



MISSISSIPPI STATE UNIVERSITY™

COLLEGE OF EDUCATION

Department of Educational Leadership Course Syllabus

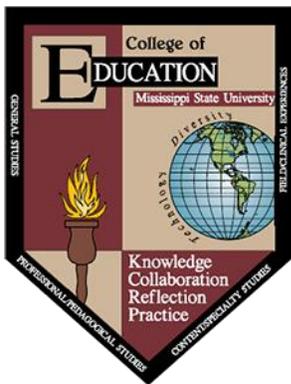
EDL 8413 School Legal and Ethical Perspectives

Credit Hours: Three (3) credit hours

Method of Instruction: C = Lecture

Catalog Description: 3 credit hours. The focus of the course is on an introduction to school law, policy development, and ethical leadership.

College of Education Conceptual Framework



The faculty in the College of Education at Mississippi State University are committed to assuring the success of students and graduates by providing learning opportunities that are continually improved as society, schools, and technology change. The organizing theme for the conceptual framework for the College of Education at Mississippi State University is educational professionals - dedicated to continual improvement of all students' educational experiences. The beliefs that guide program development center on the tenets of knowledge, collaboration, reflection, and practice. For additional information, please visit <https://www.educ.msstate.edu/about/framework/>.

Course Objectives

To successfully complete the course, candidates are expected to master ten (10) course objectives. With these objectives, candidates are required utilize the National Educational Leadership Preparation (NELP) Standards (Standards 1 - 7) as designed by the Council for Chief State School Officers (CCSSO) and the National Policy Board for Educational Administration (NPBEA) and the Professional Standards for Educational Leaders (PSEL) developed collaboratively as led by NPBEA. Course objectives are also linked to the Council for the Accreditation of Educator Preparation (CAEP) Standards for Advanced Programs. Further, the goals are linked to the indicators in the College Framework Program Outcomes (CFPO) document at Mississippi State University as well as the Culturally Responsive Teaching Practices (CRT). The 10 objectives focus attention on preparing educational leaders who will be to acquire the knowledge, skills, and dispositions necessary to:

1. Act responsibly and demonstrate good judgment in leading and managing schools within legal and political contexts. (ELCC 6.1; NELP 5.3; PSEL 8h, 8i; CAEP A.1; CRT 3.1; CFPO 1)
2. Act with integrity by demonstrating respect for the rights of others with regard to confidentiality and dignity. (ELCC 5.1; NELP 2.1; PSEL 2b, 2c, 2d, 3h; CAEP A.1; CRT 3.1, 5.1, 6.1, 14.1; CFPO 1)

3. Make decisions based upon an understanding of ethical and legal principles. (ELCC 5.3; NELP 2.1; PSEL 2b, 2c, 2d, 3h; CAEP A.1; CRT 3.1, 14.1; CFPO 1)
4. Demonstrate an understanding of how legal and political systems have shaped schools and communities. (ELCC 6.1; NELP 5.3; PSEL 8h, 8i; CAEP A.1; CRT 3.1, 1.1, 5.1; CFPO 14)
5. Demonstrate an understanding of federal, state, and local laws, policies, and regulations in leading and managing schools. (ELCC 6.1; NELP 5.3; PSEL 8h, 8i; CAEP A.1; CRT 3.1; CFPO 1, 3)
6. Demonstrate the capability to engage students, parents, and the community in advocating for adoption of improved policies and laws. (ELCC 6.3; NELP 4.4; PSEL 3h, 4a, 4b; CAEP A.1; CRT 6.1, 7.1, 8.1; CFPO 14)
7. Demonstrate the capability to identify, analyze, and describe the cultural diversity in a school community. (ELCC 6.1; NELP 5.3; PSEL 8h, 8i; CAEP A.1; CRT 1.1, 5.1; CFPO 5, 6)
8. Demonstrate the capability to communicate with all members (also referred to as stakeholders) concerning trends, issues, and potential changes in the environment in which schools operate. (ELCC 6.2; NELP 6.3; PSEL 9h; CAEP A.1; CRT 7.1, 8.1, 10.1, 12.1; CFPO 1, 14)
9. Advocate for policies and programs that promote equitable learning opportunities and success for all students regardless of socioeconomic background, ethnicity, religion, gender, or disability. (ELCC 5.1, 6.3; NELP 2.1, 4.4; PSEL 2b, 2c, 2d, 3h, 4a, 4b; CAEP A.1; CRT 6.1, 8.1, 14.1; CFPO 2)
10. Demonstrate capability to communicate with diverse individuals and groups by using appropriate language, speaking and writing with clarity, and demonstrating good listening skills. (ELCC 6.2; NELP 6.3; PSEL 9h; CAEP A.1; CRT 3.1, 7.1; CFPO 5)

Detailed Course Outline/Topics Covered in the Course

Course topics (45 hours of instruction) cover school law, policy development, federal and state constitutions, state statutes, local ordinances, regulations, policies and procedures, courts, tort liability, respect for rights, confidentiality of records, diversity, political contexts, social-economic contexts, historic contexts, employment and protection laws, state and district human resource policies, employee evaluation programs, conflict resolution, personnel ethics, and ethical codes. Major topics and related subtopics follow.

