**EDLD 7570**

**Legal and Ethical Issues**

**Spring 2025**

**EFLT**

College of Education

Department: Educational Foundations, Leadership and Technology (EFLT)

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**Auburn University**

**Course Syllabus**

**EDLD 7570 Legal and Ethical Issues**

1. **Course Number**: EDLD 7570

**Course Title**: **Legal and Ethical Issues**

**Credit Hours**: 3 semester hours

**Prerequisites**: Admission to AESG Master’s Program or Reduced Hr. Option Program

**Meetings: Face-to-Face (via ZOOM) – Sunday—January 26; February 23; March 23; 10am-2pm.**

2. **Date Syllabus Revised**: Spring 2025

3. **Texts/Resources**:

You will need a laptop with Internet capabilities at every session. It is your responsibility to see to it that you know how to log on to ZOOM and Canvas. Students will need to have access to PowerPoint and Word or similar software.

**Required Texts:**

Schimmel, D., Stellman, L., Conlon, C., & Fischer, L. (2015). Teachers and the Law. Upper Saddle River, NJ: Pearson ISBN: 13: 978-0-13-356446-4

You can rent an electronic textbook: <https://www.pearson.com/store/en-us/pearsonplus/p/9780137614196.html?creative=643950120687&keyword=teachers%20and%20the%20law&matchtype=p&network=g&device=c&gclid=CjwKCAiA8OmdBhAgEiwAShr404DlT01zd60SxD7eEWB_Gt1Ufr7KJOmyE7_aTRyg_c-iIU8S1w4_shoCYiEQAvD_BwE&gclsrc=aw.ds>

Copy of Relevant Alabama State Law (Statutes and Administrative Rules) for Operating Schools and Alabama Superintendents Academy (2023) *School Law Training Manual*. Download as needed. <https://uasa.ua.edu/school-law.html>

4. **Course Description**: The purpose of this course is to advance student understanding of ethical and legal provisions for education communities with emphasis on the support of and belief in the cultural value of a diverse and educated democratic society.

5. **Course Objectives:** based upon standards of knowledge (K), and ability (A) Alabama State Department of Education Instructional Leadership Standards 290-3-3-.48 (2)(a) through (2)(h).

**Course Number: EDLD 7570**

Upon completion of the course, the student will be able to:

1. (K, A) understand, appreciate, and model appropriate ethics, value systems, and moral leadership with particular attention paid to issues of diversity **2b(1-6)**
2. (K) possess knowledge of federal sources of law such as the U.S. Constitution, Bill of Rights, the Due Process Amendments; federal statutes and case law, and the Alabama Educator Code of Ethics **2b(4)**
3. (K, A) understand personnel selection, retention, and dismissal **2b(1), 2f(1), 2i(1-2)**
4. (K) analyze student rights under state and federal laws and court decisions **2b(4)**
5. (K, A) develop and administer policies that provide a safe school environment **2c(4-5)**
6. (K, A) demonstrate the ability to advocate for policies and programs that promote equitable learning opportunities for all students **2c(4-8)**
7. (K, A) analyze law and educational issues specific to the Alabama K-12 environment **2i(8)**
8. (K) demonstrate the ability to use technology in reviewing the literature and conducting research concerning ethical and legal subject matter **2j(2-3)**
9. (K, A) demonstrate reflective practices expected of administrators concerning discussions of legal issues, cases, personal beliefs, personal and professional ethics **2b(5-6)**

6**. Course Content and Schedule:**

Topics will include definitions of statute, administrative rules, policy, case law, policy development process with inclusionary practices, policy analysis examination of laws, policies related to school governance, curriculum, instruction, operations, personnel, administration, discipline; discretionary authority; content of state law; content of federal law; legal framework for public education; church-state relations; school attendance; instructional issues; school violence; students' rights; rights of students with disabilities; student discipline and due process; contracts; First Amendment and other constitutional rights; tort liability; negligence; ethics, ethical dilemmas/simulations

**Module 1- TEACHERS AND THE LEGAL SYSTEM:** Introduction, administration of course requirements, topics for semester discussions, individual assignments and group assignments

**Read Chapter 1 Teachers and the Legal System**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

statutory law constitutional law common law

jurisdiction district courts federal question

diversity of citizenship small claims courts defendant

pleadings depositions appellate jurisdiction

mediation pro se representation complaint

answer discovery document requests

arbitration plaintiff review by writ of certiorari

counterclaims interrogatories original jurisdiction

1. Describe the basic structure of the legal system in your state. Explain how the federal system intertwines and overlays it.

2. Define the legal terms listed above.

3. Explain the basic issues that should be considered in choosing whether to file a suit in state or federal court.

4. When do teachers use administrative agencies to settle disputes.

5. Describe the chronology of filing a lawsuit, from complaint through appeal.

6. Compare and contrast the value of alternative dispute resolution programs to the value of normal adversarial, litigious process.

7. Where teachers are in unions, are there grievance procedures culminating in binding arbitration? What power does an arbitrator have? Compare and contrast that power to that of the courts.

8. Explain what U.S. Constitutional Amendments are most applicable to public schools and why.

**Module 2- CHAPTER 2 DO I HAVE A CONTRACT?**

**Read Chapter 2 Do I have a contract?**

**Read p 94-111 AL Handbook Contract Rights**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS-Define**

meeting of the minds consideration legal subject matter

competent parties definite terms quasi-contract

interpret mitigate the damages injunctions

impossibility of performance damages writs of mandamus

by operation of law liquidated damages

**GUIDING QUESTIONS**

1. What are the major elements of a contract? Explain.

2. Draft a basic, first-year teacher’s contract. Explain the parts of the contract, and justify their inclusion and that of any references.

