

California State University, Fresno

Kremen School of Education

EDL 280T: School Law
Spring 2011

Course Syllabus

Instructor Information: Randy Edwards, Esq. & Paul J. Terry, Ed.D.

Contact Information:

Randy Edwards, Partner, Griswold Lasalle Cobb Dowd & Gin L.L.P.
311 North Douty Street
Hanford, California 93230
Work Phone: (559) 584-6656
E-mail: edwards@griswoldlasalle.com

Paul Terry, Superintendent, Hanford Elementary School District
714 N. White Street
Hanford, California 93230
Work Phone: (559) 585-3604
E-mail: pterry@hesd.k12.ca.us

Schedule Information: Course Number Spring 2011

Course Location: Room TBD

Meeting Times: TBD

Course Description

The course provides the legal foundation of U.S. public schools with an emphasis on California schools. There will be an overview of general principles of law and judicial decisions in relation to educational environments. The course will focus on legal responsibilities, constraints, and ways to effectively implement educational programs given legal requirements. The course will provide an understanding of federal law, California Education Code, California Code of Regulation, district policies, and school level regulations. Topics will include issues related to freedom of expression, separation of church and state, personnel law, liability, governance requirements, and special education.

Purpose of Course

Schools are confronted with a myriad of legal requirements that can either constrain or support effective implementation of the educational programs. Legal problems are increasing in number and complexity and resolution of these problems are frequently subject to judicial review. School leaders must possess knowledge of the law in order to avoid missteps that lead to

litigation that can be accompanied by expense and unwanted notoriety. Litigation cannot be avoided entirely, but school systems and educational leaders can reduce exposure to legal claims by understanding the law, anticipating problems, and instituting precautionary practices.

This course should achieve the following objectives:

1. Familiarize students with basic legal principles as they affect public schools.
2. Give each student the general principles of law related to legal and contractual policies and agreements.
3. Ensure and understanding of privacy rights as they relate to students and staff.
4. Provide an understanding of employment law with particular attention to collective bargaining statutes.
5. Provide each student with ability to operate educational programs within the parameters of federal, state and local laws, policies and regulations.
6. Give students the ability to acquire legal information and effective ways to use legal counsel.
7. Provide an understanding of major areas of school law related to freedom of expression, due process, discipline, and school attendance.
8. Provide an understanding of the rights of students with exceptional needs including identification, service provision, disciplinary actions, and due process.

Required Textbook

Kemerer, F. & Sansom, P. (2009) *California School Law, Second Edition*

Recommended Textbook

Kauble, P. (2009) *California Law Relating to Minors*

Course Topics

Session 1

Course Overview

The Legal System (Chapter 1)

Sources of Law

Powers and Functions of Courts

Understanding Judicial Decisions

California Schooling Structure

Session 2

Attendance, Instruction, and Assessment (Chapter 2)

Compulsory Attendance

Safe Learning Environment

Curriculum Standards

Copyright Law

The Internet

No Child Left Behind-Assessment and Accountability

Session 3

Equity and School Finance

State and Federal Court Cases

Proposition 13 & 98

State and Federal Revenue Sources

California Budget Process

Session 4

Unions and Collective Bargaining (Chapter 4)

Educational Employment Relations Act (EERA)

Public Employment Relations Board (PERB)

Contract Administration

Grievances and Unfair Labor Practices

Organizational Security

Session 5

Employment (Chapter 5)

Certificated Employees

Classified Employees

Administrators

Leave Rights

Antidiscrimination Laws

Session 6

Rights of Expression (Chapter 6)

Educator Expression Rights

Student Expression Rights

Expression Rights in the Classroom

Session 7

The School and Religion (Chapter 7)

Constitutional Law

The Pledge of Allegiance

School Prayer

Religion in the Classroom

Holiday Observances

Session 8

The Disabled Student (Chapter 8)

Special Education Law

Individuals with Disabilities Education Act

Free Appropriate Public Education

Child Find, Identification and Eligibility

The IEP

Session 9

The Disabled Student (Chapter 8)

Due Process

Section 504 and the American with Disabilities Act

Session 10

Student Discipline (Chapter 9)

Legal Framework for Student Discipline

Types of Discipline

Suspension and Expulsion

Suspension and Expulsion of Disabled Students

Session 11

Public Access and Privacy (Chapter 10)

The Brown Act

Public Records Act

Student Records

Student Search and Seizure

Session 12

Discrimination, Harassment and Bullying (Chapter 11)

Federal and State Discrimination Laws

Racial Discrimination-Title VI

Gender Discrimination-Title IX

Harassment

Bullying

Cyberbullying

Session 13

Liability (Chapter 12)

California Tort Claims Act

Fair Employment and Housing Act

Federal Law and Liability

***Point of Law Writing Assignment Due**

Session 14

Point of Law Presentations

Topic Introduction

Legal Research Review

Presentation, Findings, Summary

Session 15

Point of Law Presentations

Topic Introduction

Legal Research Review

Presentation, Findings, Summary

May 13, 2010

Final

Review of Point of Law Presentations

Class Requirements:

1. Mid-term Examination 15%
2. Final Examination: Point of Law Review and Presentation* 60%
3. Participation/Attendance 25%

Mid-term Examination:

Short essay responses (approximately 2-3 one page responses) to topics presented during first half of course.

Final Examination: Point of Law Paper & Presentation:

Choose a topic related to general principles of law and/or judicial decisions that impact schools and gain instructor approval of the topic. Prepare a presentation with relevant handouts on the topic. Prepare a one-page abstract of the presentation that will be distributed to all class members at the time of its presentation to the group. The presentation should be concise and limited to 30 to 40 minutes, including time for questions and class discussion. The use of PowerPoint, or other presentation formats, is encouraged, but not required. The goal is to provide classmates with a well researched summary of a key school-related legal issue.

Participation/Attendance:

Class attendance is critical given the once-per-week format of the course. Please contact an instructor if you anticipate scheduling issues that will impact attendance.