

Syllabus for TEAL 6740

(the best class in the whole preparation program)
Fall 2018

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Text: *American Public School Law* (7th ed.) Alexander and Alexander

Class: Online

Voluntary weekly meetings:

Thursdays, August 30 – December 6

4:30 – 6:30 pm

Welcome! I am sincerely excited for this class. My goal is to de-mystify the law and give you tools and practice in reasoning through legal issues you will undoubtedly be faced with in your career as an educational leader. Please don't feel daunted by the schedule, this is good stuff and I'm sure you'll enjoy it (I acknowledge that I am a little warped).

Communication:

You are certainly welcome to call me at work (385.646.4197) but you'll get faster response through e-mail – and it doesn't leave me with the oppressive blinking light!

Utah State University Selected Policies and Procedures:

Plagiarism

Plagiarism includes knowingly representing, by paraphrase or direct quotation, the published or unpublished work of another person as one's own in any academic exercise or activity without full and clear acknowledgment. The nature of this course and its assignments makes plagiarism quite difficult, however, it is prohibited. Pursuant to university policy, the penalties may include warning or reprimand, grade adjustment, probation, suspension, expulsion, withholding of transcripts, denial or revocation of degrees, and referral to psychological counseling. This having been said, note the instructions use of resources in the "Final" section below.

Students with Disabilities

Reasonable accommodation will be provided for persons with disabilities in order to ensure equal participation within the program. If a student has a disability and believes an accommodation may be necessary, the student is encouraged to contact the Disability Resource Center (435.797.2444).

Grading: Quizzes – 30%
 Group Presentation – 15%
 Leading Case Discussions – 15%
 Reflection Paper – 10%
 Take-Home Final – 30%

Quizzes:

Each Module has an associated quiz. Quizzes are a quick check for understanding and are open the day of class through the day before the next class.

Group Presentation Instructions and Rubric:

Instructions:

Students will self-select into groups no larger than five (note: there is no such thing as a “group of one”). The group selects a legal topic and clears it with the instructor. The group prepares and delivers an electronic presentation (PowerPoint or similar presentation).

Rubric:

Category	5	4	3	1
Organization	There is logical flow to the presentation. Conclusions flow naturally from a carefully prepared foundation.	Ideas are connected and conclusions are developed but parallels are not drawn, leading to choppy transitions.	Ideas are developed but disjointed. Conclusions are simple statements without foundation.	There is no logical flow to the presentation, rather a conglomeration of indistinct, undeveloped ideas.
Substance	The presentation clearly states the tests or principles to guide practice or decisions.	The tests and principles at issue can be inferred from the presentation.	The substance of the presentation either fails to recognize or misstates the principles.	The substance of the presentation fails to recognize and misstates the principles.
Application to Practice	The presentation provides accurate, practical and useful information.	The conclusions and applications of the presentation are accurate but superficial.	The presentation draws legal conclusions but does not apply these to practice or applies them incorrectly.	The presentation draws no conclusions regarding administrative practice.

Case Brief Instructions, Format and Rubric:

Instructions:

Throughout the semester, students will be assigned cases to “brief” for the class as a whole. Briefs can be presented in person or pre-recorded. If pre-recorded, upload the video to the web and email the link to the instructor before class.

Format:

Briefs should be 3 – 5 minutes and set the stage for class discussion of the case. The following elements need to be included:

1. Citation – Name of the case, court hearing the case (e.g., U.S. Supreme Court, 10th Circuit Court of Appeals, etc.).
2. Facts – What happened? A dispute? Who is suing whom, and what is the desired result? Tell the story underlying the case to give the class context of what is going on.
3. Issues – What is the question/core conflict? What is the court being asked to decide?
4. Holding – What did the court decide? Who won?
5. Legal Rationale – Why did the court decide as it did? What was its reasoning? What “tests” did it apply or create?

Rubric:

Category	5	4	3	1
Organization	The presentation follows the prescribed format, addressing all five areas.	The presentation does not follow the format but addresses all five areas.	The presentation does not follow the format and addresses fewer than five areas.	The presentation does not follow the format and addresses fewer than three areas.
Substance	Clearly and accurately explains all five areas.	Explains fewer than five areas, but clearly and accurately.	Explains fewer than five areas, unclearly or inaccurately	Explains fewer than three areas, unclearly or inaccurately.

Reflection Paper Instructions and Rubric:

Instructions:

During Module 4, we discuss three very significant cases, *Tinker*, *Bethel*, and *Hazelwood*. Please prepare a 3 – 5 page paper reflecting on the three cases and their implications in your practice. It is due by 6:00 pm November 1st. The paper should be e-mailed to me. I will send the paper back and it can be resubmitted for additional credit.

