

# **EDL 628: School Law and Ethics**

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

## **Course Syllabus**

Fall Semester 2009  
Select Thursday Evenings, 5:00-7:30 PM  
Eastside Center for Applied Technology  
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### Catalogue Description 2009:

Study of legal and ethical issues as related to practical problems of school administration. Constitutional provisions and court decisions are examined as they impact education.

### Purpose and Objectives of Course:

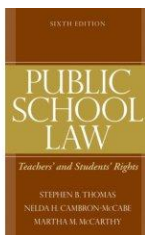
This course examines the relationship between law, public policy, ethics and current issues in K-12 education. The College of Education is dedicated to preparing outstanding teachers and administrators for K-12 public and private schools. In order to adequately prepare leaders, a basic understanding 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 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.

The following books are required for the course. Their title, authorship information, availability location and approximate price are provided below [Control + Click to follow the links].

### Required Texts

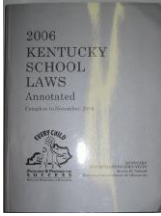


#### **Public School Law: Teachers' and Students' Rights**

*By: Stephen B. Thomas, Nelda Cambron-McCabe & Martha M. McCarthy*

[Amazon Price:](#) @ \$104.07

[More Sellers](#)



## 2006 Kentucky School Laws Book Annotated

[Kentucky Department of Education Price](#): \$6.50

[LexisNexis Price](#): \$40.00

This publication is also [available online in pdf form for free](#), but a hard copy is required because assessments will utilize the statute book.

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/legalclips>

Finally, part of the knowledge base for educational law is a working knowledge of how to access legal information online. Specifically, students will be required to access LexisNexis Academic to get materials necessary for the successful completion of this course. 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. **Case Summary**: Reading and analyzing cases are an integral part to understanding educational law and how decisions of courts impact schools. To assure students have mastered this skill, each student will summarize a case. This summary will take the form of a case brief (1-2 pages). The case brief format will be provided. As part of the assignment, when the corresponding instructional material is being taught, the student will brief the class on the facts, issue, holding, rationale, and other elements of the case in a short (around 2-3 min.) presentation.
3. **Statute/Regulation Analysis**: In today's world the majority of educational law 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. Students will complete an online quiz using these primary source materials to answer the 10-15 questions.
4. **School Policy Analysis & Principal Interview**: For this assignment students will analyze the policies of the school in which they are working and interview the school principal regarding those policies. The principal interview can be conducted in conjunction with the interviews conducted in H610. The school policies to be analyzed include the discipline code, the collective bargaining agreement, teacher contracts, parental agreements and other policy documents promulgated at the school level that amount to educational laws.

Students will read and analyze these policies with a critical legal eye and identify strengths and weaknesses within the documents. Combined with the data from the principal interview, students will write a 4-7 page reflection on the school level educational laws within their school. This assignment is intended to be included within the portfolio.

5. Oral Arguments & Policy Briefs (2): Students will participate in three oral arguments throughout the semester. Students will be representing the interests of students/teachers, the school, and will serve as judges. In conjunction with the oral argument schedule, students will prepare (within the oral argument group) a policy brief on two assigned issues when representing the students/teachers and when representing the school. A policy brief is not required when your group serves as the judges in the oral argument. The policy brief on the issue assigned to the group will be due two days after the group presents and can be written within your oral argument group. It is expected that each policy brief will be approximately 3-4 pages in length.
  
6. Content Quizzes: A basic and readily accessible knowledge of the law related to schools is required for all administrators. Thus, the major objective knowledge assessment in this course will take the form of content quizzes that will be completed following each set of online modules. Any sources, except other students, can be consulted in completing the quizzes, but they will be timed. There will be four quizzes corresponding with the major module topics of 1) educational governance & liability, 2) student rights, 3) near the end of the course, 4) national, state and local policy. Thus, the content quizzes in this course will consist of multiple choice and other objective questions. These quizzes will also serve as preparation for the Kentucky Principal Test. A review sheet will be provided at the beginning of the course.