3. Outline the various options that a board or teacher has in the event of breach.

4. When may a board of education or teacher legally end a contract?

5. Compare and contrast the issue of damages versus liquidated damages and explain how the issue of mitigation could influence the awarding of damages.

6. Explain the legal consequences involved when a teacher breaches her contract.

**CHAPTER 3 HOW SECURE IS MY EMPLOYMENT?**

**Read Chapter 3 How Secure is my employment?**

**Read p111-123 AL Handbook Adverse Employment Actions**

**KEY TERMS- Define**

tenure property interest removed from office

remediable incompetency riffing

continuing contractual service good and just cause immorality

probationary teacher resignation remediation plan cause

conduct unbecoming a teacher tenure by custom liberty interest

irremediable grounds for dismissal insubordination willful neglect of duty

**GUIDING QUESTIONS**

1. Explain the general criteria used for granting teachers tenure status. Further, enumerate the specific criteria necessary to achieve tenure status in your state, and compare and contrast those to the criteria in other states.

2. Explain the usual rights teachers acquire when they achieve tenure. Additionally, explain the rights that teachers acquire when they achieve tenure in your state.

3. Explain how tenure can be broken, list the usual reasons for breaking tenure, enumerate the reasons in your state, and provide examples of each basis.

4. Explain the process which must be followed, the type of notice(s) that must be received, and the type of hearing(s) that must be held before a tenured teacher can be dismissed in your state. What types of due process are teachers entitled to?

6**.** Explain the difference between property and liberty interests, and describe their relevance to teacher dismissal proceedings.

**Module 3- CHAPTER 5 WHEN AM I LIABLE?**

**Read Chapter 5 When am I liable?**

**Read appropriate excerpts of liable from AL Handbook- Do find/search in Word for liable.**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

Torts negligence reasonable care

liable proximate cause waiver or release

contributory negligence comparative negligence nominal damages

governmental immunity assumption of risk punitive damages

rebuttable presumption educational malpractice Section 1983

compensatory damages special relationship prevailing party

clearly established impairment of reputation willful conduct

personal humiliation mental anguish and suffering sovereign immunity

negligent hiring good faith standard scope of employment

duty of care

**GUIDING QUESTIONS**

1. Explain when a teacher might be found personally liable for the injury of a student. Also, explain what action(s) a teacher might take to prevent the suit from being successful.

2. Define and explain the appropriate uses of and limitations regarding the following defenses: contributory negligence, comparative negligence, assumption of risk, and governmental immunity.

3. Explain in simple terms the weaknesses and appropriate uses for a waiver or release.

4. Describe the thinking of appeals courts as to why teachers are not usually found guilty of educational malpractice. Under what future conditions might this change?

5. Explain the concepts of "punitive damages," "compensatory damages," and "nominal damages." Give examples of when each type might be awarded and particularly the conditions under which punitive damages might apply.

6. Explain the necessity of background investigations of potential employees and the liability implications should the completion of such investigations be ignored or accomplished in a shoddy manner.

7. Explain the rights of students and teachers under Section 1983, and why this section is important if the plaintiff's constitutional rights are violated.

**CHAPTER 6 WHAT CONSTITUTES SLANDER AND LIBEL?**

**Read Chapter 6 What constitutes slander and libel?**

**Read p. 66 Libel and Slander Alabama Handbook**

**KEY TERMS-Define**

slander libel defamation

defamatory on their face qualified privilege in loco parentis

absolute privilege actual malice actions as a public official

malicious motives libelous per se

justifiable purpose conditional privilege

**GUIDING QUESTIONS**

1. Explain the difference between slander and libel and the manner in which damages are determined and the types of damages usually assessed.

2. Determine whether the following statements are defamatory on the face, and explain why that determination is more significant than statements or written information being simply defamatory.

3. Explain when the following communications would be subject to conditional privilege, qualified privilege, and absolute privilege:

a. your annual performance evaluation

b. a letter of reference by your supervisor to a potential employer

c. letter of reference you write for a student

d. reference telephone call from an employer of a past student.

e. reference telephone call from a potential employer of a neighbor child.

4. Analyze the following comment found in a student record folder to determine whether or not it could be defamatory. How might the comment be rewritten to be more acceptable?

Johnny is an extremely troubled child who comes from a broken home. He is extremely lazy, and his work is spotty. Johnny has a habit of hanging around with the wrong crowd, and always seems to be in trouble. He is bright enough but just does not seem to apply himself.

5. Are there different standards for determining liability in remarks made against a public figure as opposed to a private official? Explain the differences.

**MODULE 4-** **CHAPTER 7 HOW SHOULD I DEAL WITH CHILD ABUSE AND NEGLECT?**

**Read Chapter 7 How should I deal with child abuse and neglect?**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

child abuse child neglect physical injury exploitation

mental injury sexual molestation

immunity by law privileged communication

reasonable cause to believe or suspect qualified immunity

**GUIDING QUESTIONS**

1. Explain the reporting procedure for child abuse and neglect in this state and the penalties that one would expect to receive for failing to report suspected child abuse and neglect.

2. If you were responsible for conducting a workshop for new teachers on child abuse and neglect, what types of child abuse and neglect would you address and what physical and behavioral indicators would you sensitize your audience to most?