Topics, Subtopics, and Duration
<p>Legal framework of public education (3 hours) Objectives targeted: 1, 5</p> <ul style="list-style-type: none"> • United States Constitution: Tenth Amendment • State legislatures charged with providing for an adequate system of public education • School board roles and responsibility • Public education is state controlled and locally administered (except for Hawaii) • United States Constitution: Article I, Section 8 • General welfare clause • Congress allowed to tax and spend for public/private education • United States Constitution: Fourteenth Amendment • Most widely invoked constitutional provision in school litigation • Judicial system (state and federal courts)
<p>Tort liability (3 hours) Objectives targeted: 1, 2, 3</p> <ul style="list-style-type: none"> • Tort law offers civil remedies to persons harmed by a wrong caused by the unreasonable conduct of others <ul style="list-style-type: none"> ○ History of tort liability ○ Educational malpractice and instructional negligence ○ Negligence, Intentional, Defamation torts

<ul style="list-style-type: none"> ○ Government immunity (also known as sovereign immunity) ○ History of government immunity ○ Curtailment of government immunity ○ Rule of law maxim
<p>Religion and state relationship (3 hours) Objectives targeted: 5, 9</p> <ul style="list-style-type: none"> ● United States Constitution: First Amendment <ul style="list-style-type: none"> ○ No law establishing or prohibiting religion ○ Pledge of Allegiance ○ Religious displays and holiday observances ○ Religious proselytizing in schools ○ Equal Access Act (EAA) ○ Augmented the free speech concept in 1984 ○ Accommodations for religious beliefs ○ Release-time programs ○ Religious absences ○ Curriculum challenges by religious advocates ○ Evolution and creationism ○ Sex education
<p>School attendance and instructional issues (3 hours) Objectives targeted: 4, 5, 6, 9</p> <ul style="list-style-type: none"> ● Compulsory attendance ● All states require children between specified ages (usually 6 to 16) to attend school ● Guardian role of the state for the welfare of its citizens ● Health requirements <ul style="list-style-type: none"> ○ States have the power to require that students be in good health to protect the well-being of others ● Obligation to educate residents ● School fees (cost-benefit principle) ● Transportation fees (can be charged) ● Textbooks and materials (mixed results) ● School curriculum <ul style="list-style-type: none"> ○ Controlled primarily by states and local school boards ● Federal government influences the curriculum through providing funds ● Student proficiency testing--courts have recognized the establishment of minimal performance standards ● Student records
<p>Students' rights in non-instructional matters (3 hours) Objectives targeted: 1, 5, 6</p> <ul style="list-style-type: none"> ● First Amendment through the Fourteenth Amendment to the Constitution <ul style="list-style-type: none"> ○ Restricts federal and state governmental inference with citizen's free expression rights ○ Protected private expression (Tinker v. Des Moines Independent School District: 1969 landmark Supreme Court decision) ○ School-sponsored expression forums ○ School newspapers ○ Electronic expression ○ Student-initiated clubs ○ Student appearance Hairstyle ○ Attire ○ Extracurricular activities

Classification of students (3 hours) Objectives targeted: 5, 7, 9

- Fourteenth Amendment to the Constitution
 - No state shall deny to any person within its jurisdiction equal protection of the laws (applies to school districts)
 - Classification based on race (Brown v. Board of Education: 1954 landmark Supreme Court decision)
 - De Jure segregation; De Facto segregation
 - Classification based on ability or achievement
 - Tracking students
 - Gifted and talented students
 - Classification based on age or gender
 - Passage of Title IX in 1972
 - Interscholastic sports
 - Sexual harassment of students

Rights of students with disabilities (3 hours) Objectives targeted: 2, 5, 9

- Brown v. Board of Education (1954 landmark Supreme Court decision)
- Education must be made available to all on equal terms
- Section 50 of the Rehabilitation Act of 1973
- Qualified individuals (students) shall not be excluded from participating in programs or activities due to their respective disabilities (physical or mental impairment)
- IDEA: Individuals with Disabilities Education Act of 1975
Individualized Education Program (IEP)
- IEP team, Initial Identification, Evaluation
- Three key provisions: Free appropriate public education, Least restrictive environment, Participation in sports and other activities
- Americans with Disabilities Act of 1990
- Prohibits discrimination against persons with disabilities

