Stony Brook University
CEQ 528 School Law
3 credits – 6/14

**Course Description:**
A study of the legal framework within which public education operates. Topics include: church-state relations, state agencies, local school boards, financing education, tort liability, teacher-personnel administration, the Taylor Law, tenure, desegregation, and the constitutional rights and freedoms of students.

**General Approach:**
The course will emphasize a case study approach. Rights, privileges, and the duties of teachers, students, parents, administrators, and school board members are examined from the perspective of common law, statutory law, key court opinions and decisions relating to education. Administration has become both legalistic and adversarial. It is important that the educational administrator has knowledge of relevant case law, administrative regulations, and more importantly, how these laws and cases are interpreted in the role of the administrator. The course is developed around the following main themes with appropriate court cases:

1. Legal Framework for Public Education
2. Church-State-Education Relationships
3. Teacher Rights and Responsibilities
4. Students Rights and Responsibilities
5. Students with Disabilities
6. School Desegregation
7. Tort Liability
8. Speech
9. Discipline
10. Sexual Harrassment
11. Equal Opportunity

Students will be expected to read, summarize and discuss approximately eighty-two court cases as part of this course. In addition, students will be expected to keep abreast of current events and court cases relating to public education and the law. **Because students will obtain both the SBL and SDL certifications it is important for topics to be presented from both a building and district level perspective.**

**Course Responsibilities and Expectations:**
Attendance at all sessions is required. Please let me know if you cannot attend a session; an alternative assignment may be required. Handouts are required reading. This information will help you in solving problems presented in scenarios, role-plays, and group presentations.

The expected outcomes for the course are measured by performance through a variety of activities and assignments, including but not limited to the following:

- participation in discussion forums
- writing assignments
- projects
- presentations
- A **required** case study analysis *(This activity will help prepare students for the NYS School Leadership Assessments.)*
- A **required** Authentic Performance Activity

**Course Outcomes:**
At the conclusion of this course, the student will be able to gain the knowledge, skills and dispositions in the following Interstate School Leaders Licensure Consortium (ISLLC) standards:

| ISLLC Standard #3: An education leader promotes the success of every student by ensuring management of the organization, operation, |
### Course Topics

**Session 1**

Course organization.

Legal framework for public education.

a) Common Law

b) The Federal Constitution

1. Tenth Amendment
2. Contracts clause
3. First Amendment
4. Fourth and Fifth Amendments
5. Fourteenth Amendment
c) Federal statutes

d) State statutes, constitutions and regulations.

Session 2 Legal and ethical principles.
a) Church-State-Education relationships.
   1) State aid to religious schools.
   2) Religious activities and public schools.
   3) Other religious influences.
b) Student rights and school rules.
   1) Controls over student free speech.
   2) Out of school conduct.
   3) Due process and punishments.
   4) Sexual harassment.

Session 3 Employment laws.
a) Certification, employment, and contracts of teachers.
   1) Teacher certification, revocation and relations to contracts.
   2) Discriminatory employment practices.
   3) Rules and regulations included in teacher contracts.
b) Terms and conditions of employment of teachers.
   1) Salaries and salary schedules.
   2) Personnel files.
   3) Leaves.
   4) Assignments and transfers.

Session 4 Collective bargaining.
a) Bargaining units.
b) Scope of bargaining.
c) Restraints on Boards.
d) Dispute resolution.
e) Strikes and other concerted activities.

Session 5 Tenure, dismissal, and teacher retirement.
a) Tenure statues.
b) Teacher discharge.
   1) Insubordination.
   2) Incompetence/neglect of duty.
   3) Conduct unbecoming a teacher.
   4) Procedural due process.
c) Retirement.
   1) In general.
   2) Eligibility and benefits.
   3) Changes in provisions.

Session 6 Students with disabilities.
b) Individuals with Disabilities Education Act.
   1) Free, appropriate public education.
   2) Least restrictive environment.
   3) Non-Public and residential placements.
   4) Students in religiously affiliated non-public schools.
   5) Extended school year programs.
c) Discipline issues.

Session 7 School desegregation.
a) Brown v Board of Education.
b) Delineation of the constitutional mandate.
c) Remedies for De Jure segregation.
d) The Civil Rights Act and HEW guidelines.
e) Teacher desegregation.
f) De Facto desegregation.

