EDL 617
Legal Aspects of Education Governance
Western Illinois University
Spring, 2015
Three-way connection to Macomb, Moline, and UCLC

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81b Horriban Hall Office Hours: Before and after each class session.
Macomb Campus

Course Description

EDL 617 Legal Aspects of Education Governance. Selected problems and issues in school law will be presented. The case study method is utilized to examine relevant state and federal court decisions. Case law, state statutes, and administrative regulations are applied in assessing school district policy and practice.

Prerequisites

Admitted to program, EDL 600 and EDL 640, or permission from the department

Purpose

The school superintendent is an educational leader who promotes the success of all students by understanding and applying knowledge of laws, regulations, and professional ethics related to schools and children. This course will provide you with the background knowledge needed to guide your decisions and administrative practices related to school law and governance. Your participation includes attendance at face-to-face classes and asynchronous participation on a daily basis throughout your enrollment in the course. You will be using wikis and a variety of web-based collaborative learning tools to collaborate with class members and the instructor.
Objectives

The student will:

1. Utilize the case study method to review, analyze, and discuss (a) the role of public education in developing and renewing both a democratic society and an economically productive nation; (b) the system of public school governance in Illinois and Iowa; (c) federal and state education laws and regulations; (d) how Illinois and U.S. Constitutions, district policies, and laws regulate the behavior of students, staff, and administrators in schools; (e) the moral and ethical responsibilities of schools and members of the school community; (f) the responsibilities and functions of school committees and boards; (g) procedures for formulating and implementing board policies and operating processes; (h) the legal aspects of school administration; (i) the legal rights and responsibilities of students, staff, and parents/guardians; and (j) current legal, regulatory, and ethical issues affecting education. Assigned case briefs will be prepared collaboratively and posted to the EDL 617 wiki page.

2. Research and discuss (a) the local school district policy adoption process; and (b) review the Illinois Association of School Board’s (IASB) Policy Reference Educational Subscription Service (PRESS) and on-line policy service.

3. Research, identify, and present to the class district policies and administrative procedures related to the (a) Board of Education, (b) administration, and (c) use of public facilities.

4. Research, identify, and present to the class the recommended components of an (a) employee handbook and code of conduct, (b) model crisis plan, and (c) model risk management plan.

5. Review a collective bargaining agreement; identify areas of concern related to employment law, school policy, and state statutes; and create a target list of items to address when negotiating a new agreement.

6. Review a superintendent’s multi-year employment contract and performance goals. Research, identify, and present to the class key components to consider when bargaining a superintendent’s contract.

7. Research, identify and present to the class key components that should be included in a student handbook as they relate to federal and state statutes and school policy.

8. Research, identify, and present to the class the steps involved in the special education identification process and how they align the regulations, case law, or statutory law requiring them.
Required Texts:

Available from ISBA and maybe IPA:


Instructor Bio

Let me take this opportunity to tell you a little about myself...

Over the past thirty years I have worked as an elementary teacher, elementary principal, middle school principal, assistant superintendent, superintendent, and college professor. At the present time I am working fulltime as an associate professor at Western Illinois University. I am also an educational consultant and mediator. Most of my consulting is in the area of school board governance, transitioning to the common core state standards, and applying current brain research to classroom instruction. Additionally, I have considerable experience with facilitating labor negotiations.

I look forward to working with all of you over the next semester. Once again, welcome to the course and I hope your experience here is full of learning and enjoyment!
This schedule is very flexible and subject to change due to the needs of this course. Students are expected to have read the materials before the class period in order to be prepared for the class discussions.

<table>
<thead>
<tr>
<th>Class Date</th>
<th>Class Focus</th>
<th>Readings*</th>
<th>Assignments Due</th>
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<tbody>
<tr>
<td>February 28</td>
<td>Dr. Kilmer</td>
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<tr>
<td>March 1</td>
<td>Dr. Kilmer</td>
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| March 21    | Dr. Yager                        | Student Discipline and Board Meeting Legal Issues | #6 - Lectures 1 & 2 DQ’s  
#3 (to be done in class) |
| March 22    | Dr. Yager                        | FOIA and OML       | #6 - Lecture 3&4 DQ’s  
#1 |
| April 25    | Dr. Yager                        | Legal Issue Presentations | #6 - Lecture 5&6 DQ’s  
#2 and #7 |
| April 26    | Dr. Yager                        | Mock Executive Sesson Final Exam | #4 |
**Point Values for the Course Assignments**