3. Explain why public policy concerns take precedence over privileged communication concerns for reporting child abuse and neglect.

4. Identify two physical and behavioral indicators for each of the four types of child abuse and neglect.

5. Define the above terms.

**CHAPTER 8 HOW DOES COPYRIGHT LAW AFFECT ME?**

**Read Chapter 8 How does copyright law affect me?**

**Read p. 130-134 Copyright in AL Handbook**

**KEY TERMS- Define**

copyright right of first publication common law

public domain general publication limited publication

fixed in a tangible form copyright notice joint work

inseparable or interdependent work-for-hire doctrine fair use

independent contractor brevity spontaneity

cumulative effect public performance site licenses

copyright infringement

**GUIDING QUESTIONS**

1. Define fair use for printed matter. Describe the single copy and multiple copy exceptions for teachers.

2. Explain when you may copy printed matter for use in the classroom, how many copies can be made, and how often. Further, explain the penalties for copyright infringement.

3. Explain the occasions a teacher may wish to obtain a copyright, the value of a copyright, time limits involved in obtaining a copyright, and the costs.

4. Compare and contrast the concepts of joint-work and work-for-hire and explain how these two concepts relate to ownership of copyright, especially for teachers.

5. Detail the fair use exceptions to the copyright law pertaining to libraries.

6. Compare and contrast fair use for computer software, videotape presentations and printed media. Further, enumerate the rules for videotape retention.

7. List the types of materials that are covered under copyright laws.

8. Define the above terms.

**MODULE 5 CHAPTER 9 WHEN CAN SCHOOLS RESTRICT TEACHERS’ FREEDOM OF EXPRESSION?**

**Read Chapter 9 When can schools restrict teachers’ freedom of expression?**

**Read pp 5, 72, 79, 145, 207, 211, 214 AL Handbook**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS-Define**

reasonableness test private criticism protected speech

whistle blowing vilify symbolic speech

substantive right discourteous remarks disruption

personal interest obscene arbitrary and capricious

community standards First Amendment offensive language

public interest clear and substantial threat proselytize

academic freedom procedural right

**GUIDING QUESTIONS**

1. Compare and contrast the concepts of personal interest and public interest in light of *Pickering*, *Connick*, and *Garcetti.*

2. Explain when you, as a teacher, might be punished or dismissed for publicizing your views.

3. Explain the four-step balancing test used by courts to determine when your speech is protected and when it is not.

4. Given the following scenario, respond as to whether the speech is protected or not and why:

At a public board of education meeting, the board members suggest to the administration that it may be necessary to ask for a tax rate increase in order to continue to provide the present programs and services. During the ensuing discussion, a non-tenured teacher, who is in attendance at the meeting, suggests that the board might more properly cut administrators as a way of saving money. The teacher's principal is incensed by these remarks and ultimately recommends for this reason and this reason alone that the teacher not be re-employed. The board agrees.

5. Explain the concept of whistle blowing. Explain whether or not there is such a statute in your state (or neighboring states), and outline the procedures/penalties contained in the statute.

6. Outline the basic concepts encompassed in academic freedom. Then, compare and contrast the relative amounts of academic freedom given to a teacher in the areas of controversial materials, textbooks, literary classics, religious beliefs, personnel issues, distribution of irrelevant materials, rated films and videos, and language. Does academic freedom have a different meaning in K-12 versus college classrooms?

7. Explain the rights a teacher has with reference to selection of teaching methods, grading, and educational philosophy.

8. The Supreme Court recently ruled in  *Garcetti v. Ceballos* on the protected nature of internal whistle blowing by public servants. What did the Court say? How does this impact the earlier decisions in *Pickering* and *Connick*?

**CHAPTER 10 WHEN CAN SCHOOLS RESTRICT STUDENTS’ FREEDOM OF EXPRESSION?**

**Read Chapter 10 When can schools restrict students’ freedom of expression?**

**Read pp 5, 72, 79, 145, 207, 211, 214 AL Handbook**

**KEY TERMS- Define**

reasonableness test protected speech offensive language

symbolic speech procedural right clear and substantial threat

substantive right material and substantial disruption

lewd and offensive discourteous remarks obscene

disruption test community standards First Amendment

**GUIDING QUESTIONS**

1. Explain the rights to free speech determined in *Tinker* and the ways in which they affect you as a classroom teacher on a daily basis. How is this right to free speech reconciled with “hate speech?”

2. Describe at least two recent examples of ways courts have limited the *Tinker* holding.

3. Given the following examples, determine whether the student's speech is protected or not:

a. A high school senior called the teacher a faggot.

b. The student is wearing a button which has a racial slur on it.

c. The student refers to the principal as incompetent and inept in a graduation speech.

d. A student displays a Confederate flag during a discussion of the Civil War.’

e. A student develops a “blog” website in which students are asked to rate their teachers and criticize the school administration. At school, everyone is so excited by this web site that the libraries are jammed with kids at the computers looking at the web site instead of doing their library assignments or homework.

4. Explain the conditions under which administrators and teachers may regulate student publications, either school-sponsored or underground, and those under which they may not. Is there a difference if the publications are published via websites produced by students off campus?

