

LOYOLA UNIVERSITY CHICAGO
School of Education
Department of Leadership, Foundations, and Counseling Psychology

ISSUES IN SCHOOL LAW

ELPS 461 Section_____

Professionalism in Service of Social Justice:
Service, Skills, Knowledge, Ethics

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OFFICE HOURS: Before and after class or by appointment

Course Description:

Research indicates school administrators describe their positions as having significant law-related aspects. However, they also report that heretofore they have had little preparation for the legal issues they are required to address. Building wide and District wide administration requires sound analysis of legal principals as they apply to the school law issues addressed by administrators. This course assumes the participants have had ELPS #463 Teacher and the Law.

This course provides prospective school administrator with an overview of the legal system as it impacts school operations. Its topics include: school discipline, review of state and federal statutory governance issues, church/state issues, negligence, control of curriculum, searches, speech and expression, and school board governance.

Prerequisites for Type 75 certification/Masters' degree:
None

Conceptual Framework:

Loyola University Chicago's School of Education has adopted and embraced the conceptual framework: Professionalism in the Service of Social Justice. We will utilize this conceptual framework as a basis for the direction of this course. The nature and development of service, skills, and knowledge, within the context of an ethical environment in schools, are essential components to school decision making and will be presented in this course.

Course Objectives:

As a result of this course the student will be able to:

- * Demonstrate an understanding of the legal issues impacting school operations

- * Understand federal, state, and local statutory and regulatory provisions and judicial decisions governing education

- * Comprehend parents' rights, including the right to an independent evaluation and use of that evaluation by special education multidisciplinary team.
- * Treat people fairly, equitably and with dignity and respect and protects the rights and confidentiality of others
- * Understand the law as it relates to education
- * Understand state and federal requirements regarding special education for children ages 3-21 yrs. and infants and toddlers
- * Will be aware of local operational policies and procedures
- * Apply common law and contractual requirements and procedures in an educational setting
- * Consider the general characteristics of internal and external political systems as they apply to school settings
- * Act with reasoned understanding of the legal influences affecting education
- * Analyze the law with its implications to the school setting

Required Texts:

Educational Policy and the Law by Mark G. Yudof, David L. Kirp, Betsy Levin & Rachel F. Moran, West/Thomson Learning Publishers, 4th ed.

WEBSITES FOR REVIEW AND ACCESS TO STATE LAW AND POLICY:

Illinois State Board of Education Website: www.isbe.state.il.us

U.S. Office of Education Website: www.ed.gov/

Course Requirements:

1. Attendance and Participation

Regular attendance, class preparation and class participation are required. Communication and interaction in class on issues are essential. Further, as a necessary part of the course, the students will be provided with case studies wherein their analysis and thinking processes to address these case studies are an integral part of the objectives of the course. A fortiori, regular attendance, preparation and participation are necessary.

2. Weekly Examination and Analysis of Readings

The readings have been provided to the students in advance so that they may prepare for class. This preparation is a pre-condition to the class because the lectures assume the students have read the material and thus, take the students not only through the material but beyond its content to application in the school setting. Thus, readings will be analyzed and students will be examined regarding these readings in the context of the assigned class.

3. Case Analysis

Within the assigned chapter readings are cases which students are required to read and prepare for class analysis. Students will be provided initial introduction to case analysis and then will be required to do this analysis in class and apply the cases to real school issues.

NCATE 1.3, 6.2, 6.4, 10.2, 10.2, 11.1, 11.2, 11.3, 11.5, 11.7/ISBE Principal Standards 1-6

4. Field Study

Students are required to complete two field studies as a component of this course.

One field study requires attending a school board meeting and writing a report related to that visit.

The second field study involves conducting a tort walk in the context of school leadership. The tort walk field study has three aspects: (1) the tort walk; (2) research in the field, including online research; and, (3) the report of information gleaned as a result of the study. This field study comprises the midterm grade for the students in this class. It has as its purpose to meld theory and practice within the school setting and help students envision how legal aspects of schooling are handled. The papers are required to be submitted at the end of the semester. Papers will be graded with (+), (), or (-).

