

**EDLD 820**  
**Legal Issues & Ethics in Educational Organizations**

**Nathan Roberts**  
**Associate Professor**  
**(337) 482-5264 (Office)**  
**[nroberts@louisiana.edu](mailto:nroberts@louisiana.edu)**  
**207 Foster Hall**

**Office Hours** by chance & appointment.

**Required Text and Materials**

Kern Alexander and David Alexander, American Public School Law. (Sixth Edition) St. Paul, Minnesota: West Publishing Company, 2005.

Supplementary materials may be handed out in class or identified on the web.

Arrive for class with a sense of humor, open mind, belief in children and respect for others.

Website for statutes [www.legis.state.la.us](http://www.legis.state.la.us)

**Course Overview:**

Public education is at the center of both state and national politics and is of ever increasing interest to policy makers as well as the public at large. As the traditional education system in this country continues to “reinvent” itself, it is not surprising that state and federal courts at all levels are actively hearing school related issues. The increasing legislative and judicial activity in public education issues has resulted in a body of law that is rapidly evolving.

Legal Issues and Ethics in Educational Organizations is a course that covers constitutional, statutory, and common law principles common to all public k-12 education systems within the United States. Included in the applicable law are a variety of substantive legal areas—e.g., torts, contracts, administrative law, and constitutional rights. Because of limited time, the course will not cover property issues in public schools, financing of public education or collective bargaining. This course will be taught via compressed video except for the first (January 28, 2008) and the report presentation class (April 21) which will be held at the Southeastern University Nursing Center in Baton Rouge. Further, this course is being taught at the same time as Dr. Lane’s EDLD 823 class; however, the courses can both be scheduled as Dr. Lane’s class is conducted online.

The course material is presented primarily through case discussion. You will be evaluated on class preparation and participation as well as performance on the three assignments. There is a midterm, but no final exam.

**Course Goals and Objectives:**

The goal of this course is to provide you with the knowledge and skills necessary to identify the legal issues concerning the operation and management of public primary and secondary schools within the United States and the legal standards to apply in resolving disputes concerning public education. Louisiana school law is not the focus of the course; however, you will have the opportunity to explore state education law in completion of two of the assignments. If you are planning to practice in another state, please feel free to focus on education law applicable to another state in the first assignment.

The specific objectives of the course are that students will achieve:

An understanding of the historical development of the American public education system and an appreciation of the legal implications in current educational debates—e.g., high stakes testing, teaching of creationism/intelligent design vs. evolution, religion in the schools, free speech rights of students and other student rights. (Program goals 1,2,3,4,6)

A thorough knowledge of the constitutional (primarily 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> amendments) and federal statutory law (e.g., NCLB, IDEA, Section 504, Title IX) relevant to public schools. (Program goals 1,2,3,4,6)

Demonstrated ability to research National and Louisiana specific school law by completion of a paper summarizing an issue of choice. (Program goals 1,2,3,4,6,8)

Developed skills in “advising” school boards/superintendents by conducting research and making a presentation on an assigned legal issue as part of a group. (Program goals 1,2,3,4,6,8)

Demonstrated ability to understand school law issues and apply them to real world situations by completing a take home midterm examination that requires you to analyze legal issues and apply them to school system scenarios. (Program goals 1,2,3,4,6,8)

### **Course Requirements:**

**Readings:** The text is American Public School Law (6th ed.) by Alexander and Alexander (West Thomson Learning, 2005). It is not the ideal text but still the best choice out there. The major drawbacks are the extensive (in some cases) editing of the opinions and the lack of minority opinions. What it does well is provide an introduction to the multiple issues in public school law. To rectify some of the deficits, we may be supplementing the textbook with additional case law, minority opinions in selected cases, and a few other readings. I expect that you will have read the assignment prior to class and are prepared to discuss the cases.

The reading assignments are listed at the end of the syllabus. The cases listed are ones that will be the focus of class discussion. Those with an asterisk (\*) are not in the text; you will need to locate on computer database or in the appropriate reporter.

My goal is to stay on schedule; however, the size of the class, speakers’ schedules and new case law may require some changes. I do recognize the havoc this can create for your time management and will do my best to minimize it.

Class Participation: You are expected to actively participate in class discussions. Because participation requires attendance, please contact me immediately if personal circumstances create attendance problems. If you believe you will miss more than two (2) classes you should consider scheduling this class another semester.

Midterm take home exam: Complete the midterm examination. The midterm examination covers hypothetical school situations similar to those faced by school district administrators on a daily basis. Students will identify the legal issues, cite appropriate law and apply the corresponding legal principles and determine the appropriate response. You will have one week to complete the exam.