<table>
<thead>
<tr>
<th>ASSIGNMENTS FOR DR. YAGER</th>
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<tr>
<td><strong>Individual (100%)</strong></td>
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<tr>
<td>Class Participation (See Appendix D and E)</td>
<td>10</td>
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<tr>
<td>Coming to Order Presentation</td>
<td>10</td>
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<tr>
<td>School Office Personnel Presentation</td>
<td>10</td>
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<tr>
<td>Student Discipline Hearing Presentation</td>
<td>10</td>
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<tr>
<td>Legal Issue Report/Presentation</td>
<td>10</td>
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<tr>
<td>Mock School Board Executive Session (LT)</td>
<td>5</td>
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<tr>
<td>Final Exam</td>
<td>10</td>
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<tr>
<td><strong>ONLINE PORTION OF THE CLASS:</strong></td>
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<tr>
<td>Lecture 1-6 Discussion Questions</td>
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<tr>
<td>Response to Five Case Studies (Appendix C)</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>75</strong></td>
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Assignments

All assignments are to be submitted by posting them in their designated folder in Western Online.

1. Using the Coming To Order: A Guide to Successful School Board Meetings text, prepare and present to the class a 5 to 10 minute power point presentation to present to YOUR (you’re the superintendent) school board that summarizes the key and essential points you gleaned from both text AND sets a new/improved process for “running” school board meetings. Keep in mind that your audience is school board members – NOT teachers. Post your presentation in Western Online.

2. Using the Illinois Law in the School Office - The Essential Desk Reference text prepare and present to the class a 5 to 10 minute power point presentation that you, as the PRINCIPAL would present to office personnel in YOUR school. The presentation should summarize the key and essential points you gleaned from the text. Keep in mind that your audience is school office personnel in YOUR school – NOT principals and lead teachers.

3. Using the Student Discipline Hearing text present to the class a 5 to 10 minute power point presentation that you could present to principals in your school district (you’re the superintendent). The presentation should summarize the key and essential points you gleaned from the text. Keep in mind that your audiences are principals in YOUR school district.

4. Legal Issue Presentation. Determine a legal issue facing your school and district and develop a 5 to 10 minute presentation identifying the reasons for these issues, including recommendations for solutions to particular situations and applicable case law. Use course texts and other sources for your research. Be sure to include real-life examples of solutions to the issue (including school finance solutions). Using power point, present this analysis to the class. Be sure to include lessons learned. Post a copy of the PowerPoint presentation in the discussion folder for this assignment in Western Online.
5. As a Learning Team, discuss possible legal areas to research for a mock school board executive session presentation. This assignment will be completed during regular class time. The Mock Executive Session presentation must include the following and will be completed during class time:
   a. Develop a scenario
   b. Assign roles
   c. Research both sides of the issue and prepare a document supporting both sides
   d. Describe the scenario
   e. Describe the case law implications
   f. Present your Mock Trial to the class – the class will act as board members and vote to decide the outcome.

ONLINE REQUIREMENTS:

6. Lecture Discussion Questions. Post the answers to the discussion questions. Discussion questions are listed at the end of each lecture (Lectures 1-6). Lectures 1-6 are posted online. Post your answers in the “Discussions” folder under the designated thread. Your answers need to be posted prior to the class session where the lecture is assigned. Also, respond to one other student answer posted for each lecture. Your answers and your response to another students’ post should be at least three sentences in length.

7. Five Case Studies. Read and complete the questions for all five case studies – submit a 500-800-word paper for the entire assignment (see Appendix D for the case studies). Respond to two other students’ posts by analyzing how they answered one of the scenarios (you don’t have to pick the same scenario for both students). Be supportive and compare/contrast their answer with yours. Each of the two posted response must be at least three sentences.
Policies and Expectations

Attendance
A 500-level student who is absent for more than 50% of a scheduled day of a Weekend Academy class will be assigned a grade of incomplete (I) by the instructor and must make up the appropriate day in its entirety the next time the course is offered in order to change the Incomplete to a letter grade. If a student is absent for more than 50% of the first day of a weekend academy class, the instructor may, at his or her discretion, either exclude the student from attending the class or award an incomplete under this attendance policy.