Session 8
School district liability.
a) Tort liability of School Boards, officers, and employees.
b) Doctrine of Board Non-Liability.
c) Exceptions to Doctrine of Non-Liability.
d) Liability insurance and immunity.
e) Abrogation of Doctrine of Non-Liability.
   1) By Courts.
   2) By Legislatures.
   3) By the Supreme Court for Section 1983.
f) Negligence.
   1) In general
   2) Defenses.
g) Intentional torts.
   1) Assault and battery.
   2) False imprisonment.
   3) Defamation.

Session 9
School finance and state aid.
a) Role of school administrators regarding school finance and the budgetary process.
b) Role of School Boards regarding school finance and the budgetary process.
c) Challenges stemming from New York State aid.
d) Maintaining fiscal responsibility.
e) Future funding of public education.

Session 10
Emerging legal issues in public education.
a) Current legal problems.
b) School choice.
c) Dress codes and free speech.
d) Hate speech.
e) Gay and lesbian rights.
f) Mandatory community service.

Digital Library:
Starting in Fall, 2014 all students in the Educational Leadership Program will have access to obtain electronic textbooks for all courses. These e-books will be supported with online resources called MyEdLeadershipLab. We have made arrangements with Pearson Publishing and the University Bookstore to provide you with this service. You will have access to all the books required for your courses, as well as access to all the Educational Leadership titles available through Pearson. This Digital Library will provide each student with a wealth of information that can be used throughout the program. Your instructor will inform you of which title has been chosen as the required text for this course. (A particular instructor may require a low-cost supplementary text.)

You may purchase the rights to this electronic library for one entire year through the Stony Brook University Bookstore, regardless of how many courses you take. The purchase of this entire library will run for one year from the time of purchase and can be re-purchased the following year. There will also be cost-effective options for you to continue access to the Digital Library in future years after your graduation from the program.
To assist with the selection process for a required textbook, the following title from the Digital Library is a suggestion for instructors to use as the core textbook for CEQ 528: *School Law: Cases and Concepts* by LaMorte. ISBN #0133015440

**Academic Honesty**
Intellectual honesty is the cornerstone of all academic and scholarly work. Therefore the University views any form of academic dishonesty as a serious matter and requires all instructors to report every case of academic dishonesty to the SPD Committee on Academic Standing, which keeps records of all cases. All work submitted or posted by students in this course must be their own. Submission of writing or ideas which are not the original work of the student (and not properly referenced) is considered plagiarism. Unintentional plagiarism is still plagiarism, so if you have any questions about the proper acknowledgement of sources, be sure to ask your instructor who can advise you about various electronic tools available to assist you in self-screening your work. Refer to page 12 of the SPD Student Handbook for further Information on Academic Honesty and associated Grievance Procedures. [http://www.stonybrook.edu/spd/assets/pdf/dishonesty.pdf](http://www.stonybrook.edu/spd/assets/pdf/dishonesty.pdf)

**Confidentiality**
An underlying purpose of this course, in addition to teaching the specific subject matter, is to further improve and refine each student’s communication skills. Accordingly, each student’s writing and oral communication, whether in a discussion board, within weekly assignments, class exercises, comprehensive projects, etc. shall reflect the highest level of professional excellence. To meet this requirement, the student should treat all of his/her written work as if it were to be presented in a public forum on behalf of his/her school board.

That being said, there are many times when the sharing of stories about our workplaces can be informative and educational. This can add to student learning by integrating the “real-life” experiences from course colleagues. There may be times, however, when you may want to leave out specific information that would identify your employer, work colleagues, or sensitive work occurrences in current or former workplaces. It is imperative that we all treat any specific examples that are given by our course colleagues with the utmost appropriate care and concern for privacy. Lastly, students are not to share any workplace information that is protected by confidentiality laws or is otherwise prohibited.

**Disability Support Services**
If you have a physical, psychiatric, medical or learning disability that may impact on your ability to carry out assigned course work, you are encouraged to contact the staff in the Disabled Student Services office (DSS) at 631-632-6748/TTY or http://studentaffairs.stonybrook.edu/disabilityservices/ DSS will review your concerns and determine, with you, what accommodations are necessary and appropriate. All information and documentation of a disability is confidential.