Student discipline (3 hours) Objectives targeted: 2, 5, 6

- The state and school districts have authority to establish and enforce reasonable conduct codes for two primary purposes:
 - To protect the rights (safety) of administrators, teachers, staff, and students
 - To ensure that school environments are conducive to learning
- Disciplinary rules and due process
- Widely used disciplinary measures: Expulsion (excess of 10 days) Suspension (less than 10 days)
- Zero-tolerance policies (exercise discretion)
- Corporal punishment (controversial practice)
- Search and seizure (prudently applied)

Terms and conditions of employment (3 hours) Objectives targeted: 1, 5, 8

- Prominent: State statutory and regulatory provisions
- Certificated (valid license or certificate) and Non-certificated (classified support staff) staff
- Hiring personnel is vested in the local school board
- Assignment of personnel and duties (doctrine of prudence and reasonableness)
- Employment contract and employment issues
- Personnel evaluation and records

<p>Teachers' substantive constitutional rights (3 hours) Objectives targeted: 2, 5, 8</p> <ul style="list-style-type: none"> • Freedom of expression • First Amendment of the Constitution • Not all conduct is considered protected speech • Expressing personal views in the classroom • Academic freedom: Limited protection, not the broad protections found in higher education • Danger zones: Political affiliations and activity, personal appearance, search and seizure, lifestyle controversies
<p>Discrimination in employment (2 hours) Objectives targeted: 5, 7, 8</p> <ul style="list-style-type: none"> • Legal context • Fourteenth Amendment and Title VII • Race and national-origin discrimination • Sex discrimination • Sexual preference discrimination • Religious discrimination • Age discrimination • Disability discrimination
<p>Termination of employment (2 hours) Objectives targeted: 2, 3, 5</p> <ul style="list-style-type: none"> • Procedural due process • Dismissal and nonrenewal • Protected property and liberty issues • Procedural requirements in discharge proceedings • Dismissal for cause • Incompetency, immorality, insubordination, neglect of duty, unprofessional conduct, and reduction in force • Remedies for violations of protected rights Liabilities and remedies
<p>Labor relations (2 hours) Objectives targeted: 2, 4, 5</p> <ul style="list-style-type: none"> • Teachers' and other employees' bargaining rights <ul style="list-style-type: none"> ○ Scope of negotiations ○ Union security provisions ○ Grievances ○ Impasse actions
<p>Ethical perspectives (3 hours) Objectives targeted: 2, 3</p> <ul style="list-style-type: none"> • MS Code of Ethics • Ethical behavior: three key ethical principles: <ul style="list-style-type: none"> ○ The principle of maximum benefit ○ Action that results in the greatest good for the most people ○ The principle of equal respect • According to others the same kind of treatment expected in return (golden rule) • The principle of rational responsibility • Accepting responsibility for our actions (based on an inherent duty to act responsibly) • Unethical behavior • Explanation and description
<p>Oral, written, and nonverbal communication (6 hours) Objectives targeted: 8, 10</p> <ul style="list-style-type: none"> • Oral communication • Oral essentials: voice articulation, enunciation, tone, pace, flexibility, pauses at key places, eye contact, stance (body position), and so forth • Application of oral skills: face-to-face conversation, telephone conversation, reading

aloud, choral reading, storytelling, monologues, speeches (one-point, two-point, and three-point), and so forth

- Written communication
- English essentials: word usage, grammar, punctuation, mechanics, and spelling
- Sentence construction
- Paragraph development
- Outlining
- Application of written skills: memoranda, letters, electronic messages, reports, meeting agenda and minutes, book reviews, critiques, essays, scholarly research papers, and so forth
- Nonverbal communication

Total hours: 45 contact hours

Text(s)/Course Materials

McCarthy, M. M., Eckes, S. E., Decker, J. R. (2013). *Legal rights of school leaders, teachers, and students*. (8th ed.). Boston, MA: Pearson

Description of Instruction

In this lecture course, a variety of instructional methods will be employed. Specific instructional methods include shared inquiry discussion, guided instruction, and hands-on learning activities which require candidates to demonstrate their learning through case scenarios, simulations, online book study group discussions, peer-led activities, group projects, and independent research applying course content to professional standards.

The Meridian Campus offers a non-traditional delivery format with weekend sessions to accommodate busy educational professionals and the choice of face-to-face and blended classes.

