

Niagara University

Edu. 635 SCHOOL LAW

Summer 2009
Olean Cohort

Instructor

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General Course Description

Participants will examine legal principles impacting on public schools; federal and state relationships to public education; authority and liability of school boards, administrators and teachers; negligence and discipline. **Three Graduate Credit Hours.**

Course Conceptual Framework

Education may be thought of as a complex of emerging heterogeneous systems of people, things, and ideas. School, as an institution, occurs at the formal confluence of these components, and is constantly evolving in structure, form and substance because of the interaction between and among six heterogeneous systems. These systems are identified in the literature as: physical, psychological, social, axiological, symbolic, and governance. These six systems are dynamic and constantly evolving. They continually interact with each other to recharge the formal education core which is constantly assimilating and adapting people, things and ideas as the entire heterogeneous system becomes more comprehensive and inclusive.

This course facilitates student understanding and appreciation of these complex emerging heterogeneous systems with a specific focus on the governance heterogeneous system which is most commonly referred to as "School Law". Students will investigate the historical, philosophical, sociological, axiological and economic factors associated with the evolution of school law in contemporary America with a special emphasis on New York State School Law.

This Niagara University School of Education Graduate Course: School Law (Edu. 635) is organized in a thematic fashion focused on the following four contemporary school law themes:

- A. **Foundations** - This theme includes curriculum and instruction issues as well as finance and facilities concerns.
- B. **Human Resources** - This theme includes hiring policies and procedures, tenure issues, contract management and negotiation approaches.
- C. **Clients** - This theme includes a review of student/parent/guardian rights and responsibilities, civil rights, attendance, discipline and transportation as well as health and safety issues.
- D. **Special Education** - This theme includes a review of PL 94-142, IDEA, IEP, CSE, CPSE, and other contemporary laws and regulations that impact the education of special needs students.

Each of the above themes will be comprehensively investigated from both the theoretical and the practical perspective using contemporary legal resources, literature and experiences. This course will, subsequently, combine the theoretical with the practical, in order to develop knowledge, skills, and attitudes that will help current or prospective school administrators and other educational leaders effectively deal with contemporary school governance issues. Special emphasis will be placed on issues of diversity, technology and constructivism.

Method of Teaching

This course is framed within a constructivist perspective that embraces the belief that knowledge is socially constructed. Learning is viewed as a developmental process that is enhanced when students learn to view problems and issues from multiple perspectives, constructing knowledge from their own interpretations of numerous pieces of evidence. Teaching approaches are directed toward open-ended inquiry, critical thinking and reflection and social interaction. Instructional methods will include whole class and small group discussion, individual and cooperative activities, presentations by the instructor and classmates, internet and library searches, observations of power points and videos, field experiences and research.

Philosophical Framework

The philosophical framework of the administrative program includes the following:

ELCC STANDARDS	
Candidates who complete the program are educational leaders who promote the success of all students by	
*	Standard 1: Facilitating the development, articulation, implementation and stewardship of a school or district vision of learning that is shared and supported by the school community.
*	Standard 2: Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.
*	Standard 3: Ensuring management of the organization, operations and resources for a safe, efficient, and effective learning environment.
*	Standard 4: Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
*	Standard 5: Acting with integrity, fairness, and in an ethical manner
*	Standard 6: Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.
*	Standard 7: The Internship provides significant opportunities for candidates to synthesize and apply the knowledge and skills identified in Standards 1-6 through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and school district personnel for graduate credit.
NEW YORK STATE ESSENTIAL CHARACTERISTICS OF EFFECTIVE LEADERS	
*	1. Leaders know and understand what it means and what it takes to be a leader
*	2. Leaders have a vision for schools that they constantly share and promote.
*	3. Leaders communicate clearly and effectively.
*	4. Leaders collaborate and cooperate with others.
*	5. Leaders persevere and take the "long view."
*	6. Leaders support, develop and nurture staff.
*	7. Leaders hold themselves and others responsible and accountable.
*	8. Leaders never stop learning and honing their skills.
*	9. Leaders have the courage to take informed risks.
COLLEGE OF EDUCATION MISSION - ORIENTATIONS	
*	Candidate-Centering Through Constructivist Practice
*	Process-Product Orientation
*	Reflective Practice
EDUCATIONAL LEADERSHIP DEPARTMENT - DISPOSITIONS	
*	1. Professional Commitment and Responsibility
*	2. Professional Relationships
*	3. Critical Thinking and Reflective Practice
*	4. Knowledge Creation