NCATE 2.3, 6.2, 6.3, 7.1, 7.2, 11.6,12.2/ISBE Principal Standards 1, 2FF

6. State Standard Report

Each student will be assigned a state standard from which they are required to find an academic book related to that standard, write an extensive and analytical paper on the application of the book's themes to the state standard from the perspective of the school leader, and present an oral report to the class related to the book's themes as they relate to the state standard. NCATE Standards 1,2,3,6,7,9,10,11,12/ISBE Principal Standards 1-6

Classroom Activities:

1. Students will be required to analyze materials and cases presented in the assigned readings and glean from them key legal aspects to schools and how these should be handled. Students will be asked to identify what the law is and how it applies in the school setting. They will be required to think through how an administrator would handle these issues in the school setting.

NCATE 1.6,1.7, 6.2,10.1, 11/ISBE

2. After students review the reading materials and they are analyzed, students will be provided with a real life scenarios and asked to apply the assigned readings to a real problem. Then they will be asked to work through the issues generated by the real problem and seek solutions and methods of handling the situations. All students will be asked to participate in this endeavor. The real life scenarios will be presented weekly.

NCATE 10.6, 11, /ISBE Principal Standards 1-6

3. Students will be required to examine, when appropriate, what preventive measures administrators can take to avoid legal liability and enhance the safety and effectiveness of the school environment. This would include holding meetings with appropriate constituencies, such as the school board, or parents, developing protocols for institutionalization within the school, such as school handbooks listing school policies, and institutionalizing modes of conduct by faculty and staff that would comply with legal mandates.

NCATE 1.1,1.2,1.4,1.5, 2.1, 2.2, 3.1, 10.3,11/ISBE

Course Evaluation:

Students will be evaluated on the following: attendance and participation; weekly analysis of readings; two field studies; state standard paper and oral presentation.

Each student is obligated to prepare for class in advance of the daily reading assignment and participate fully in class discussions. Each student must endeavor to analyze the weekly readings and case studies presented. Each student will also be expected to complete a field study and submit a concomitant report. The passing of a final examination is mandatory.

Grading Policy: Grades will be determined as follows: 25% of the student's grade will be based upon class preparation and participation; 30% of the student's grade will be based upon his/her field studies and reports, 10% for the School Board Report and 20% for the Tort Walk Report; 45% of the student's grade will be based upon the state standard paper and oral presentation .

Attendance Policy: Attendance will be taken. Class participation is required and counts significantly in your grade. You are responsible for all work presented and securing all handouts. Your final grade may be affected by significant unexcused absences.

Academic Honesty

Academic honesty is an expression of interpersonal justice, responsibility and care, applicable to Loyola University faculty, students, and staff, which demands that the pursuit of knowledge in the university community be carried out with sincerity and integrity.

Academic dishonesty is one of several possible reasons why a student may be dismissed from the Graduate School of Education. For specific policies and procedures see:

http://www.luc.edu/education/academics_policies.shtml#honesty

Accessibility

Students who have disabilities which they believe entitle them to accommodations under the Americans with Disabilities Act should register with the Services for Students with Disabilities (SSWD) office. To request accommodations, students must schedule an appointment with an SSWD coordinator. Students should contact SSWD at least four weeks before their first semester or term at Loyola. Returning students should schedule an appointment within the first two weeks of the semester or term. More information is available at:

<http://www.luc.edu/sswd/register.shtml>

Harassment

It is unacceptable and a violation of university policy to harass, discriminate against or abuse any person because of his or her race, color, national origin, gender, sexual orientation, disability, religion, age or any other characteristic protected by applicable law. Such behavior threatens to destroy the environment of tolerance and mutual respect that must prevail for this university to fulfill its educational and health care mission. For this reason, every incident of harassment, discrimination or abuse undermines the aspirations and attacks the ideals of our community. For specific definitions of discrimination, abuse, and harassment refer p. 25-26 in the Loyola University Chicago Student Handbook, located at:

<http://www.luc.edu/studentaffairs/pdfs/LoyolaStudentHandbook2006.pdf>

If you believe you are subject to such harassment, you should notify your instructor. If you believe you are subject to harassment by your instructor, contact the Associate Dean of Academic Affairs at 312-915-6464.