5. Describe how educators can regulate the contents of school sponsored publications, plays, or musical presentations.

6. Define obscene, and give examples of publications that would be considered such in your community.

**MODULE 6- CHAPTER 11 WHEN CAN SCHOOLS LIMIT RELIGIOUS FREEDOM?**

**Read Chapter 11 When can schools limit religious freedom?**

**Read Al Handbook p. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 135, 186. 187, 211, 212, 213, 218**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS-Define**

compelled expression religious garb establishment of religion

compelling state interest civil religion Lemon/Endorsement/Coercion Test

transcendental meditation excessive entanglement private speech

sectarian symbols Equal Access Act antireligion

preferred freedom conscientious objection wholly secular

silent meditation home school symbolic union

limited public forum undue hardship free exercise of religion

soIemnizing purpose nonsectarian mantra

**GUIDING QUESTIONS**

1. Explain occasions on which the courts have found differently on application of the Constitution to the conflict between the rights of teachers and students concerning religious freedom, describing why the courts have found differently.

2. What are the limitations on teacher absence from school for religious holiday observation, how often this may occur, and whether or not the teacher can expect to be paid for this leave.

3. Compare and contrast the concepts of establishment of religion and the free exercise of religion. Give two examples of an occasion on which each of these might occur during the normal school year.

4. Explain occasions on which students and teachers may be excused from the pledge to the flag and occasions on which religion may be included in the school curriculum.

5. Analyze the following scenario to determine whether the scenario will pass or fail the *Lemon* test:

Last summer a public school district had several school buildings inundated by the flood waters of the Mississippi making them uninhabitable. In order to have sufficient temporary classrooms to house students, several church buildings were rented and their education wings used as classroom space.

6. Explain if the following situations could be depicted as a religious celebration, a study of religion, or antireligious:

a. High school baccalaureate service

b. *A Christmas Carol* Presentation

c. Meditating at the beginning of the school day

d. Meditating in physical education class

e. Comparative religion course

f. Unit entitled: “The Bible as a Function of Western Culture”

g. Moment of prayer for a deceased classmate

h. Student led prayer before a school-sponsored football game.

i. A gospel concert by the school choir in a local area church.

7. Compare and contrast the concerns of exercise of religious freedom under home schooling and the compelling state interest of compulsory attendance.

8. Explain occasions on which religious literature may be distributed at school and occasions on which religious groups may or may not be excluded from using school facilities.

9. Explain the rights teachers have, if any, to participate in after-school activities conducted by religious groups for students.

**CHAPTER 12 WHEN CAN SCHOOLS LIMIT FREEDOM OF ASSOCIATION?**

**Read Chapter 12 When can schools limit freedom of association?**

**Read AL Handbook pp. 5, 51, 52, 78, 147**

**KEY TERMS- Define**

loyalty oaths positive employment oath conflict of interest

subversive organizations nepotism rules Equal Access Act

incompatibility in office political affiliation secret association

freedom of association undemocratic organizations limited public forum

organization recognition

**GUIDING QUESTIONS**

1. Draft a loyalty oath that would meet the present requirements outlined by the Supreme Court.

2. Compare and contrast situations under which a teacher would most likely be dismissed for political and social affiliations and those under which the teacher would not be dismissed, making certain to give reasons for these actions taken.

3. Given the following scenarios, explain reasons for and against the teacher’s dismissal for political and social affiliations.

* + The spouse of a young high school English teacher has played on a summer softball team for the past three years. The team consists of both young adults and students still in high school. It is the long standing custom of the team to have a beer bash after certain softball tournaments and at the end of the season. A new board of education is elected, and the board members want the administration to fire the teacher for unprofessional conduct.
  + A teacher of Arab origin is seen on C-Span at an anti-war rally in Washington, D.C. speaking forcefully for “jihad” and “personal sacrifice” in the name of the Iraqi and Palestinian people. Word in the community is that your school is harboring an “Al-Queda supporting terrorist.”

4. Explain how the Equal Access Act protects controversial student organizations, as well as limits on their protection.

5. Create a sorting game to establish what types of groups are covered by the EAA. Have students use various terms to fill in a two column chart labeled (1) covered by the EAA and (2) not covered by the EAA. Sample terms include: student-led; parent-led; teacher-led; religious student group; GLBT student group; high school; elementary school; private school (no federal funding); public school; Neo-Nazi student group.

5. Compare and contrast situations in which affiliation with partisan politics could enter into a teacher's employment, rehiring, or right to tenure.

6. Explain the concept of freedom of association as it applies to both teachers and students.

7. Describe the ability of the local board of education to regulate and/or restrict student organizations, religious organizations, gay student groups, controversial student groups, fraternities, sororities, and other undemocratic organizations.

8. Explain the rights of school administrators and boards of education to limit demonstrations and protests on school campuses.

**MODULE 7- CHAPTER 13 WHAT ARE MY RIGHTS UNDER DUE PROCESS?**

**Read Chapter 13 What are my rights under due process?**

**Read AL Handbook pp. 5, 6, 8, 53, 63, 70, 72, 116, 156, 162, 163, 174, 175, 194, 199, 200, 203, 204, 205, 206, 214**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

arbitrary unreasonable discriminatory

due process vagueness fair tribunal

substantive due process procedural due process in loco parentis

assisted by counsel Miranda rights cruel and unusual punishment

de minimis non curat lex corporal punishment strip search

probable cause reasonable suspicion suspicionless testing

exclusionary rule sniff searches

liberty interest zero tolerance

**GUIDING QUESTIONS**

1. Explain and give examples of substantive due process, procedural due process, minimal due process, and formal due process.