**Grading Criteria:**
- A  Exemplary graduate work, worthy of sharing with a wider audience
- A-  Very good quality graduate work, some areas of improvement identified
- B+  Satisfactory graduate work with one or two important weaknesses identified
- B   Satisfactory graduate work, a major weakness identified
- B-  Does not meet criteria sufficient for graduate quality
- C   Major shortcomings
- F   Unacceptable

**Required Performance Activities and Assignments:**
1. Read all handouts and prepare for each class.

2. Case Study Analysis
Each instructor will help prepare students for the *SBL and SDL NYS School Leadership Assessments*. This will be first accomplished by supporting your instruction of topics from both building and district level perspectives. Second, each instructor must assign and evaluate a minimum of one *case study* or *work product*. The assignment must follow the format below, which is required on the SDL exam. The SDL
exam is a requirement for graduation from the EDL Program. Therefore, all instructors will be helping to prepare students in the program for this significant benchmark exam. Differences between the two certification exams can be found at: http://www.nystce.nesinc.com

For further case studies and scenarios:

Work Products want students to write a response or memo to a specific situation. They tend to ask students to do one of the following. Your assigned work product should use this “template”.

<table>
<thead>
<tr>
<th>Possibility #1:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Explain why it is important to (develop the plan, improve on…, etc.)</td>
</tr>
<tr>
<td>2. Describe 2 issues or factors to consider as you (develop the plan, etc.)</td>
</tr>
<tr>
<td>3. For each factor, what data should you analyze.</td>
</tr>
<tr>
<td>4. Why is this type of data useful in analyzing the factor.</td>
</tr>
<tr>
<td>5. Describe the appropriate role for you to play in helping to develop the plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Possibility #2:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Describe 2 important issues that must be considered.</td>
</tr>
<tr>
<td>2. Describe one strategy for improving, determining, etc…..</td>
</tr>
<tr>
<td>3. Explain why this strategy is likely to be effective.</td>
</tr>
</tbody>
</table>

Case Studies present a scenario or a series of documents and ask for student analysis which must contain specific evidence from presented material. They tend to ask students to do one of the following. Your assigned case study should use this “template”.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. What did _______________ do well.</td>
</tr>
<tr>
<td>2. What did _______________ do poorly.</td>
</tr>
<tr>
<td>3. What 3 actions _______________ should take to resolve the situation.</td>
</tr>
<tr>
<td>4. Describe why each action is likely to be effective.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Possibility #2:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Identify one strength of the ………..</td>
</tr>
<tr>
<td>2. One strategy for building on this strength.</td>
</tr>
<tr>
<td>3. Identify 2 weaknesses of the …………..</td>
</tr>
<tr>
<td>4. For each weakness design a strategy for addressing it.</td>
</tr>
<tr>
<td>5. For each strategy explain why it is likely to be effective.</td>
</tr>
</tbody>
</table>

3. Authentic Performance Activity (APA) (CEQ 528)
As candidates take courses in the Educational Leadership Program they experience authentic educational activities, called Authentic Performance Activities (APA). These APA support and rely upon the content knowledge and skills attained from each course taken in the program and are worth a particular number of hours towards the Professional Internship (PI) that occurs at the conclusion of the program. The requirements for the Authentic Performance Activities are that they be challenging, authentic and aligned to the ISLLC standards pursuant to the particular course they are embedded in. The course APA must be aligned to the ISLLC standards pursuant to the course, specifically, the content knowledge learned from this activity will reflect the knowledge needed to support student learning and development (5D, 5E, 6A, 6B and 6C).

DIRECTIONS TO THE STUDENTS FOR THE CEQ 528 APA:
You are to research a School Board policy on a specific topic related to the course. You will compare the policy to the actual practice in the school district where you work (live). You will compare the policy and practice to federal, state constitutional, statutory and regulatory provisions governing education in New
York State. Using this information write a comprehensive and informative report that highlights the following:

1. Validate or critique the policy and the consequences of decision making based upon legal and ethical principles highlighting strategies to prevent difficulties related to moral and legal issues. *(Standard 5.4 – Evaluate Moral Decisions)*

2. Explain how to apply legal principles and theories of efficacy to the promotion of educational and social equity showing the relationship between social justice, school culture, and student achievement. *(Standard 5.5 – Promote Justice)*

3. Analyze whether the School Board policy actually advocates for students, school, families and caregivers and takes into account the effect that poverty, disadvantages, and resources have on families, caregivers, communities, students, and learning. *(Standard 6.1 – Advocate for Students)*

4. Recommend a procedure for how the governing leadership at your work setting can influence local, state and national decisions on behalf of your student population within the larger political, social, economic, legal, and cultural context. *(Standard 6.2 – Influence Decisions)*

5. Recommend a procedure for how policies can be improved upon given an understanding of future issues and trends that can affect schools and how emerging leadership strategies can address trends. *(Standard 6.3 – Assess Trends)*

**SCORING DIRECTIONS:**
At the end of the course the instructor will evaluate each student within the PEP online assessment system (https://pepprod.cc.stonybrook.edu:8443/pep4/PEP-1.jsp) using a 4-point Likert scale for each of the ISLLC leadership standards appropriate to the course completed. The focus during this assessment is to determine whether each candidate has learned the appropriate content knowledge during the implementation of the Authentic Performance Activity. The level of proficiency is to be rated from 1 (Unacceptable) to 4 (Distinguished) using the accompanying rubrics as a guide for the evaluation.