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>120</b>
<b>Case Summary</b> .....	<b>40</b>
<b>Statute/Regulation Analysis</b> .....	<b>50</b>
<b>School Policy Analysis</b> .....	<b>150</b>
<b>Policy Briefs Total:</b> .....	<b>120</b>
Oral Argument & Policy Brief 1 .....	(60)
Oral Argument & Policy Brief 2 .....	(60)
<b>Content Quizzes (4 at 30 pts each):</b> .....	<b>120</b>
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<b>Total Possible Points</b> .....	<b>600</b>

Grade	Grade points per credit	Graduate school definition	Minimum number of points out of 600 to achieve grade
<b>A</b>	4 grade points per credit	High achievement	537
<b>B</b>	3 grade points per credit	Satisfactory achievement	477
<b>C</b>	2 grade points per credit	Minimum passing grade	417
<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 graduate studies that enable them to present high quality work. Although papers are submitted as “drafts” until the end of the course, all paper submissions to the instructor need to follow the specific guidelines provided by the instructor and the additional guidelines presented below. Students are encouraged to ask course peers and leadership mentors to review and critique their written products prior to submitting them to the instructor, particularly those considered final versions that will be placed in their EDL portfolios.

**Paper Format.** Unless otherwise specified, all paper submissions must be formatted according to the guidelines provided in the fifth edition of the *Publication Manual of the American Psychological Association (APA Manual)*, specifically those found in the manual on pages 296-320. Additionally, all papers need to be word-processed in a readable, 11 or 12 point font.

**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.

### UK Department of Educational Leadership Studies: Belief and Commitment Statements

We believe that the most effective educational leader is a practitioner-scholar, and we commit to providing academic experiences that expand our students’ knowledge, understanding, and

expertise as both practitioners and scholars in the field of school administration and educational leadership.

We believe that faculty and students should be able to pursue their scholarly endeavors secure in the knowledge that their academic freedom is inviolate. Moreover, we commit to the active defense of that freedom should it be threatened.

We believe that there are no simple answers to the complex challenges facing contemporary education. We believe that incorporation of a multiplicity of perspectives, values, approaches, standpoints, and experiences can build a more complete understanding of, and more effective responses to, those challenges. We commit to the solicitation, consideration of, and respect for such multiplicities.

We believe that understanding of and appreciation for the diversity inherent in the human community adds richness and depth to all individuals' life experiences. In addition, we commit to building departmental, college, and university communities characterized by diversity in intellectual perspective, race, ethnic and cultural background, gender and sexual orientation, religious belief, age, physical ability, socio-economic status, and political persuasion.

We believe that learning is a highly individualistic endeavor, and influenced by the particular prior experiences and expertise of each learner, and we believe the incorporation of such experiences and expertise into our courses can enhance the learning of all involved. We commit to fostering learning environments conducive to such incorporation.

We believe that rigorous intellectual activity both enhances professional expertise and personal understanding of self, and we believe development in these areas contributes to improved professional practice. We believe we owe our students educational programs that provide academic challenges and demand intellectual rigor, and we commit to providing such experiences.

### **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.

### **Standards-based Curriculum**

EDL 601 is a required course within the UK Principals Certification Program designed to meet the requirements established by the Kentucky Educational Professional Standards Board. Thus, the course content is framed by the *ISLLC Standards for School Leaders* first adopted by Kentucky in 1998 and [revised in 2008](#) as the foundation for the preparation, practice, and evaluation of school administrators.

The *ISLLC Standards for School Leaders* document is available for downloading through the Council of Chief State School Offices Web site (<http://www.ccsso.org/content/pdfs/isllcstd.pdf>).

## Fall 2008, EDL 628 Syllabus Supplement

### Course Schedule, Readings and Assignment Due Dates

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
1	Aug. 27	<p><b>Syllabus/ Legal Framework</b></p> <p><b>Legal Framework/ Ethics/ Legal Research</b></p>	<p>Syllabus</p> <p>Kentucky Constitution: § 183</p> <p>U.S. Constitution*</p> <p>Text: Chapter 1</p> <p>Professional Code of Ethics: 704 KAR 20:680</p>		<p>Discussion Focus: What are the requirements for this course? What are the texts for this course? What do the various elements of the Syllabus mean? When are assignments due? What is an Oral Argument? What is the Research Paper? When is the Research Paper Due?</p> <p>Discussion Focus: 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?</p> <p>Discussion Focus: 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?</p> <p>Discussion Focus: What are the major legal databases? How can teachers stay current in legal issues? How can teachers manipulate the legal system? How do I find a law review article and a case?</p> <p>*U.S. Constitution Available at:  <a href="http://www.law.cornell.edu/constitution/constitution.overview.html">http://www.law.cornell.edu/constitution/constitution.overview.html</a></p>