2. Compare and contrast the concepts found in probable cause and those found in reasonable suspicion, and describe how to conduct a proper search of a student locker and in what circumstances evidence gained might be subject to the exclusionary rule.

3. Explain in what circumstances reduction in academic grade or withholding of a diploma may be utilized as disciplinary measures.

4. Compare and contrast the rights to due process, upon termination, of tenured teachers versus those of non-tenured teachers. Explain the justification for the differences.

5. Why is punishment in school and punishment by civil authorities for the same offense not double jeopardy? Cite an example.

6. Explain the concept of in loco parentis and both the responsibility and freedom it places upon the teacher.

7. Is corporal punishment permitted in your district? If so, explain the correct procedure for administering corporal punishment. Further, explain in what circumstances corporal punishment may or may not be excessive and why it is not cruel and unusual punishment.

8. Explain the current law relating to random drug testing of students in your state and particularly how it relates to *Vernonia v. Acton* and *Board of Education v. Earls*.

9. Have students review several student handbooks to determine school system “zero tolerance” policies, noting similarities and differences. What arguments are there in support of and in opposition to “zero tolerance.” Have students construct scenarios in which “zero tolerance” policies are carried to an extreme, thus resulting in public ridicule, explaining how to avoid such policies from being used in an unintended manner. (There have been many examples provided in the press, as well as in websites devoted to school blunders, such as http://www.neoflux.com/content/horrible/.)

10. Explain the due process rights that students are entitled to in the following discipline situations: corporal punishment, suspension, and expulsion.

**CHAPTER 14 HOW FREE IS MY PERSONAL LIFE?**

**Read Chapter 14 How free is my personal life?**

**Read AL Handbook pp. 2, 11,**

**KEY TERMS-Define**

nexus immoral conduct sexual conduct

immorality profanity excessive drinking

unprofessional conduct felony misdemeanor

criminal indictment acquittal moral turpitude

reasonable accommodations vulgar or obscene misconduct in office age

discrimination statutes obesity cohabitation

Equal Protection Clause

**GUIDING QUESTIONS**

1. Compare and contrast the situations in which a teacher may be dismissed for exhibiting immoral behavior in his/her personal life. These situations include, but are not limited to, excessive drinking, use of illegal drugs, lying and homosexual behavior.

2. Compare and contrast the situations in which a teacher might be dismissed for exhibiting immoral behavior or unprofessional conduct toward students. These situations include, but are not limited to, making sexual advances, using vulgar or profane language, engaging in sexual conduct with students, and encouraging students to lie.

3. Explain the penalties that will result should a teacher be convicted of a felony in this state.

4. Explain the limits and delimits of the board of education in regulating the lifestyle of a teacher.

5. Explain the justification for the Age Discrimination in Employment Act (ADEA), and compare and contrast arguments of proponents and opponents of the Act.

6. Explain reasons for which a person protected by ADEA could lawfully be released.

7. Explain conditions under which an employee could/could not be released for the reason of citizenship, residency, or physical condition.

8. Define the terms listed above.

**MODULE 8- CHAPTER 15 ARE TEACHERS AND STUDENTS PROTECTED AGAINST RACIAL DISCRIMINATION?**

**Read Chapter 15 Are teachers and students protected against racial discrimination?**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

separate but equal racial segregation

de jure segregation de facto segregation desegregation order

resegregation cross-district plan objective criteria

demotion seniority affirmative action reverse discrimination

racial quotas EEOC affirmative action

strict scrutiny racially hostile environment compelling interest

**GUIDING QUESTIONS**

1. Explain the justification for the decision in *Brown v. Board of Education* and the intent of the Supreme Court in *Brown II.*

2. Compare and contrast the concepts of de jure and de facto segregation. Further, explain the duties of a board of education which has reached unitary status when/if resegregation occurs.

3. Describe the conditions necessary for a school to be declared a “racially hostile educational environment.”

4. Explain the use of quotas in both hiring of staff and assignment of students.

5. Compare and contrast court rulings concerning issues of seniority, tenure, and hiring of minority teachers during periods of staff reduction.

6. Explain the use of objective standardized tests in the employment and certification of teachers.

7. Explain the purpose of bussing and transfer to promote racial neutrality in both student and staff populations and within schools.

8. Describe the status of affirmative action policies and reverse discrimination claims as seen by the federal courts, including the United States Supreme Court.

9. Identify the various criteria the courts insist upon schools meeting before declaring school systems to be “unitary” and no longer subject to a desegregation order.

**CHAPTER 16 ARE TEACHERS AND STUDENTS PROTECTED AGAINST SEX DISCRIMINATION?**

**Read Chapter 16 Are teachers and students protected against sex discrimination?**

**KEY TERMS- Define**

sex discrimination disparate treatment mixed motive

conclusive presumption hostile environment ERA

Title VII disparate impact gender

sexual harassment contact sports OCR

business necessity FMLA reasonable person

employment discrimination non-contact sports deliberate indifference

equal rights amendments Title IX transgender

**GUIDING QUESTIONS**

1. Compare and contrast the conditions under which one employee may receive a pay differential over another employee of a different gender.

2. Explain the difference between the concepts of disparate treatment and disparate impact. Apply the concept of business necessity as a defense in a discrimination case.

3. Explain the remedies available to a victim of sex discrimination under Title VII.

4. Explain the limited situations in which gender may be a relevant factor in selecting an employee.

5. Compare and contrast *Gebser v. Lago* and *Davis v. Monroe* in terms of their implications for sexual harassment and schools.