Texts:

Alexander, K. & Alexander, M. (2009). *American public school law (7th ed.)*. Belmont, CA: Wadsworth. ISBN = 0-534-27424-2.

New York State School Boards and New York State Bar Association (2008). *School law 33th edition*. Albany, NY: New York State School Boards Association..

Bibliography and Key Web Sites

See separate documents.

Course Objectives

Upon successful completion of this course, the graduate student should be able to:

1. Evaluate the significant role that school governance has played in the evolution of the American society and education.
2. Analyze basic legal principles and their applications in contemporary education.
3. Appreciate the dynamics involved in the heterogeneous interactions between the governance system and the other heterogeneous systems that create the ever-changing social institution of schooling in America.
4. Describe the effects of landmark court decisions on issues of students' rights, equal educational opportunity, and administrative liability for school-related activities.
5. Describe the organizational structure and legal authority of State Education Systems.
6. Articulate the structure and governance of New York school systems.
7. Analyze the authority, powers, duties and responsibilities of school districts and their personnel.
8. Articulate policy development and implementation as well as related ethical and professional issues.
9. Address the factors involved in the formulation of educational policy.
10. Describe the impact of civil rights legislation and court decisions.
11. Describe policy issues and legal requirements of educators when working with children with exceptionalities and their parents/legal guardians.
12. Identify specific components of New York State education laws of interest.
13. Enumerate services and regulatory functions of state education departments.
14. Demonstrate an understanding of the U.S. Constitution, The Bill of Rights, legal concepts, statutory law and case law related to the following:
 - a. the legal control of public education resides with the state as one of the sovereign powers.
 - b. policies and procedures that impinge upon protected personal freedoms must be substantiated as necessary to carry out the

- c. educational policies and practices must not disadvantage selected students or employees.
 - d. due process is required before students or employees may be deprived of liberty or property rights.
 - e. educators are expected to act reasonably and to anticipate potentially adverse consequences of their actions.
15. View contemporary school situations through their developing legal lens and analyze those situations in light of course references and experiences.
 16. Share their observations of school law related situations with their colleagues in order to enhance both their theoretical and practical perspectives as well as their administrative orientation.
 17. Create a "Personal School Law Journal" and an "Executive Summary" which will serve as historical references for them in their own future administrative and leadership experiences.
 18. Develop their administrative capacity to recognize and appropriately handle legal problems in the daily operations of New York elementary and secondary schools.
 19. Develop legal research skills and become acquainted with the literature pertaining to school law.

Types of Assignments

In order to facilitate the accomplishment of the above stated general objectives of this School Law course, the following activities will occur:

1. Readings and research vis-a-vis the basic concepts associated with school law issues.
2. Submission of three (3) essays/critiques of contemporary topics related to school law.

The two critiques composed and submitted by each individual student are no more than four pages in length and are posted for all course participants. The group essay is about 12 pages.

The first essay/critique is of a specific court case, legal brief, research article, video presentation, personal legal interaction, or other content rich resources and/or personal experiences. The first critique must be related to the theme assigned to the student during the first class session. It must contain specific "course sensitive correlations". Essay/Critique #1 is due June 17, 2009.

Essay #2 (Cohort Essay) is due July 7, 2009. This second "essay" is a group synthesis of the resources critiqued by all class members. The essay is to be titled: "Contemporary Issues in School Law: A Western New York Perspective". It is designed to reiterate and reinforce the key legal concepts

related to the themes with specific references to those previously researched articles posted by individuals as well as correlated with Journal entries discussed in class and in on-line chats. This Cohort Essay is to be posted as a reference for all.