Diversity

In concert with the mission statement and conceptual framework for the School of Education, faculty, academic activities and learning environments will be sensitive to and driven by awareness of and respect for individual, cultural, social, and economic diversity. In this course, this is exemplified through analysis of a school's characteristics and environment, the community in which it functions and the governmental entities which impact it. Students will further learn their constituencies through Field Study and gathering data. This in turn will enable students to develop sensitivity for, respectfulness of, and strategies to address diversity issues they will encounter as school leaders.

Students with Disabilities

Students with disabilities are fully included in this course. If you have a documented disabilities and wish to discuss academic accommodations, you must share that information with me and contact the Office of Student Life at Lakeshore Campus within the first week of the semester.

Technology

This course acknowledges and addresses the belief that the concept of technology for administrators of the twenty-first century is multi-dimensional. Thus, in addition to demonstrating personal competencies in technology and telecommunication, professional leaders of education must have functional skills in use of current technologies in school management. Students in this course are asked to carry out research both online and through other sources and incorporate this research in their Field Study Reports. Some websites are proffered to students for initial inquiry. NCATE 9.1,9.2,9.3,ISBE Principal Standards 2 and 3

COURSE OUTLINE

TOPICS	TOPIC	READINGS
1	Management and Control of schools, the legislative authority to create schools, to provide for school governance, and to provide funding.	Introductory Lecture
2	Reading and understanding case Law and statutes Compulsory Attendance	pgs. 18-19 56-59 855-871
3	Church/State issues in schools Students bring school policy	pgs/98-107 110-116 127-140 143-150 939-995

4	Negligence in the School Tort Walk Checklist	Lecture
5	School Board Governance	pgs./ 882-911
6	Discrimination and <i>Brown</i>	Lecture Chapter 6
7	Discipline: Due Process, Alternate Disciplinary actions	pgs. 325-362
8	Discipline continued: Examination of School Policy	School to Prison Pipeline
9	Searches: 4 th Amend.	Pgs. 308-325
10	Teacher Hiring/Dismissal	Lecture Statute
11	IDEA, 2004	Lecture/case study
12	Conflict Resolution	Lecture and Exercise
13	IDEA Part C	Lecture/Case study

SUPPLEMENTAL READING LIST:

Goldstein, Stephen R. and E. Gordon Gee. (1980). Law and Public Education. New York: The Michie Bobbs-Merrill Company, Inc.

Yudof, Mark G., David L. Kirp, Betsy Levin, and Rachel F. Moran. (1992). Educational Policy and the Law. United States: West Thomson Learning.

For the purpose of this assignment, a tort walk is the exercise of a student applying the elements of a cause of action for negligence in varied arenas in a school district involving student supervision and equipment. The elements of the cause of action of tort liability are: duty of care, breach of duty, proximate cause, and damage. **For this assignment, you are prohibited from identifying any specific individuals, the school or school district. All data must be anonymous and stripped of identifying markers.**

The arenas that an educational leader must examine are the following:

1. classrooms,
2. hallways,
3. playground/recess area,
4. lunchroom,
5. before school,
6. after school,
7. field trips,
8. bus and/or parent transportation,
9. science classroom or lab,
10. physical education class; and
11. shop/tech/art class.

Supervision of students is defined as teacher/adult supervision by school personnel. Equipment issues incorporate: distribution of materials, class assigned equipment, fixed school equipment, and moveable school equipment having student exposure.

Part I

You will perform a tort walk at two school buildings within one school district. For each building you will:

1. obtain permission from the building principal
2. visit each prescribed school arena as listed above
3. determine whether both supervision and equipment for each of the aforementioned 11 arenas is acceptable or shows need for improvement. (Acceptable means “acceptable within the framework of federal and state law”; need for improvement means “inconsistent or in violation of federal and state law.”)