6. Explain the three guidelines developed by the EEO to determine whether sexual harassment of teachers has occurred. Also describe the Supreme Court’s decision in *Franklin* and the Office for Civil Rights guidelines pertaining to employee sexual harassment of students.

7. Compare and contrast the requirements for equal access to programs under Title IX and the impact these standards have/have had on extracurricular activities. Also, explain circumstances in which women will be allowed to participate on predominately men's teams and men allowed to participate on predominately women's teams.

8. Explain in what circumstances schools may regulate admission to a specific school based upon sex.

9. Describe whether females who are permitted to participate in contact sports with male students are subject to Title IX’s protection against discrimination.

**MODULE 9-**  **CHAPTER 17 ARE THERE SPECIAL RIGHTS FOR STUDENTS WITH**

**DISABILITIES AND NON-ENGLISH-SPEAKING STUDENTS?**

**Chapter 17 Are there special rights for students with disabilities and non-English speaking students?**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

exclusion functional exclusion misclassification

P.L. 94-142 IEP IDEA

appropriate education related services due process rights

least restrictive alternative mainstreaming non-public placement

accessibility ADA bilingual education

behavior intervention plan Section 504 stay put provision

IDEA reauthorization Title VI

Rowley standard assisted technology

manifest determination extended year services

change in educational placement high stakes testing

**GUIDING QUESTIONS**

1. Explain the due process rights that the parent of a special education student has under P.L. 94-142/IDEA. In light of recent Supreme Court developments, how has the burden of proof changed in your district?

2. Compare and contrast the concepts of least restrictive educational alternative and appropriate educational opportunity.

3. Explain the purpose of the individual educational plan, the process by which it is developed, and how the IEP is related to appropriate education.

4. Explain the similarity and differences in the concepts of exclusion, functional exclusion, and misclassification.

5. Describe the issue of related services and how it is related to appropriate educational opportunity. Further, identify and explain the major issue(s) in related services.

6. Compare and contrast the issues involved in long-term suspension of students, expulsion, and change in placement

7. Describe the conditions necessary before a disabled child can be suspended for ten or more days.

8. Differentiate the concepts of program accessibility and building accessibility. Further, explain the impact of the American with Disabilities Act on schools.

9. Explain the impact of the Bilingual Education Act of 1974 and the 1988 amendments, and explain the impact of this act on your district.

**CHAPTER 18 WHO CONTROLS STUDENT RECORDS?**

**Read Chapter 18 Who controls student records?**

**KEY TERMS- Define**

FERPA Buckley Amendment education records

sole possession non-custodial parent annual notice

legitimate educational interest directory information right to know

undesirable material student grading

**GUIDING QUESTIONS**

1. Explain the justification for the Family Educational Rights and Privacy Act (FERPA). What is the policy basis for precluding individuals from suing under the terms of this law?

2. Compare and contrast the need for parents to review student information and the need for the teacher to keep information confidential.

3. List the five characteristics of FERPA, and explain any companion state laws which limit or give direction to school districts in the transferal, retention, or destruction of student records.

4. Explain the characteristics of directory information and why this information may be released without prior consent.

5. Describe the most significant aspect of FERPA, particularly as it pertains to students' behavior information.

6. List and explain the four exceptions to the consent requirement.

7. Explain the provisions of *Falvo v. Owasso* which permits students from grading one another’s work.

8. Explain the enforcement process for noncompliance outlined in FERPA.

9. Define the terms listed above.

**Module 10- CHAPTER 19 DO PARENTS HAVE CHOICES IN EDUCATING THEIR CHILDREN?**

**Read Chapter 19 Do parents have choices in educating their children?**

When you have finished all of the readings and the guiding questions for this module, please take this module’s quiz.

**KEY TERMS- Define**

Amish religious beliefs compulsory schooling compulsory attendance

home schooling equivalent voucher plans religious objections

equivalency language charter schools

moral objections social development

**GUIDING QUESTIONS**

1. Differentiate between the concepts of compulsory schooling and compulsory attendance, and explain the compulsory attendance law in this state.

2. Compare and contrast the rights of parents and the interest of the state with regard to the issue of home schooling. Then, explain the home schooling requirements in this state.

3. Describe home schooling alternatives the courts see as “equivalent” to public school instruction.

4. Describe the legal basis for and the pros and cons of charter schools and vouchers.

5. Describe the rights of boards of education to dictate curriculum and the rights of parents to protect their children from curriculum they feel is objectionable.

6. Explain the right of schools to require certain courses as prerequisites to graduation. Then, enumerate the prerequisites to graduation in this state.

7. Do homeschoolers have a right to participate in public school athletic teams?

**CHAPTER 20 WHEN CAN SCHOOLS RESTRICT PERSONAL APPEARANCE?**

**Read Chapter 20 When can schools restrict personal appearance?**

**KEY TERMS- Define**

school dress code symbolic expression personal liberty

denial of equal protection unnecessary burden grooming standards

scantily-clad unsanitary obscene

gender based classification ERA head wraps

expressive conduct gang symbols religious symbols

gender based rules

**GUIDING QUESTIONS**

1. Compare and contrast the rights of students and the rights of teachers to determine their own grooming standards. Explain the present court position concerning grooming in this jurisdiction. Compare and contrast the position of the courts concerning grooming standards and dress codes as they relate to teachers and students.

2. Explain why student hair length is a constitutional right in some jurisdictions and not others.

3. Explain why courts have recently upheld both teacher and student dress codes. Further, compare and contrast the recent decisions supporting student dress codes to earlier decisions striking them down.