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
1.5	Aug 27 – Sept. 17	<b>Desegregation/ Affirmative Action/ Student Classifications</b>  <b>Torts &amp; Immunity</b>  <b>Church &amp; State</b>	Text: Chapter 5 Text: Chapter 13 Text: Chapter 2	Content Quiz 1.5	<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? What is the status of the lifting of desegregation decrees in Illinois? Are voluntary affirmative action goals or quotas to achieve racial balance for students constitutional? What does the research tell us about integrated schools and student achievement? What does the research tell us about Latino/a segregation? 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: 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? What is the Coverdell Act? How does NCLB protect teachers from negligence claims? Could school personnel be held liable for writing an inaccurate letter of recommendation?</p> <p>Discussion Focus: Does voluntary prayer, silent meditation, or graduation prayer violate the First Amendment? Must teachers and students recite the Pledge of Allegiance? 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>
2	Sept. 17			Oral Argument #1  Case Summaries	

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
2.5	Sept. 17- Oct. 8	<b>Instructional Issues / Copyright / Confidentiality</b>  <b>Bullying &amp; Harassment</b>  <b>Student Expression</b>  <b>Student Discipline &amp; Search and Seizure</b>	Text: Chapter 3 Text: Chapter 4 Text: Chapter 7	Statute/ Regulation Analysis  Policy Brief #1 (Due Sept. 24 via e-mail).  Content Quiz 2.5	<p>Discussion Focus: What can and can't be banned? Library censorship: Is there a student right to know? Has the ACLU gone too far in trying to protect student speech? Can students be required to perform community service requirements? How does the Thirteenth Amendment apply to community service requirements? When may federal funds be withdrawn under FERPA? Does FERPA always preclude the disclosure of student records? Does the USA Patriot Act apply to public school records? Do all states have the same home-schooling regulations? How can the classroom teacher avoid copyright violations? If a teacher uses a <i>Time</i> magazine article in class is that a violation of copyright law? Can teachers be liable for instructional negligence?</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: Reflect on Justice Fortes' famous quote "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." 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? Do dress codes unconstitutionally restrict students' freedom of speech? How do the First Amendment and Fourteenth Amendment apply to these cases?</p> <p>Discussion Focus: How does the Eighth Amendment apply to corporal punishment? 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>

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
3	Oct. 8			Oral Argument #2  Case Summaries	
3.5	Oct. 8 – Oct. 29	<p><b>Teacher Rights and Lifestyles</b></p> <p><b>Teacher &amp; Administrator Due Process and Dismissal/Terms and Conditions of Employment</b></p> <p><b>Discrimination and Harassment in Employment/Collective Bargaining</b></p>	<p>Text: Chapter 9</p> <p>Text: Chapters 8 &amp; 11</p> <p>Text: Chapter 10 &amp; 12</p>	<p>Policy Brief #2 (Due Oct. 15 via e-mail)</p> <p>Content Quiz 3.5</p>	<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? Do teachers have a constitutional right to run for office and discuss their political views in class? Is there a right of teacher privacy under the Fourteenth Amendment?</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? Are these conditions reasonable? Can administrators be dismissed? What are an administrator’s conditions of employment?</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? Are voluntary affirmative action goals or quotas to achieve racial balance for teachers constitutional? May schools force a teacher to retire because of her or his age? How do the Constitution and Civil Rights laws protect employees from discrimination in employment? Who can be a member of a union? What school employees can be in which unions? What duties to employers have to unionized employees? What are the mandatory subjects of bargaining? Who can bargain a collective bargaining agreement? What happens to employees who choose not to join the union? What is a strike? Are strikes legal? What is a grievance?</p>

Session Number	Date	Topic	Readings	Major Assignments Due	Relevant Questions
4	Oct. 29			Oral Argument #3  Case Summaries	
4.5	Oct. 29 – Dec. 10	<b>NCLB/ Special Education/ Kentucky Education Reform Act/School Finance</b>		Policy Brief #3 (Due Nov. 5)  Content Quiz 4.5	Discussion Focus: What are the major provisions of NCLB? How has NCLB changed from initial enactment? What is KERA? How do KERA and NCLB interact? How are schools financed in Kentucky? What is equity? What is adequacy? 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?
5	Dec. 10	<b>Future Directions</b>  <b>Principal Interview Sharing</b>  <b>School Policy Analysis Sharing</b>		School Policy Analysis Paper Due	Discussion Focus: What did you learn from talking to principals? What did others learn from talking to principals? What do principals consider to be the biggest legal issues they deal with? What kind of legal issues do principals pass along to superintendents and legal counsel?  Discussion Focus: What are the strengths of local school policies? What are the weaknesses of local school policies? How do local school policies influence education?