Written Assignment: Your written assignment is to identify an issue in school law that interests you, narrow it if necessary to meet the page limitation, and write a summary of the National and Louisiana law on the topic. This means that you will probably need to research both state and federal law. As an example—let's say you are particularly interested in 4<sup>th</sup> amendment issues in schools, particularly privacy rights of students who participate in extracurricular activities in high school. Your specific question might be "Do Louisiana state students participating in extracurricular activities in high school have constitutional rights to be free from random urine tests?" Your research should be presented in a memorandum or a letter to your superintendent. Students can research such topics as inequities in public school financing, the least restrictive mandate in special education, teacher dismissal for sexual misconduct with students, and constitutional limitations on charter schools in Louisiana.

Please clear your topic with me via an email message by February 18. The paper should be no more than 10 pages double spaced. Citations should follow the APA or Harvard Blue Book. The assignment is due on May 5; if you are sending it electronically, I must receive it before 5:00 p.m. Late submittals (via email or hardcopy) will be graded one-letter lower.

If you are willing to share your work with others, please let me know that when you turn in the assignment (send an electronic copy) and I will have those papers posted on Moodle.

#### Group Assignment/Presentations:

For this assignment, we will form small groups (size dependent on the number of students in class but approximately 4-5 in a group). Each group represents a leadership team at a school district. Each group will be given a hypothetical legal query from a Louisiana school superintendent/school board—issues that superintendents in Louisiana have dealt with. The job of the group is to do the necessary research, write a 2-4 page summary of the findings including a recommendation to the superintendent/school board, and then prepare a presentation for the school board—aka your classmates and me. Your classmates and I will be responsible for responding to your presentations with questions, concerns, etc. Presentations will be given during the class on April 21 at the Southeastern Louisiana University Nursing Center.

There are two grades given for the group assignment—a group and an individual grade. Each member of the group is given the same grade for the written summary, presentation and response to audience inquiries. It is worth 30 of the total 40 points

possible for this group assignment. Part of the challenge is to be sure that all individuals are contributing to the final product in a way that feels "fair" to all members of the group. How each group divides the work is up to the members. If there is an issue of individual member performance, please try to resolve it. If that is impossible, a group can ask a member to leave the group in which case that individual needs to see me about an individual assignment.

The other grade is individual to each member of the group and is worth 10 points. The individual grade is given for completion of the Group Process Report which is turned in with the presentation. The report is your individual assessment of how your group tackled the assignment—i.e., how was the work divided, did you think all members contributed equally to the assignment, how did you deal with any slackers or controllers in the group if you had those problems. In essence it is a one page narrative summary of the experience.

Grading: The grade is based on the following: 1) class preparation and participation [10 pts], 2) the midterm examination [50], 3) the written assignment [50 pts] and 4) the group assignment [40 pts]. Total points 150. A= 135-150; B = 120-134; C = 105-119; D = 90-104.

### **Special Opportunity:**

Each year the Education Law Association hosts a national conference, generally in November. The conference is attended by school attorneys, school administrators and higher education school law professors. There are numerous breakout sessions to attend. This conference is an excellent opportunity to learn about various school law issues, meet professors and administrators interested in school law and hopefully present a paper on school law. Dr. Lane and I are both members and generally attend each year. In 2008, the conference will be held in San Antonio, Texas. The deadline to submit proposals is February 15, 2008. I believe this conference would be an excellent opportunity for students to present to a national audience and to become involved in national discussions. Accordingly, I plan to take all interested students to the conference to either attend or present (including those in the Fall 2008 class). The registration cost to attend is about \$110 for students and then there will be hotel and travel costs involved (I plan to drive over with those interested). We will discuss this strictly voluntary opportunity in more detail during the first class meeting in Baton Rouge on January 28. For more information on the Education Law Association and the 54<sup>th</sup> Annual Conference go to <http://www.educationlaw.org>

## **SCHEDULE AND READING ASSIGNMENTS (Subject to change)**

January 28 – Meet in Baton Rouge  
Discuss syllabus, assignments, format, activities, caselaw and legal terms.  
Read pages 1-20 in the text.

February 4 -- Mardi Gras Holiday

February 11 – Church & State (Chapter 5)

February 18 – Student Free Speech (Chapter 8) (Bong hits 4 Jesus article on Moodle)  
(Topics for paper due).

February 25 – Search & Seizure and student due process (Chapter 9)

March 3 – Curriculum (Chapter 7)

March 10 – Teacher rights (Chapters 14-15)

March 17 – Title IX & Sexual harassment (Chapter 17 & pages 461-483) (Midterm exam  
handed out and reviewed).

March 24 -- Spring Break

March 31 – Torts (Chapter 11) Return exams

April 7 – Charter schools and vouchers

April 14 – Special education and “504” (Chapter 10)

April 21 – Baton Rouge Presentations

April 28 – no class

May 5 – Final papers due