4. Explain why schools can require school uniforms.

**MODULE 11- Court Cases Employee Contracts and Slander and Liability**

**MODULE 12- Child Abuse and Copyright and Teacher and Student Freedom of Expression**

**MODULE 13- Freedom of Religion and Association and Due Process and Privacy**

**MODULE 14- Discrimination against Teachers and Students**

**MODULE 15**- **Field Experience Presentations- Interview/PowerPoint presentation. See Grading Rubric**

7. **Course Requirements/Evaluation**

The course will use many cases throughout the course. These will be discussed during face to face sessions and are included as assignments under the field experience studies as readings as well as the basis for class discussion and presentation. Students will prepare and present cases for class discussion of important legal issues, relate them, if appropriate, to issues confronted by the partner school district in which they will be interning. The following four (4) activities are illustrative in nature to describe the focus of the course. Students will be expected to make class presentations in each of the four activity areas (Activity 1 through Activity 4).

**Guiding Questions.** Students are responsible for answering the Guiding Questions associated with each chapter. There are no points for this assignment. These are for you to use as you read the chapters and prepare for the quizzes.

**Quizzes.** Students are responsible to complete a quiz for each Module. Most modules cover more than one chapter. These quizzes can be retaken as many times as you wish. Quizzes vary in points, depending on the number of questions. **All quizzes total 225 pts.**

**Problem Based Project:** Students will analyze the cases given on the EDLD Court Cases Handout and used in Module 11-14. In 3 sentences you should address the issue, the outcome/decision and how it applies/use an example from your school district. These cases are critical for you to understand prior to the PRAXIS. Each Problem Based set of cases is worth 5 pt. **Due:** as stated in Canvas. See Grading Rubric. **All cases total to 35 pts**.

**Field Experience:**

**Interview/PowerPoint Presentation** the school or school district human resources/ bookkeeper/comptroller or other central office personnel regarding major concerns of school law. The following are appropriate areas to choose for discussion: teacher contracts, teacher termination, teacher right to work, libel and slander, child abuse and neglect, teacher and student freedom of expression, freedom of religion and freedom of association, racial and sex discrimination, student records, personal appearance of teachers and students, parental choice and involvement in their child’s education. You should include court cases that you have learned about while studying school law. Also explain how the topics discussed have impacted your school system. Finally, the PowerPoint presentation and any supplemental materials you produce should be professionally appealing and relevant to the interview conducted. There is no formal write-up but students are expected to complete a PowerPoint presentation based on the rubric provided in the syllabus and the description outlined above. **Due:** PowerPoint is to be posted in Canvas prior to the presentation during the last weekend class. The Interview Powerpoint presentation is worth **40 Total Pts.**

**Grading and Evaluation**

Guiding Questions 0 points

Module Quizzes 225 points

Problem Based Project Court Cases 35 points

Field Experience: Interview/PowerPoint Presentation 40 points

Total 300 points

**Grading Scale:**

**A = 270 – 300 points**

**B = 240 – 269 points**

**C = 210 – 239 points**

**D = 180 – 209 points**

**F = Below180 points**

8. **Class Policy Statements:**

A. Class Attendance/Absences:Class attendance and punctuality are expected and required. If class and/or assignments are missed, only University-approved excuses as outlined in the Tiger Cub will be allowed (student illness or family member’s serious illness documented with doctor’s verification; immediate family member’s death with appropriate verification; religious holidays with written request; subpoena for court appearance; AU sponsored trips with pre-approval; professor-approved). Arrangement to make-up the work must be initiated by the student and *whenever possible, made in advance.* If assignments are missed due to illness, a doctor’s statement for verification of sickness should be given to the instructor the day the student returns to class. Other unavoidable absences from campus and class must be documented and cleared with the instructor **in advance.** Unexcused absences will result in missed opportunities to earn participation points. Any class missed for excused absence, which is approved as above, will be given alternative assignment(s) for the missed face to face session.

B. Students are responsible for initiating arrangements for missed work due to excused absences. If arrangements for makeup work are not made prior to the student’s absence, then the student must contact the professor to make arrangements within a week from the student’s absence. Neglecting to contact the professor within a week to makeup missed work may result in a zero for the missed work.

C. Make-up exams will be given only for University-approved excuses as outlined in the Tiger Cub. Arrangements must be made in advance. Unavoidable absences for class must be documented and cleared with the instructor in advance.

D. Late work: Work for this class should be turned in on time. Without prior permission from the instructor to turn an assignment in late, a grade reduction of ten points per day late will be the consequence. Permission to turn in assignments late will be granted on very rare occasions.

E. Accommodations: Students who need accommodations are asked to arrange a meeting during office hours the first week of classes, or as soon as possible if accommodations are needed immediately. If you have a conflict with my office hours, an alternative time can be arranged. To set up this meeting, please contact me by e-mail at [rlp0004@auburn.edu](mailto:rlp0004@auburn.edu) . Bring a copy of your Accommodation Memo and an Instructor Verification Form to the meeting. If you do not have an Accommodation Memo but need accommodations, make an appointment with the Program for Students with Disabilities at 1244 Haley Center, 844-2096 (V/TT).