The Starkville Campus offers an online format with a combination of synchronous online class meetings as well as asynchronous online learning opportunities to accommodate educational professionals who desire flexibility in degree and licensure programs.

Mississippi State University Honor Code

“As a Mississippi State University student, I will conduct myself with honor and integrity at all times. I will not lie, cheat, or steal, nor will I accept the actions of those who do.”

Upon accepting admission to Mississippi State University, a student immediately assumes a commitment to uphold the Honor Code, to accept responsibility for learning, and to follow the philosophy and rules of the Honor Code. Students will be required to state their commitment on examinations, research papers, and other academic work. Academic dishonesty will not be tolerated and will be dealt with according to MSU policy. Ignorance of the rules does not exclude any member of the MSU community from the requirements or the processes of the Honor Code.

For additional information visit: <http://students.msstate.edu/honorcode>.

Technology

Candidates are expected to make regular use of technology for accessing class materials, activities, and assessments. Word processing, use of PowerPoint, spreadsheets, graphs, charts, posters, and e-mails are essential skills students will utilize. Candidates will be required to access MSU’s Canvas portal to complete, upload, collaborate, and present applicable assignments for applicable course formats. This course requires a subscription to *Watermark*, an electronic portfolio and storage system for candidates

that is used as a repository for course assignments, assessments, and field experiences. Data collected from the database are used for accreditation purposes and program improvements. Assignments required in Watermark must be submitted for successful completion of the course.

Diversity

As the objectives and topics presented previously indicate, diversity (e.g., religion, ethnicity) will be addressed throughout the course in relation to lectures, assigned readings, and discussions.

Accommodations for Students with Disabilities

Students with disabilities in need of accommodations to meet the expectations of this course are encouraged to bring this need to the attention of the instructor and should register with the Office of Student Support Services as soon as possible. The Office of Student & Disability Support Services is located in O1 Montgomery Hall and can be reached via telephone at (662) 325-3335.

<http://www.sss.msstate.edu>.

Field Component

Candidates in the educational leadership program will be current practitioners employed in a school setting, and the field component will be based at that school. Thus, they will have the regular responsibilities and ongoing interaction with practicing school leaders, teachers, and students. In rare instances where a candidate is not currently employed as in a P-12 setting, they will be placed in a school by the Office of Clinical and Field-Based Instruction.

Evaluation of Student Progress

The following assignment types may be used for program candidate evaluation. Course credit is three (graduate) semester hours. Candidates' grades for the course will be determined according to five criteria: participation, interaction, reading/writing assignments, problem-based learning projects, and quizzes including the final examination.

Scholarly analytical papers and presentations, individual and group collaborative projects/assignments, and quizzes, midterm and final examinations will comprise 80% of the final grade; student participation, assigned discussions, and demonstration of learning in course seminars comprise 20% of the final grade. A separate *Dates and Specifications Sheet* will be provided listing the details of each required class assignment.

Assessment Types and Activities:

20% of a Candidate's final grade will be comprised of:

- *Class participation:* Candidates are expected to attend to all assignments in a timely manner and participate in online as well as any face-to-face learning experiences.
- *Class discussions related to various course content topics:* Candidates will be required to interact with course material, instructor, and classmates in rich discussions and applications of course content. APA format is expected where applicable.

80% of a Candidate's final grade will be comprised of:

- *Scholarly analytical papers related to course content and topics:* Candidates will be required to complete written analytical papers to be assessed based on depth of analysis and application of the content, organization and communication of written information, oral/written communication essentials, and correct citation and format based on current APA guidance.
- *Group collaboration:* Candidates will engage in collaborative projects with classmates for presentations to the group; candidates will be assessed based on the quality, understanding,

application, and presentation of assignment as a group assessment and individual interaction and contribution to the overall team product. APA format is expected where applicable.

- *Individual projects:* Candidates will engage in individual projects that may require research, presentation, and/or submission – Specifically, Key Assessment 5B, Ethical Leadership for Managing School Projects. APA format is expected where applicable. APA format is expected where applicable.
- *Field experiences:* Students will have ongoing interaction with practicing educational leaders through the completion of field assignments as listed in the accompanying Dates and Specifications document. Each course in the program leading to leadership licensure will contain field components as part of course requirements.
- *Quizzes, mid-term assessment, and final examination:* Candidates will engage in the listed assessments which could take the form of multiple-choice, true/false, short answer, and/or essay. APA format is expected where applicable.

