cause? What does the data say about searches and students of color? What amendment prohibits illegal search and seizure?</p> <p>Discussion Focus: What can and can't be banned? Library censorship: Is there a student right to know? When may federal funds be withdrawn under FERPA? Does FERPA always preclude the disclosure of student records? If a teacher uses a <i>Time</i> magazine article in class is that a violation of copyright law?</p> <p>Discussion Focus: What are some of the basic provisions of IDEA? How do IDEA, NCLB and state laws interact? Within what other courses in the program will I learn more about these topics? What are the major provisions of IDEA? What do teachers need to know about special education law?</p>

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
2	Sept. 18 – 10:00-12:00, Room 245	<b>Review Activities for Student Rights</b>  <b>Introduction to Teacher Rights</b>		Think Now Quiz (in class, based on readings)	
2.5	Sept. 18 – Oct. 2	<b>Teacher Rights</b>  1. Teacher Rights and Lifestyles  2. Terms and Conditions of Employment  3. Teacher & Administrator Due Process and Dismissal  4. Discrimination and Harassment in Employment  5. Collective Bargaining	Encyclopedia of Everyday Law: Teacher's Rights: <a href="http://www.enotes.com/everyday-law-encyclopedia/teachers-rights">http://www.enotes.com/everyday-law-encyclopedia/teachers-rights</a>	Find Information Assessment (complete online)	<p>Discussion Focus: Can a teacher's First Amendment rights to free speech be curtailed both in and outside the classroom? Can a teacher be dismissed for activities that occur outside of school? Can a teacher be dismissed because s/he is a homosexual, pregnant out of wedlock, or divorced? What role do community standards play in teacher dismissal? May teachers be prohibited from openly participating in racist, radical, sexist, or subversive organizations?</p> <p>Discussion Focus: What type of due process is afforded to teachers who are dismissed? Can a tenured teacher be dismissed? What amendment guarantees due process? What is the difference between non-renewal and dismissal? What are the conditions that a school district can place on teachers?</p> <p>Discussion Focus: How have the courts addressed discrimination regarding gender, race, religion, age, language and disability? May race ever qualify as a bona fide occupational qualification? Should race or gender be considered a bona fide occupational qualification? Who can be a member of a union? What school employees can be in which unions? What duties to employers have to unionized employees? Who can bargain a collective bargaining agreement? What is a strike?</p>
3	Oct. 2 10:00-12:00, Room 245	<b>Review Activities for Teacher Rights</b>  <b>Future Directions</b>		Think Now Quiz (in class, based on readings)	
3.5	Oct. 9		Handed out in class, to complete and return online.	<b>Exam – exam due to Justin via e-mail</b>	
4	Nov. 1			Youtube Assignment (or alternative assignment) due.	