If a 600-level student is absent for more than 50% of a scheduled day of a weekend academy, the instructor may assign an Incomplete (I) and require that the student make up the appropriate day the next time the course is offered. Under rare circumstances, the instructor may elect to assign the student additional activities to demonstrate that the student has accomplished the course outcomes missed in class. If this option is chosen, then in advance of completion, the instructor will report to the Chair the name of the student, time missed, and a summary of the work assigned as make up.

Incomplete Grade for Missing Course Requirements
An incomplete grade may be given only when a student, due to circumstances beyond his or her control, is unable to complete course requirements within the official limits of the term. The instructor may allow additional time for completion of the requirements after consideration of a written petition from the student to the instructor. The petition must include what the student will do to complete the requirement and the expected date of completion of the incomplete requirements.

Academic Accommodations
In accordance with University policy and the Americans with Disabilities Act (ADA), academic accommodations may be made for any student who notifies the instructor of the need for an accommodation. For the instructor to provide the proper accommodation(s) you must obtain documentation of the need for an accommodation through Disability Support Services and provide it to the instructor. It is imperative that you take the initiative to bring such needs to the instructor's attention, as he/she is not legally permitted to inquire about such particular needs of students. Students who may require special assistance in emergency evacuations (i.e. fire, tornado, etc.) should contact the instructor as to the most appropriate procedures to follow in such an emergency. Contact Disability Support Services at 298-2512 for additional services.

WIU Academic Dishonesty Policy
The University can best function and accomplish its objectives in an atmosphere where high ethical standards prevail. For this reason, and to insure that the academic work of all students will be fairly evaluated, the University strongly condemns academic dishonesty. The most prevalent forms of academic dishonesty are cheating and plagiarism. Dishonesty of any kind with respect to examinations, course assignments, alteration of records, or illegal possession of examinations shall be considered cheating. It is the responsibility of the student to not only abstain from cheating, but also to avoid making it possible for others to cheat. Any student who knowingly helps another student cheat is as guilty of cheating as the student he or she assists.

The submission of the work of someone else as one's own constitutes plagiarism. Academic honesty requires that ideas or materials taken from another course for use as a course paper or project be fully acknowledged. Plagiarism is a very serious offense in whatever form it may appear, be it submission of an entire article falsely represented as the student's own, the inclusion within a piece of the student's writing of an idea for which the student does not provide sufficient documentation, or the inclusion of a documented idea not sufficiently assimilated into the student's language and style.

Academic Integrity
The link to the WIU Student Academic Integrity policy is: http://www.wiu.edu/policies/acintegrity.php.
Vision and Mission Statements

Teacher and Professional Education Program vision statement: Our graduates will be empowered educational professionals deeply committed to continuous learning and the empowerment of all learners.

Department of Educational Leadership vision statement: To be one of the premiere educational leadership programs in the nation.

Teacher and Professional Education Program mission statement: The WIU Teacher and Professional Education Program empowers candidates to become educational practitioners who engage in informed action that is grounded in knowledge and reflection; who are deeply committed to the highest standards of professional practice; who are able to adapt to emerging social, economic, and cultural landscapes; who are skilled in the use of technological tools that promote teaching and learning; and who are committed to empowering all learners.

Department of Educational Leadership mission statement:

We will:

Recruit a capable, diverse student body.

Focus on continuous improvement of our programs.

Create a more meaningful clinical internship.

Establish a series of knowledge and application assessments.

Cultivate effective internal and external relationships.
Grading

<table>
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<th>Percent</th>
<th>Grade</th>
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<tbody>
<tr>
<td>92-100</td>
<td>A</td>
<td>A = Superior Graduate Work</td>
</tr>
<tr>
<td>80-91</td>
<td>B</td>
<td>B = Good Graduate Work</td>
</tr>
<tr>
<td>70-79</td>
<td>C</td>
<td>C = Unacceptable Work at the Graduate Level</td>
</tr>
<tr>
<td>60-69</td>
<td>D</td>
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<tr>
<td>0-59</td>
<td>F</td>
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A work exceeds requirements in some form, shows originality and clarity, insightful and reflective.