Grading Scale

100.00% - 90.00%	A
89.99% - 80.00%	B
79.99% - 70.00%	C
69.99% - 60.00%	D
Below 60.00%	F

Attendance Policy

Candidates are expected to attend classes, submit assignments, and participate in class discussions and discussion boards as well as group collaboration as a member of a group of professional graduate students. In accordance with university policy (AOP 12.09), students are expected to attend all classes. AOP 12.09 also defines what is an excused absence. When an absence from class is essential, the student must inform the instructor via email and provide appropriate documentation.

Title IX Policy

MSU is committed to complying with Title IX, a federal policy that prohibits discrimination, including violence and harassment, based on sex. This means that MSU's educational programs and activities must be free from discrimination based on sexual orientation, sexual harassment, and other forms of sexual misconduct. If you or someone you know has experienced discrimination, sexual violence and/or harassment by any member of the University community, you are encouraged to report the conduct to MSU's Director of Title IX IEEO Programs at 325-8124 or by e-mail to titleix@msstate.edu. Additional resources are available at <http://www.msstate.edu/web/security/title9-12.pdf>, and at <http://students.msstate.edu/sexualmisconduct/>.

University Safety Statement

Mississippi State University values the safety of all campus community members. Students are encouraged to register for Maroon Alert texts and to download the Everbridge App. Visit the Personal Information section in Banner on your mystate portal to register. To report suspicious activity or to request a courtesy escort via Safe Walk, call University Police at 662-325-2121, or in case of emergency, call 911. For more information regarding safety and to view available training resources, including helpful videos, visit ready.msstate.edu.

Mississippi Educator Code of Ethics

This code shall apply to all persons licensed according to the rules established by the Mississippi State Board of Education and protects the health, safety and general welfare of students and educators. Ethical conduct is any conduct which promotes the health, safety, welfare, discipline and morals of

students and colleagues. Unethical conduct is any conduct that impairs the license holder's ability to function in his/her employment position or a pattern of behavior that is detrimental to the health, safety, welfare, discipline, or morals of students and colleagues. Any educator or administrator license may be revoked or suspended for engaging in unethical conduct relating to an educator/student relationship (Standard 4). Additional information on the Mississippi Educator Code of Ethics 10 standards is available at https://www.mdek12.org/sites/default/files/documents/code-of-ethics_final.pdf.

Candidates are expected to abide by the Mississippi Educator Code of Ethics through all course activities.

Mississippi College and Career-Ready Standards

Content standards outline the skills and knowledge expected of students from grade to grade and subject to subject. In addition to the Mississippi College and Career-Readiness Standards, the Mississippi Department of Education has developed a wide variety of training materials for educators and administrators across the state.

The Educational Leadership programs require candidates to develop and apply deep understanding of critical concepts, principles, and practices through the study of research on course topics, analysis of relevant publications, application of course content in actual school and classroom settings, interviews and reflections with key school personnel, and analysis of case studies related to course content. All content covered aligns to applicable leadership standards and requires candidates to simulate implementation of leadership tasks associated with cultivating systems, processes, and procedures all ultimately focused leadership structures supporting student proficiency of college and career-readiness standards.

Bibliography

- Barton, E. A. (2009). *Leadership strategies for safe schools* (2nd ed.). Thousand Oaks, CA: Corwin.
- Alexander, K., & Alexander D. (2005). *American public school law*. (6th ed.). Belmont, CA: Thompson West.
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- Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). *A framework for safe and successful schools* [Brief]. Bethesda, MD: National Association of School Psychologists.
- Essex, N. (2002). *School law and the public schools: A practical guide for educational leaders*. Boston, MA: Allyn & Bacon.
- Huefner, D. S. (2000). *Getting comfortable with special education law: A framework for working with children with disabilities*. Norwood, MA: Christopher-Gordon.
- LaMorte, M. W. (2002). *School law: Cases and concepts*. (7th ed.). Boston, MA: Allyn & Bacon.
- McCarthy, M. M., Eckes, S. E., Decker, J. R. (2013). *Legal rights of school leaders, teachers, and students*. (8th ed.). Boston, MA: Pearson
- Osbourne, A. G., & Russo, C. J. (2003). *Special education and the law: A guide for practitioners*. Thousand Oaks, CA: Corwin

Other Sources

Council for Exceptional Children

<https://www.cec.sped.org>

National School Boards Association

<https://www.nsba.org/Resources>

NSBA Center for Safe Schools

<https://www.nsba4safeschools.org/about>

National Association of Elementary School Principals

<https://www.naesp.org/school-safety-resources>

National Association of Secondary School Principals

<https://www.nassp.org/policy-advocacy-center/nassp-position-statements/safe-schools/>

Positive Behavioral Interventions and Supports

<https://www.pbis.org/pbis-network/mississippi>