Essay/Critique #3 is due July 16, 2009. This third critique is directly related to the topic selected by the student for their "Executive Summary". It is designed to serve as a "window" into your "Executive Summary". It tells all course participants about your individual "Executive Summary" topic and the significance of it to you as well as providing contemporary information.

3. Development of an "Executive Summary" about a specific school law topic of interest to the student. The "Executive Summary" is about nine (9) pages in length and is posted for all. A practical "School Law Brochure" with concomitant implementation plan may be substituted for the "Executive Summary". The "Executive Summary" or "School Law Brochure" is due July 23, 2009.
4. Compile a "Personal School Law Journal" of their contemporary "real world" school law experiences during the semester of the course and provide analysis of each of the twelve (12) events identified and reviewed in light of "course sensitive" concepts and references. A "hard" copy of the Journal is to be submitted on August 7, 2009.
4. Group/Individual Chapter Outlines of assigned "text" chapters. Each outline is 3-5 pages and is posted for all class participants prior to the group presentation of the assigned chapters. Due date: July 14, 2009.
6. Punctual attendance and active participation in all class and small group activities.

Methods of Evaluation

Completion of the above assignments will enable the student to satisfactorily achieve the objectives of the course.

Course Requirements

1. Attendance at scheduled class sessions (if you have a "special" problem see me ASAP.)
2. Submission of 2 critiques and 1 group essay as described above.
3. Completion of an "Executive Summary" or "School Law Brochure" as described above.

4. Submission of "Personal School Law Journal" as described above.
5. Active participation in all class and group activities.
6. Submission of group chapter outlines and group presentation of assigned chapters.

Grade Basis

Both individual critiques and the group essay are worth 10 points, the "Executive Summary" is worth 25 points, the "Personal School Law Journal" is worth 25 points and class participation including chapter outlines and presentations is worth 20 points.

A = 90 - 99 points

B = 80 - 89 points

C = 70 - 79 points

Changes

The professor reserves the right to make changes or modifications in any and/or all of the above as needed based on the interests and needs of the students. Students will be notified in class and/or via e-mail of any and all changes.

Student Disclosure

Academic Honesty

The integrity of an academic community necessitates the full and correct citation of ideas, methodologies, and research findings. In addition, each student can promote academic honesty by protecting his or her work from inappropriate use. Academic honesty is essential to ensure the validity of the grading system and to maintain a high standard of academic excellence. The principal violations of academic honesty are cheating and plagiarism.

Cheating includes the unauthorized use of certain materials, information, or devices in writing examinations, or in preparing papers or other assignments. Any student who aids another student in such dishonesty is also guilty of cheating. Other possible forms of cheating include submitting the same work in more than one class without permission.

Plagiarism is the presentation of ideas, words, and opinions of someone else as one's own work. Paraphrased material, even if rendered in the student's own words, must be attributed to the originator of the thought.

Please refer to the undergraduate catalogue for Niagara University's policy on cheating, plagiarism, procedures and penalties.

Students with disabilities

Students with documented disabilities who may need accommodations, who have any emergency medical information the instructor should know of or who need special arrangements in the event of an evacuation, should make an appointment with the instructor as early as possible in the semester, preferably no later than the first week of the semester. Students must also register with Diane Stoelting, Coordinator of Specialized Support Services (286-8076, ds@niagara.edu) in order to facilitate the provision of needed accommodations.

Counseling Services and Academic Support

The strains and workload of student life can sometimes feel overwhelming and it is easy to lose perspective when faced with academic, social, and personal demands. The staff of the office of counseling services in the lower level of Seton Hall and the Academic Support staff in the Learning Center in Seton Hall are here to help students manage the stresses of university life. All private consultations are confidential and free of charge. Appointment can be scheduled by calling 286-8536 (Counseling) or 286-8072 (Office of Academic Support).

Availability of Instructor

Since most, if not all, students in this course hold a full time position and are not on campus, you may contact me: work (716) 286-8475; cell (716) 425-1860; or at home (716) 297-5081 e-mail address: wpolka@Niagara.edu