B work thoroughly meets requirements and is coherent with only minor flaws.

C work minimally addresses requirements and contains flaws or shortcomings.

**Group Work and Learning Team Assignments**

You will be assigned to a learning team during the first class. If you have any special requests regarding group assignments, please contact me privately as soon as possible.

Your participation in the Learning Team is essential to the success of the course! Lack of participation in the learning team will result in a reduction of the grade, or no grade for that project for the individual(s) involved.

**Diversity**

Successful teachers and school administrators embrace diversity. They not only welcome it, they search for it. They engage diversity, as it is indeed, an integral part of their classroom. We will explore diversity as we journey together through this course. Diversity will be openly discussed and become a catalyst and synergize our learning during class time.

**NOTE:** This course syllabus is not a contract, but serves as an outline for the semester. The instructor reserves the right to make adjustments the course as the need arises.

In accordance with the provisions of the ADA, if you require any special assistance or adaptations in this course, please contact the instructor immediately.
Appendix A

Briefing a Case

1. **Title**: Give title of case and the proper citation. If someone wants to read the case, your reference is all that is needed.

2. **Facts**: What are the facts? Briefly state the circumstances that placed this case in the courts. This is essential background material.

3. **Issues**: What are the issues? What had to be settled by the court?

4. **Decision**: What was the court’s decision?

5. **Reasoning**: What reasons were given for handing down this decision?

6. **Significance**: What is the significance of the decision for public school educators (at the building level)? What, if any, are the lessons learned?

7. **Significance to Central Office School Administrators**: What is the significance of the decision for central office administrators (personnel, budget, finance, public relations, etc.)?
Appendix B
Educational Landmark Cases
Cases to Be Tweaked

Historical Perspective
1. Hartzell v. Connell
2. Rose v. Council

Role of Federal Govt. and Desegregation
1. Brown v. Board
2. Swann v. Charlotte-M
3. Missouri v. Jenkins 2

Tort
1. Spears v. Jefferson
2. Brown v. Tesack
3. Hammond v. Board
4. Donohue v. Copiague

Attendance
1. Wisconsin v. Yoder
2. Johnson v. Charles City
3. Maack v. Lincoln

Instructional Program
1. Meyer v. Nebraska
2. Epperson v. Arkansas
3. Edwards v. Aquilland
4. Debra P. v. Turlington

Rights of Expression
1. Tinker v. Des Moines
2. Hazelwood v. Kuhlmeier
3. ISD v. Earls
Student Rights - Due Process

1. Dixon v. Alabama
2. Goss v. Lopez
3. Franklin v. Gwinnet
4. New Jersey v. TLO

Church and State

1. Board of Ed. v. Allen
2. Wallace v. Jaffee
3. Lee v. Wiserman
4. Board of Ed. V. Mergens

Special Education

1. Oberti v. Board of Ed. Clementon
2. Florence Co. v. Carter
3. KDM v. Reedsport SD
4. Honig v. Doe
5. GOE Hendrick Hudson CSD v. Rowley

Teacher Rights

1. Stroman v. Colleton
2. East Harford EA v. Board
3. Cooper v. Eugene SD
4. Mayer v. Monroe County
5. Cooper v. Eugene SD
CASE STUDY 1: “Home for the Day”
Jim Manley, principal of White Bluffs School, had just returned to campus after attending district-level meetings. The students were just coming in from their lunch period. Within five minutes, Miss Martin came into Mr. Manley's office accompanied by Joey Barnes, a student in her homeroom class. Joey was often in Mr. Manley's office for conduct problems. She stated that Joey was having a rough day. He had been in four fights since his arrival at school that morning. Miss Martin also stated that she had tried a “time out” for Joey earlier that day to see if that would help. At noon, he again became involved in a fight with another student. She was at a loss as to what to do next with him.

Question:
What procedures and steps would you follow assuming that the final disposition of the case would be to send Joey home for the remainder of the day?

CASE STUDY 2: “The Bus Bully”
Mrs. Greyhound, a veteran bus driver, prided herself on being a stern disciplinarian. At the beginning of the school year, she distributed a printed list of rules and regulations to the riders, and she enforced them to the letter. As a rule, few behavior problems developed.