Part II

Following the tort walk in two separate buildings within one school district, prepare and submit a comprehensive analysis research paper that includes the following aspects.

Using knowledge gained in class, define three legal issues that you observed during your tort walks around the 11 school arenas. These three legal issues may be defined as acceptable or need for improvement. For each of these three issues respond to the following:

Section 1

1. Conduct research related to legal aspects of these identified issues. You must use at least five sources. (Ex. case law, statutes, journal articles, book chapters, newspaper descriptions, and/or the internet.)
2. Apply this research to your tort walk observations in the field. (ELCC 6.1.f., 6.2.b.)
3. Draw conclusions regarding best district-wide practice, strategies and policies.
4. Develop a plan for improvement that would create model policy for the district. (ELCC 6.2.b.)
5. Ensure that the practices, strategies and policies you create incorporate social justice considerations and reflect integrity, fairness, and ethical principles. (ELCC 5.1.a., 5.2.a., 5.3.a.)

Section 2

Now that you have developed practices, strategies and policies, it is necessary to create an inclusive, collaborative process to communicate and implement these suggested changes. Describe this process with consideration for the following:

- 1) How will you ensure that community values and priorities are reflected in the process? (ELCC 4.1.e.)
- 2) How will you communicate these changes to the wider community and continue the process to encourage on-going reviews ? (ELCC 3.2.c.)
- 3) Giving priority to student learning and safety, and with an understanding of district budgeting processes and fiduciary responsibilities, how will you monitor the effective organization of fiscal, human, and material resources within the school/district? (ELCC 3.1.b.)
- 4) How might you ensure that adequate financial resources are allocated equitably for the district? (ELCC 3.3.c.)
- 5) What activities might you engage in that reflect an ability to inform district decision-making by collecting and organizing formal and informal information from multiple stakeholders? (ELCC 4.2.a.)
- 6) What considerations will be given for students with special and exceptional needs? (ELCC 4.2.e.)
- 7) Are there ways to use public resources and funds that would encourage communities to provide new resources to address emerging student problems? (ELCC 4.3.c.)

What communication methods can be used to develop lines of communication with local, state, and federal authorities that actively advocate for improved policies, laws, and regulations affecting a specific district, both directly and through organizations representing schools, educators, or others.

