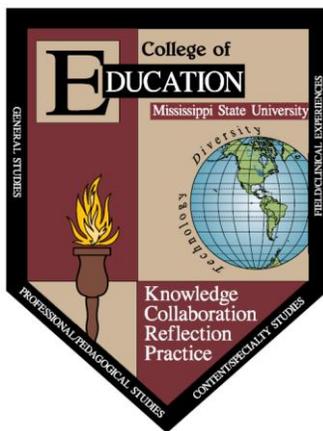


**MISSISSIPPI STATE UNIVERSITY
COLLEGE OF EDUCATION**

**DEPARTMENT of LEADERSHIP & FOUNDATIONS
COURSE SYLLABUS**

Course Prefix and Number:	EDL 8413
Course Title:	School Legal and Ethical Perspectives
Credit:	3 semester hours
Type of Course:	Lecture
Catalog Description:	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 superior 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 are as follows:

1. **KNOWLEDGE** - Educational professionals must have a deep understanding of the organizing concepts, processes, and attitudes that comprise their chosen disciplinary knowledge base, the pedagogical knowledge base, and the pedagogical content knowledge base. They must also know how to complement these knowledge bases with the appropriate use of technology.
2. **COLLABORATION** - Educational professionals must continually seek opportunities to work together, learn from one another, forge partnerships, and assume positions of responsibility.
3. **REFLECTION** - Educational professionals must be willing to assess their own strengths and weaknesses through reflection. They must also possess the skills, behaviors, and attitudes necessary to learn, change, and grow as life-long learners.
4. **PRACTICE** - Educational professionals must have a rich repertoire of research-based strategies for instruction, assessment, and the use of technologies. They must be able to focus that array of skills on promoting authentic learning by all students or clients, while exhibiting an appreciation and commitment to the value and role of diversity.

Course Objectives:

Course objectives are linked to Educational Leadership Constituent Council (ELCC) Standards developed by the National Policy Board for Educational Administration for programs in school administration, as well as additional indicators for professionals created by the College of Education at Mississippi State University for the College Framework Program Outcomes (CFPO) document. Ten (10) course objectives guide the selection of content and instructional strategies/activities. 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, CFPO 1)
2. Act with integrity by demonstrating respect for the rights of others with regard to confidentiality and dignity. (ELCC 5.1)
3. To make decisions based upon an understanding of ethical and legal principles. (ELCC 5.3, CFPO 1)
4. Demonstrate an understanding of how legal and political systems have shaped schools and communities. (ELCC 6.1, CFPO 14)
5. Demonstrate an understanding of federal, state, and local laws, policies, and regulations in leading and managing schools. (ELCC 6.1)
6. To demonstrate the capability to engage students, parents, and the community in advocating for adoption of improved policies and laws. (ELCC 6.3, CFPO 14)
7. Demonstrate the capability to identify, analyze, and describe the cultural diversity in a school community. (ELCC 6.1)
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, CFPO 1, CFPO 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, ELCC 6.3)
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, CFPO 5)

Course Topics to Be Covered and Hours:

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:

Legal framework of public education (Time allocation: 3 hours; Goal(s) targeted: 1, 5; Standard elements/indicators: ELCC 6.1, CFPO 14)

United States Constitution: Tenth Amendment

Gives responsibility of public education to the states

Legislative power

State legislatures charged with providing for an adequate system of public education

School board power

Although public education is state controlled and locally administered (except for Hawaii)

School board meetings and records must be open to the public

United States Constitution: Article I, Section 8

General welfare clause

Allows Congress to tax and spend for public/private education

United States Constitution: Fourteenth Amendment

Guarantees equal protection

Most widely invoked constitutional provision in school litigation

Judicial system (state and federal courts)

Tort liability (Time allocation: 3 hours; Goal(s) targeted: 1, 2, 3; Standard elements/indicators: ELCC 5.1, ELCC 5.3, ELCC 6.1, CFPO 1)

Tort law offers civil remedies to persons harmed by a wrong caused by the unreasonable conduct of others

History of tort liability

Educational malpractice and instructional negligence

Negligence torts

Intentional torts

Defamation torts

Government immunity (also known as sovereign immunity)

History of government immunity

Curtailed of government immunity

Rule of law maxim

Religion and state relationship (Time allocation: 3 hours; Goal(s) targeted: 5, 9; Standard elements/indicators: ELCC 5.1 ELCC 6.1, ELCC 6.3)