1. Honesty Code: All portions of the Auburn University Honesty Code and the Tiger Cub Rules and Regulations pertaining to Cheating will apply to this class. *Please note that copying and/or pasting other individuals’ work and then presenting it as your own is considered plagiarism and is in direct violation of the Honesty Code. Violations of the Honesty Code may result in a zero for the assignment, a failing grade for the course, suspension and/or expulsion from the university.*
2. *Written assignments that include material that is similar to that from course reading materials or other sources should include a citation including source, author, and page number. Quotation marks should be used if the material is copied directly from the readings and text citations should be used (Author, year, page). If the material is paraphrased, (Author, year) should appear immediately following the paraphrased material. Failing to do so constitutes violation of the Auburn University Academic Honesty Code. In addition, written assignments that are similar or identical to those of other students in the class (past or present) is also a violation of the Code. Violations of the Auburn University Academic Honesty Code will be treated according to university policy. Rewriting and resubmission is not an option.* ***Finally, you may not submit the work of someone else or work that you have submitted for another class to satisfy a requirement of EDLD 7530/7536.***

***From Tiger Cub:***

***Academic Honor Code Violations:*** *Violations of the Auburn University Academic Honesty Code are: (1) The possession, receipt, or use of any material or assistance not authorized in the preparation of any essay, laboratory report, examination, or class assignment, to be submitted for credit as a part of a course or to be submitted in fulfillment of a university requirement. The possession, receipt, or use of unauthorized material while an exam or quiz is in progress, or cheating, will be a violation of the Code; (2) knowingly giving assistance to another person in such preparation; (3) selling, giving, lending, or otherwise furnishing to any other person any material which can be shown to contain the questions or answers to any examination scheduled to be given at some subsequent date in any course of study, excluding questions and answers from tests previously administered and returned to a student by the instructor; (4) the submission of themes, essays, term papers, design projects, theses and projects, similar requirements or parts thereof that are not the work of the student submitting them. In the case of a graduate thesis or project, submission is defined as the time at which the first complete draft of such is submitted to the major professor for review. When direct quotations are used, they must be indicated, and when the ideas of another are incorporated into a paper, they must be appropriately acknowledged. Plagiarism is a violation. In starkest terms, plagiarism is stealing - using the words or ideas of another as if they were one’s own. For example, if another person’s complete sentence, syntax, key words, or the specific or unique ideas and information are used, one must give that person credit through proper documentation or recognition, as through the use of footnotes; (5) altering or attempting to alter an assigned grade on any official Auburn University record. This violation may also be subject to review and action by the University Discipline Committee; (6) an instructor may delineate in advance and in writing other actions he or she considers a violation of the Code. For example, the teacher may consider dishonest or unethical the submission of papers substantially the same in content for credit in more than one course, unless specific permission has been given in advance. Actions so delineated must be reasonable and in the spirit of the Student Academic Honesty Code; (7) altering or misusing a document (e.g., university forms, infirmary or doctor’s excuse) for academic purposes. Associated violations may be referred by the Associate Provost for additional review and action by the University Discipline Committee; (8) knowingly submitting a paper, report, examination, or any class assignment which has been altered or corrected, in part or in whole, for reevaluation or re-grading without the consent of the instructor; and (9) serving as or enlisting the assistance of another as a substitute in the taking of examinations.*

***SANCTIONS:*** *The following sanctions may be imposed for violation of the Student Academic Honesty Code by the Provost upon recommendation of the Academic Honesty Committee: (1) a grade of F in the course in which the violation occurs, with the notation "assigned for academic dishonesty" being placed on the transcript for a designated length of time, and the grade of F being reported to both the dean of the college or school in which the student is registered and the Office of the Provost; (2) a zero grade on the examination, project, paper, etc. with written notification to the dean of the college or school in which the student is registered; (3) suspension from Auburn University for a stated period of time during which the student will not be allowed to take any courses at Auburn University either in residence or by correspondence. Auburn University will not accept any credit for work earned at another institution during suspension. If the student has previously been subjected to sanctions for violations of the student academic honesty code, the minimum sanction will be suspension; and (4) expulsion from Auburn University.*

G. Professionalism: As faculty, staff and students interact in professional settings; they are expected to demonstrate professional behaviors as defined in the College’s conceptual framework. These professional commitments or dispositions are listed below:

* Engage in responsible and ethical professional practices
* Contribute to collaborative learning communities
* Demonstrate a commitment to diversity
* Model and nurture intellectual vitality

H. Justification for Graduate Credit: A school leader has the responsibility to guide his or her learning community through the improvement process and to communicate the school’s plan for improvement to its stakeholders. This course will prepare students to identify issues in relevant and current reports and policies as well as explore the knowledge base to determine the extent to which the initiatives are supported by research.

**Problem Based Project**

**EDLD 7570/7576 Law Case Rubric**

Student \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following rubric will be used to determine grade for each SET of cases. It is an overall grade determined by your answers for the total cases assigned in each module.

Legal issues 0…..1…..2

Outcome 0…..1…..2

Example/Application in school district 0…..1

Total Points \_\_\_\_\_\_\_\_\_\_/5

**EDLD 7570/7576 Interview PowerPoint Presentation Rubric**

Student:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Overview of major legal issues discussed (see list of possible

topics on course syllabus 0 1 2 3 4 5 6 7 8 9 10

Applicable court case alignment with topics 0 1 2 3 4 5 6 7 8 9 10

Explanation of Impact on school system 0 1 2 3 4 5 6 7 8 9 10

Visuals 0 1 2 3 4 5 6 7 8 9 10

Total Points \_\_\_\_\_\_\_\_\_\_/40 pts.