TORT WALK CHECKLIST

ARENAS OF SCHOOL

ACCEPTABLE

NEED FOR
IMPROVEMENT

Classroom supervision

Hallways

Recess

Lunchroom

Before School

After School

Field Trips

Bus Ride/Transportation

TORT WALK CHECK LIST

ARENAS OF SCHOOL

ACCEPTABLE

NEED FOR IMPROVEMENT

Science Class

PE Class

Shop/Tech/Art Class

Playground Equipment

Score	Standard/Element	Target (3)	Acceptable (2)
	ELCC 3.1.b. (<i>Manage the Organization</i>) Candidates demonstrate effective organization of fiscal, human, and material resources, giving priority to student learning and safety, and demonstrating an understanding of district budgeting processes and fiduciary responsibilities. ISBE 3F Loyola CF2	Analysis demonstrates the ability to effectively organize fiscal, human, and material resources, giving priority to student learning and safety, and demonstrating an understanding of district budgeting processes and fiduciary responsibilities.	Analysis demonstrates the ability to organize fiscal, human, and material resources, giving priority to student learning and safety with some understanding of district budgeting processes and fiduciary responsibilities.
	ELCC 3.2.c. (<i>Manage Operations</i>) Candidates develop staff communication plans for integrating district's schools and divisions. ISBE 3Q	Analysis describes the development of staff communication plans for integrating district schools and divisions.	Analysis proposes the use of a staff communication plan for integrating district schools and divisions.
	ELCC 3.3.c. (<i>Manage Resources</i>) Candidates apply an understanding of school district finance structures and models to ensure that adequate financial resources are allocated equitably for the district. ISBE 3D	Analysis demonstrates an understanding of school district finance structures and models to ensure that adequate financial resources are allocated equitably for the district.	Analysis demonstrates an understanding of school district finance structures and models to ensure that resources are allocated for the district.
	ELCC 4.1.e. (<i>Collaborate with Families and Other Community Members</i>) Candidates demonstrate the ability to involve community members, groups, and other stakeholders in district decision-making, reflecting an understanding of strategies to capitalize on the district's integral role in the larger community. ISBE 4J	Analysis demonstrates the ability to involve community members, groups, and other stakeholders in district decision-making, reflecting an understanding of strategies to capitalize on the district's integral role in the larger community.	Analysis demonstrates the ability to involve community members, groups, and other stakeholders in district decision-making, reflecting an understanding of the district's integral role in the larger community.
	ELCC 4.2.a.. (<i>Respond to Community Interests and Needs</i>) Candidates facilitate and engage in activities that reflect an ability to inform district decision-making by collecting and organizing formal and informal information from multiple stakeholders. ISBE 4K	Analysis describes the ability to facilitate and engage in activities that reflect an ability to inform district decision-making by collecting and organizing formal and informal information from multiple stakeholders.	Analysis describes the ability to engage in activities that reflect an ability to inform district decision-making by collecting and organizing formal and informal information from multiple stakeholders.
	ELCC 4.2.e. (<i>Respond to Community Interests and Needs</i>) Candidates demonstrate the ability to advocate for students with special and exceptional needs. ISBE 4A	Analysis demonstrates the ability to advocate for students with special and exceptional needs.	Analysis gives some consideration for students with special and exceptional needs.
	ELCC 4.3.c. (<i>Mobilize Community Resources</i>) Candidates demonstrate an understanding of ways to use public resources and funds	Analysis demonstrates an understanding of ways to use public resources and funds appropriately and effectively to	Analysis demonstrates an understanding of ways to use public resources and funds to encourage

	appropriately and effectively to encourage communities to provide new resources to address emerging student problems. ISBE 3O	encourage communities to provide new resources to address emerging student problems.	communities to provide new resources to address emerging student problems.
	ELCC 5.1.a.. (<i>Acts with Integrity</i>) Candidates demonstrate a respect for the rights of others with regard to confidentiality and dignity and engage in honest interactions. ISBE 5H	Analysis demonstrates a respect for the rights of others with regard to confidentiality and dignity and engage in honest interactions.	Analysis demonstrates a respect for the rights of others with regard to confidentiality and dignity.
	ELCC 5.2.a.. (<i>Acts Fairly</i>) Candidates demonstrate the ability to combine impartiality, sensitivity to student diversity, and ethical considerations in their interactions with others. ISBE 5H	Analysis demonstrates the ability to combine impartiality, sensitivity to student diversity, and ethical considerations in their interactions with others.	Analysis demonstrates the ability to combine impartiality and ethical considerations in their interactions with others.
	ELCC 5.3.a.. (<i>Acts Ethically</i>) Candidates make and explain decisions based upon ethical and legal principles. ISBE 5A Loyola CF 8	Analysis describes a process whereby decisions are made and explained based upon ethical and legal principals.	Analysis describes a process whereby decisions are made based upon ethical and legal principals.
	ELCC 6.1.f. (<i>Understand the Larger Context</i>) Candidates can apply an understanding of how specific laws at the local, state, and federal level affect school districts and residents. ISBE 5C	Analysis comprehensively describes how specific laws at the local, state, and federal level affect school districts and residents.	Analysis gives some examples of how specific laws at the local, state, and federal level affect school districts and residents.
	ELCC 6.2.b. (<i>Respond to the Larger Context</i>) Candidates apply their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit their district and its students. ISBE 6E	Analysis comprehensively describes their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit their district and its students.	Analysis gives some examples of their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit their district and its students.
	ELCC 6.3.a. (<i>Influence the Larger Context</i>) Candidates demonstrate an understanding of how to develop lines of communication with local, state, and federal authorities and actively advocate for improved policies, laws, and regulations affecting a specific district, both directly and through organizations representing schools, educators, or others with similar interests. ISBE 5N, 6L	Analysis comprehensively describes their understanding of how to develop lines of communication with local, state, and federal authorities and actively advocate for improved policies, laws, and regulations affecting a specific district, both directly and through organizations representing schools, educators, or others with similar interests.	Analysis describes their understanding of how to develop lines of communication with local, state, and federal authorities and advocate for improved policies, laws, and regulations affecting a specific district.