Rubric:

Category	5	4	3	1
Organization	There is a logical flow to the paper. Conclusions flow naturally from a carefully prepared foundation.	Ideas are connected and conclusions are developed but parallels are not drawn, leading to choppy transitions.	Ideas are developed but disjointed. Conclusions are simple statements without foundation.	There is no logical flow to the paper, rather a conglomeration of indistinct, undeveloped ideas.
Substance	The paper clearly states the tests and principles arising out of the cases.	The tests and principles arising out of the cases can accurately be inferred from the paper.	The substance of the paper either fails to recognize or misstates the principles of the cases.	The substance of the paper fails to recognize and misstates the principles of the cases.
Application to Practice	The paper reflects the pervasive application of the cases to virtually every administrative situation.	The conclusions and applications of the paper are accurate but superficial.	The paper draws conclusions about the cases but does not apply these to administrative practice or applies them incorrectly.	The paper draws no conclusions regarding administrative practice.
Conventions	Writer makes no errors in grammar or spelling.	Writer makes 1-2 errors in grammar or spelling.	Writer makes 3-4 errors in grammar or spelling.	Writer makes more than 4 grammar or spelling errors.

Final Instructions and Rubric:

Instructions:

The final will involve several short questions involving scenarios and will ask for identification of legal issues and recommendations. Students may use any available resources, including other people to answer the questions. However, students with identical or substantially similar answers will be scored as a single score and divided equally to each person with the substantially similar answer. The final is due December 13th.

Rubric:

Category	5	4	3	1
Identification of Issues	Issues, both overt and subtle, are identified.	Overt issues are identified.	Some, but not all, overt issues are identified.	Issues are not identified.
Substance	Issues are analyzed and correct principles are employed.	Issues are analyzed, but superficially. Principles for resolution are not identified.	Issue analysis and recommendations are incomplete.	Issues are analyzed incorrectly.
Applications and Recommendation	Applications are correct and sound.	Applications are complete but superficial.	Applications are not complete.	There is no attempt at application

Grading Scale

97 – 100	A
93 – <97	A-
89 – <93	B+
85 – <89	B
81 – <85	B-

Schedule:

Date	Readings	Readings/Assignment	Page #
October 30 Module 1	Chapters 1& 2 (skim) Familiarize yourself with: http://www.loc.gov/law/help/guide/states/us-ut.php	Presentation 1.1	
September 6 Module 2	Chapter 5 Church and State	Presentation 2.1 Presentation 2.2 Presentation 2.3 Presentation 2.4 <i>Board of Ed. v. Allen</i> _____ <i>Lemon v. Kurtzman</i> _____ <i>Mueller v. Allen</i> _____ <i>Zobrest v. Catalina</i> _____ <i>Agostini v. Felton</i> _____ <i>Zelman v. Simmons</i> _____	187 190 196 202 204 221
September 13 Module 2 Continued	Chapter 5 Church and State	<i>Illinois ex rel. McCollum</i> _____ <i>Zorach v Clauson</i> _____ <i>Abington v Schempp</i> _____ <i>Wallace v. Jaffree</i> _____ <i>Santa Fe Independent v. Doe</i> _____ <i>Board of Education v. Mergens</i> _____ Presentation 2.5 <i>Good News Club v. Milford</i> _____	244 246 251 255 261 268 276
September 20 Module 3	Chapters 6 and 7 Attendance and Curriculum	<i>Plyler v. Doe</i> _____ <i>Martinez v. Bynum</i> _____ Presentation 3.1 <i>Pierce v. Society of Sisters</i> _____ <i>Wisconsin v. Yoder</i> _____ Presentation 3.2 <i>Maack v. Lincoln</i> _____ <i>Meyer v. Nebraska</i> _____ <i>Counts v. Cedarville</i> _____ <i>Virgil v. School Board</i> _____ <i>Mozert v. Hawkins County</i> _____ <i>Brown v. Woodland Joint</i> _____ <i>Leebaert v. Harrington</i> _____ Presentation 3.3	292 296 309 312 337 350 362 366 369 373 379