United States Constitution: First Amendment

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

School attendance and instructional issues (Time allocation: 3 hours; Goal(s) targeted: 4, 5, 6, 9; Standard elements/indicators: ELCC 5.1 ELCC 6.1, ELCC 6.3, CFPO 14)

Student rights regarding school attendance and instructional issues

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

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

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 (privacy rights)

Students' rights in non-instructional matters (Time allocation: 3 hours; Goal(s) targeted: 1, 5, 6; Standard elements/indicators: ELCC 6.1, ELCC 6.3, CFPO 1, CFPO 14)

First Amendment through the Fourteenth Amendment to the Constitution

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 (Time allocation: 3 hours; Goal(s) targeted: 5, 7, 9; Standard elements/indicators: ELCC 5.1 ELCC 6.1, ELCC 6.3)

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 (Time allocation: 3 hours; Goal(s) targeted: 2, 5, 9;
Standard elements/indicators: ELCC 5.1 ELCC 6.1, ELCC 6.3)

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 and preparation

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 (Time allocation: 3 hours; Goal(s) targeted: 2, 5, 6; Standard elements/indicators: ELCC 5.1 ELCC 6.1, ELCC 6.3, CFPO 14)

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

Widely used disciplinary measures:

Expulsion (excess of 10 days)

Suspension (less than 10 days)

Due process is essential in disciplining students

Zero-tolerance policies (exercise discretion)

Corporal punishment (controversial practice)

Search and seizure (prudently applied)

Terms and conditions of employment (Time allocation: 3 hours; Goal(s) targeted: 1, 5, 8; Standard elements/indicators: ELCC 6.1, ELCC 6.2, CFPO 1, CFPO 14)

Prominent: State statutory and regulatory provisions provide the terms and conditions of educators' employment

Two basic classifications of employees

Certificated (valid license or certificate)

Non-certificated (classified support staff)

Responsibility for hiring personnel is vested in the local school board

Assignment of personnel and duties (doctrine of prudence and reasonableness)

Employment contract: Defines the rights and responsibilities of the employee and the school board in the employment relationship

Key employment issues

Personnel evaluation

Personnel records

Reporting suspected child abuse

Teachers' substantive constitutional rights (Time allocation: 3 hours; Goal(s) targeted: 2, 5, 8; Standard elements/indicators: ELCC 5.1 ELCC 6.1, ELCC 6.2, CFPO 1, CFPO 14)

Freedom of expression

First Amendment of the Constitution

Not all conduct is considered 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

Discrimination in employment (Time allocation: 2 hours; Goal(s) targeted: 5, 7, 8; Standard elements/indicators: ELCC 6.1, ELCC 6.2, CFPO 1, CFPO 14)

Legal context

Fourteenth Amendment and Title VII

Race and national-origin discrimination

Sex discrimination

Sexual preference discrimination

Religious discrimination

Age discrimination

Disability discrimination

Termination of employment (Time allocation: 2 hours; Goal(s) targeted: 2, 3, 5; Standard elements/indicators: ELCC 5.1, ELCC 5.3, ELCC 6.1, CFPO 1)

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

Labor relations (Time allocation: 2 hours; Goal(s) targeted: 2, 4, 5; Standard elements/indicators: ELCC 5.1, ELCC 6.1, CFPO 14)

Teachers and other employees' bargaining rights

Scope of negotiations

Union security provisions

Grievances

Impasse actions

Ethical perspectives (Time allocation: 3 hours; Goal(s) targeted: 2, 3; Standard elements/indicators: ELCC 5.1, ELCC 5.3, CFPO 1)

Ethical behavior: three key ethical principles:

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

Oral, written, and nonverbal communication (Time allocation: 6 hours; Goal(s) targeted: 8, 10; Standard elements/indicators: ELCC 6.2, CFPO 1, CFPO 5, CFPO 14)

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

Text Approved for the Course:

The instructors teaching this course shall require the following approved text:

Thomas, S. B., Cambron-McCabe, N. H., & McCarthy, M. M. (2013). *Public School Law* (7th ed.). Boston: Pearson

It should be noted that any change in relation to the textbook selected for the course must be approved by the faculty member listed as professor of record.