**RUBRIC:
FIELD STUDY: VISIT A SCHOOL BOARD MEETING
(NOT YOURS)**

Visit a School Board Meeting. Please describe the following:

- To the extent you can understand, describe the members of the school and school board, including short description of their backgrounds
 - Describe the issues discussed at the meeting
 - Describe the nature of the action taken by the school board on three issues
 - Describe one aspect of the school leader's performance at the school board meeting which was effective, and why
-

RUBRIC

Description of School and school board members

-describe the type of school, number of students, geographic and demographic information

- **short description of number and background of school board members, if available. i.e. one man-CEO of neighborhood company, one woman-housewife and mother of student.**

15 points

Description of issues discussed at the meeting

- **nature of the issues**
- **short description of discussion on the issues**

25 points

Description of the nature of the action taken by the school board on three issues.

- **describe the nature of the action taken by school board members on three issues**
- **in each case describe the reasoning the school board provided, if any**

25 points

Describe one aspect of the school leader's performance during the meeting which was effective, and why.

- **were there actions or statements on the part of the school leader which fostered effectiveness? Please describe**

- **Why do you believe such actions or statements on the part of the school leader were effective?**
- **How do these actions or statements translate into effective school leadership generally?**
- **Describe this in analytical format**

35 points

Total

100 points

WRITTEN REPORT AND ORAL PRESENTATION

Each student will be given a state standard. From that standard, students are required to identify, read and provide a written report on a professional book related to school leadership and that standard. The written report will have the following sections:

- **Description of the standard**
- **The aspects of the standard upon which the book focuses**
- **The application of the book's themes to the standard**
- **The implication of the book's themes to school leadership**

The student will also be required to make a professional development presentation to the class on a scheduled class day.

WRITTEN REPORT RUBRIC

Description of the standard:

- state the standard
- state the focus of the standard upon which school leadership depends
- describe the aspect of the standard upon which you are focusing your Report

25 points

The aspects of the standard upon which the book focuses

- describe the aspect of the standard upon which the book focuses
- describe the aspect of the standard upon which the book focuses in relationship to aspects of your experience as a school leader

25 points

The application of the book's themes to the standard

- describe the relationship between the book's themes and the standard
- describe the application of the book's themes to the understanding of and interpretation of the standard

25 points

The implication of the book's themes to school leadership

- describe the implication of the book's themes to school leadership
- describe the implication of the book's themes to school leadership in the context of your position as school leader within your professional experience

25 points

Total:

100 points

ORAL REPORT RUBRIC

The student will also be required to make a professional development presentation to the class on a scheduled class day.

=Describe the standard

=Describe the focused themes of the book

=Describe how the themes of the book help to explain and explore the standard

=Describe how the themes of the book apply to and enhance our understanding of effective school leadership

Describe the standard

- **in the context of professional development of others, describe the standard**
 - **describe the aspects of the standard having significance for the presentation**
- 25 points**
-

Describe the focused themes of the book

- **identify themes in the chosen book for presentation at the professional development presentation**
 - **describe the identified themes in the context of the book**
- 25 points**
-

Describe how the themes of the book help to explain and explore the standard

- **describe how the themes of the book help to explain the standard**
 - **describe how the themes of the book explore the specific aspects of the standard**
- 25 points**
-

Describe how the themes of the book apply to and enhance our understanding of best practice and effective school leadership

- **describe how the themes of the book apply to school leadership**
 - **describe how the themes of the book enhance our understanding of best practice and effective school leadership**
- 25 points**
-

Total

100 points