		<i>Boring v. Buncombe</i> _____	385
		<i>Epperson v. Arkansas</i> _____	391
		<i>Edwards v. Aguillard</i> _____	393
		<i>Lau v. Nichols</i> _____	408
September 27 Module 4	Chapter 8 “Speech,” Records, FERPA	<i>Tinker v. Des Moines</i> _____	416
		Presentation 4.1	
		<i>Bethel v. Fraser</i> _____	418
		<i>Hazelwood v. Kuhlmeier</i> _____	437
		Presentation 4.2	
		<i>Lamb’s Chapel v. Center</i> _____	431
		Presentation 4.3	
		<i>Wisniewski v Bd of Ed</i> _____	450
		<i>Beussink v. Woodland</i> _____	453
		Presentation 4.4	
		<i>Owasso v. Falvo</i> _____	722
		Presentation 4.5	
October 4 Module 5	Chapters 8 and 9 (and 16) Search, Rights and Due Process	<i>New Jersey v. T.L.O.</i> _____	469
		<i>Board of Ed v. Pottawatomie</i> _____	477
		<i>Cornfield v. Consolidated High</i> _____	486
		Presentation 5.1	
		<i>Dunn v. Fairfield</i> _____	510
		<i>Dixon v. Alabama</i> _____	522
		<i>Goss v. Lopez</i> _____	523
		Presentation 5.2	
		<i>Board of Regents v. Roth</i> _____	891
		<i>Cleveland v. Loudermill</i> _____	902
		Presentation 5.3	
		<i>Crump v. Board of Ed.</i> _____	906
		<i>Wieman v. Updegraff</i> _____	912
		<i>Cleveland v. LaFleur</i> _____	915
October 11 Module 6	Sexual Harassment and Mandatory Reporting	<i>Franklin v. Gwinnett</i> _____	539
		<i>Gebser v. Lago Vista</i> _____	541
		<i>Davis v. Monroe County</i> _____	544
		Presentation 6.1	
		Presentation 6.2	
October 18	NO CLASS Fall Break		
October 25 Module 7	Chapter 10 Students with Disabilities	Presentation 7.1	
		<i>Hudson v. Rowley</i> _____	577
		<i>Timothy W. v. Rochester</i> _____	584
		<i>Oberti v. Board of Ed.</i> _____	594
		<i>Beth v. Van Clay</i> _____	599
		<i>Irving Independent v. Tatro</i> _____	612
		<i>Cedar Rapids v. Garret F.</i> _____	615

		<i>Honig v. Doe</i> _____ Presentation 7.2 Presentation 7.3	618
November 1 Module 8	Chapter 11 and 12 Torts Reflection Paper Due!!!	Presentation 8.1 Presentation 8.2 <i>Spears v. Jefferson Parish</i> _____ <i>Brown v. Tesack</i> _____ <i>Brownell v. LA Unified</i> _____ <i>Johnson v. School District</i> _____ <i>Richardson v. Corvallis</i> _____ <i>Wallmuth v. Rapides</i> _____ <i>Stevens v. Chesteen</i> _____ <i>Hutchinson v. Toews</i> _____ <i>Aaris v. Las Virgenes</i> _____ <i>Wagenblast v. Odessa</i> _____ Presentation 8.3 <i>Hett v. Ploetz</i> _____ <i>Milkovich v. Lorain</i> _____	642 649 652 654 658 666 669 673 675 681 698 705
November 8 Module 9	Fees, Ethics, Professional Responsibilities Discrimination and Discipline Overview	Presentation 9.1 Presentation 9.2 Presentation 9.3 Presentation 9.4 Presentation 9.5 Presentation 9.6 Presentation 9.7	
November 15 Module 10	Chapters 14 and 15 Personnel Issues—Status v Conduct	Presentation 10.1 <i>Erb v. Iowa</i> _____ <i>Feldhusen v. Beach</i> _____ <i>Collins v. Faith School</i> _____ <i>Gaylord v. Board of Ed.</i> _____ <i>In re Johnson</i> _____ <i>Toney v. Fairbanks North Star</i> _____ <i>Board of Ed. v. Wood</i> _____ <i>Elvin v. City of Waterville</i> _____ <i>Zoll v. Eastern Allamakee</i> _____ <i>Pickering v. Board of Ed.</i> _____ <i>Mt. Healthy v. Doyle</i> _____ <i>Stroman v. Colleton</i> _____ <i>East Hartford v. Board</i> _____ <i>Daury v. Smith</i> _____	786 790 797 801 802 805 808 810 819 835 849 856 858 865
November 22	THANKSGIVING NO CLASS		

November 29 Module 11	Chapter 17 Discrimination, Orderly Termination and Evaluation	Presentation 11.1 <i>Griggs v. Duke Power</i> _____ 925 <i>Clark County v. Breeden</i> _____ 951 <i>Ansonia Board v. Philbrook</i> _____ 958 <i>Cowan v. Strafford</i> _____ 959 <i>Danzl v. North St. Paul</i> _____ 963 <i>Nassau County v. Arline</i> _____ 971 <i>Chalk v. US</i> _____ 974 Presentation 11.2	
December 6	Presentations		
December 13	Final Due		