Methods of Instruction:

Three basic instructional strategies—nano-lecturing, demonstrating, and doing (hands-on learning) are recommended for teaching the course. The coined term “nano-lecture” refers to a clear, concise 20-30 minute lecture addressing a particular topic. Demonstrating (e.g., showing) calls for providing a visible explanation or picture of what is to be learned. Doing (e.g., hands-on activities) pertains to actively involving candidates in applying the knowledge, skills, and depositions learned through projects requiring problem solving and decision making.

Suggested Student Activities:

Student activities should address the seven course objectives, ELCC standards and elements, CFPO indicators, and topics providing the content framework for the course. Suggested

student activities include question-answer sessions, discussion sessions, brief analytical papers based on assigned readings, scholarly research papers, panel participation, quizzes, and comprehensive examinations, and role playing in relation to simulated public speaking occasions. The course instructor should consider the suggested student activities listed in the official syllabus (i.e., syllabus on file in the department office and the office of the University Committee on Courses and Curriculum) when developing a more detailed (e.g., specific activities selected and dates that assignments are due) teaching syllabus for a particular semester

Participation in question-answer and discussion (instructor-candidates and candidates-candidates) sessions, panel presentations, simulated speeches, solving case studies, and so forth

Sessions should focus on enriching the classroom teaching and learning process through spontaneous thinking expressed through oral communication

Brief analytical papers (300-500 words), plus abbreviated outlines, on selected topics

Research projects and scholarly papers (3,000-5,000 words), plus formal outlines on assigned topics

Quizzes (e.g., true/false, multiple-choice, and short-answer format) on assigned readings and the final examination (essay format) addressing application of the content covered in the course

Honor Code:

Academic honesty is expected in relation to the 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.* Refer to *Mississippi State University Policy and Procedures for Handling Academic Misconduct.*

Technology:

Technology in the form of smart-board writing, document projection, audio projection, visual (film) projection, and computer-generated projection will be used throughout the sessions of the course.

Diversity:

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

Disability:

Students with disabilities will be accommodated in the course by scheduling class sessions in a building, adjacent to a parking lot with handicap provisions, with classrooms providing easy accessibility. The classroom scheduled for the course will also provide electronic equipment for meeting the needs of the visual and hearing impaired.

Field Component:

Students will compare simulations prepared in course assignments with their actual school facsimiles and then discuss similarities and differences with their principals. Each course in the newly designed program leading to principal certification will contain field components as part of course requirements.

Evaluation of Student Progress:

Assignments completed by program candidates will be evaluated in relation to four components: (1) content substance (i.e., quality of the coverage for a particular topic), (2) content organization (i.e., logical and reasonable narrative presentation), (3) oral/written communication essentials (i.e., word usage, punctuation, mechanics, spelling, grammar, sentence construction, paragraph development, etc.) as appropriate, and (4) specifications (i.e., typeface, print-size, spacing, identification, title, margins, indentation, and so forth for written communication or volume, articulation, enunciation, tone, pace, flexibility, eye contact, body position, and so forth for oral communication).

All assignments (oral and written), quizzes, and the final examination will be assessed on a three-point rubric: unsatisfactory, satisfactory, and excellent. Rubric scores will be converted into metric percentages. The term “unsatisfactory” signifies that less than 70 percent of the expectations for the assignment were met. The term “satisfactory” signifies that expectations for the assignment were met at the 70-89 percent level. The term “excellent” signifies that expectations for the assignment were met at or above the 99 percent level.

The student’s grade for the course will be determined as follows:

Participation in oral communication activities such as question-answer and discussion sessions, motion picture film critiques, panel presentations, simulated speeches, problem-based case studies, and so forth constitutes 20 percent of the grade determined for the course.

Brief analytical papers (300-500 words), plus abbreviated outlines, constitute 50 percent of the grade determined for the course.

Research/creative projects and accompanying scholarly papers and/or creative endeavors, plus formal outlines when feasible, constitute 20 percent of the grade determined for the course.

Quizzes (e.g., true/false, multiple-choice, and short-answer) on assigned readings and the final examination (essay format) covering course content constitute 10 percent of the grade determined for the course.

Conversion of percentage ranges to letter grades for grading purposes is presented below:

90 or more percent = A

80-89 percent = B

70-79 percent = C

60-69 percent = D

59 percent or less = F

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