**Scoring Guide:**

| ISLLC Standard #5: An education leader promotes the success of every student by acting with integrity, fairness, and in an ethical manner. |
|---|---|---|---|---|
| Standard Function | Unacceptable - 1 | Min Meets - 2 | Meets Standard - 3 | Distinguished - 4 |
| 5D. Consider and evaluate the potential moral and legal consequences of decision-making. | Candidate cannot make, explain, and/or critique decisions based upon ethical and legal principles highlighting those strategies to prevent difficulties related to moral and legal issues | Candidates can sometimes make, explain, and/or critique decisions based upon ethical and legal principles highlighting those strategies to prevent difficulties related to moral and legal issues | Candidate can make, explain, and/or critique decisions based upon ethical and legal principles highlighting those strategies to prevent difficulties related to moral and legal issues | Candidate always makes, explains, and/or critiques decisions based upon ethical and legal principles highlighting those strategies to prevent difficulties related to moral and legal issues |

| ISLLC Standard #6: An education leader promotes the success of every student by understanding, responding to, and influencing the political, social, economic, legal, and cultural context. |
|---|---|---|---|---|
| Standard Function | Unacceptable - 1 | Min Meets - 2 | Meets Standard - 3 | Distinguished - 4 |
| 6A. Advocate for children, families, | Candidate does not demonstrate the ability to explain how to apply legal principles and theories of efficacy to the promotion of educational and social equity and cannot show the relationship between social justice, school culture, and student achievement | Candidate partially demonstrates the ability to explain how to apply legal principles and theories of efficacy to the promotion of educational and social equity and sometimes shows the relationship between social justice, school culture, and student achievement | Candidate can demonstrate the ability to explain how to apply legal principles and theories of efficacy to the promotion of educational and social equity and can show the relationship between social justice, school culture, and student achievement | Candidate demonstrates a strong ability to explain how to apply legal principles and theories of efficacy to the promotion of educational and social equity and can effectively show the relationship between social justice, school culture, and student achievement. |
and caregivers.

<table>
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<th>Meets Standard - 3</th>
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<td>6B. Act to influence local, district, state, and national decisions affecting student learning.</td>
<td>Candidate does not demonstrate an understanding of how to recommend a procedure for how the governing leadership at your work setting can influence local, district, state and national decisions on behalf of your student population within the larger political, social, economic, legal, and cultural context.</td>
<td>Candidate partially demonstrates an understanding of how to recommend a procedure for how the governing leadership at your work setting can influence local, district, state and national decisions on behalf of your student population within the larger political, social, economic, legal, and cultural context.</td>
<td>Candidate can demonstrate an understanding of how to recommend a procedure for how the governing leadership at your work setting can influence local, district, state and national decisions on behalf of your student population within the larger political, social, economic, legal, and cultural context.</td>
<td>Candidate demonstrates a comprehensive understanding of how to recommend a procedure for how the governing leadership at your work setting can influence local, district, state and national decisions on behalf of your student population within the larger political, social, economic, legal, and cultural context.</td>
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<tr>
<td>6C. Assess, analyze, and anticipate emerging trends and initiatives in order to adapt leadership strategies.</td>
<td>Candidate does not demonstrate an understanding of how to recommend a procedure for how policies can be improved upon given an understanding of future issues and trends that can affect schools and how emerging leadership strategies can address trends.</td>
<td>Candidate partially demonstrates an understanding of how to recommend a procedure for how policies can be improved upon given an understanding of future issues and trends that can affect schools and how emerging leadership strategies can address trends.</td>
<td>Candidate can demonstrate an understanding of how to recommend a procedure for how policies can be improved upon given an understanding of future issues and trends that can affect schools and how emerging leadership strategies can address trends.</td>
<td>Candidate demonstrates a strong understanding of how to recommend a procedure for how policies can be improved upon given an understanding of future issues and trends that can affect schools and how emerging leadership strategies can address trends.</td>
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