On November 3, when she picked up her junior high bus riders after school, she noticed an eighth grader, Brian Young, trying to fight with John Rydell and Norman Braun, also eighth graders.

"Brian Young," she screamed, "if you want to ride home on this bus, stop your fighting. I will not stand for this behavior!"

When the children boarded the bus, the incident continued. Brian shot paper wads at John and Norman. They called him a "big mouth." When the other students got involved, the driver stopped the bus at the side of the road until the commotion subsided. She then continued her run to its finish point without further incident.

The next day, however, Brian Young again engaged in a fighting and shouting match with two other boys on the school bus as they were going to school. Mrs. Greyhound had just looked in her large mirror to see what was happening when she saw Brian throw something toward the front of the bus. It turned out to be a pencil, which hit her on the ear. She was startled, and jerked the steering wheel causing the bus to swerve slightly. Fortunately, she was able to gain control quickly and avoided an accident. Upon arrival at school, she took Brian to see Ms. Goodenough the principal and demanded that she "do something about Brian's rowdy behavior or she would not let him back on the bus!"

Question:
What actions should Ms. Goodenough have taken at this point? Be sure to document the incident objectively.

CASE STUDY 3: “Rumble in the Restroom”
Bill Wilson was leaving his math class to take a break in the teachers' lounge. While passing the boy's restroom, he heard shouting and banging coming from inside the restroom. He entered and found two boys on the floor fighting. One boy, who he recognized as Frank Russo, had a knife in one hand. The other boy was Pete Vokowski. Six boys were standing around them watching and “egging” them on. When the boys saw Mr. Wilson, they stopped fighting and stated that they were only fooling around. Mr. Wilson, however, observed that Pete had a bad cut on his right arm. Mr. Wilson sent one of the students, attracted by the commotion, to get the nurse. When the nurse arrived, she took Pete with her to the nurse's office. Mr. Wilson had the other boys who were in the restroom during the incident accompany him to the principal's office. Mr. Stern knew Frank because he had been referred to the office many times that year for fighting and was also an identified gang leader at the school.

Question:
Using the procedures outlined, follow through on this case. Do not forget your documentation.
CASE STUDY 4: “Pipes and Pot”

PART I
Desert High, a large suburban school, has an enrollment of approximately 2,000 students. The students may drive to school and are required to park in one of two lots assigned specifically for students.

One of the duties of assistant principal Bob Fixit is to check the parking area to enforce the school rule, which states that students may not sit in their cars during the school day.

One afternoon Bob looked in a car and saw several pipes of different shapes and sizes on the dashboard. On the floor was a small brown sack. Since reports of students using pot at school had been increasing, Mr. Fixit decided to locate the driver of this car and check out the contents of the sack. The car was registered to Mike Wolfe, a student. Mr. Fixit called him into the office.

"Is your car in the parking lot today, Mike?"
"Yes. What is wrong with that?"

Mr. Fixit suggested they go out to the car. When they got there, Mr. Fixit asked if the pipes belonged to Mike.

"No, my friends left them there," said Mike.

"I would like you to unlock and open the car door, please," said Mr. Fixit.

"Okay. But the pot in the sack does not belong to me. One of the guys who came to school with me today could have left it there."

Questions:
What would you do at this point if you were Bob Fixit?
What objective facts would you include in your documentation so far?

PART II
As a result of the investigation, Mr. Fixit found the following information:

6. Mike had several previously documented unexcused absences from school.
7. The names of three students that rode to school with Mike.
8. All three students had previously documented records of fighting, truancy, and suspensions.
9. Two of the students denied any knowledge of the pot.
10. The third student said he knew about the pot and that it belonged to Mike Wolfe. He stated that Mike had shown him the pot on the way to school before the other two students joined them in the car. He does not remember Mike showing or mentioning the pot to the other boys.

Questions:
What would you do at this point?
Whatever course of action you pursue at this time, list the steps you would take and the final disposition of the case at the school building level.
CASE STUDY 5: “Passes from the School Wolf”

John Fox, a tenured teacher at Valley School for five years, breezed into the office for his paycheck one Friday. Two secretaries generally worked in the office, but one of them was at lunch. Mr. Wellsome the principal was also out of the office at the time.

Fox began making suggestive personal remarks to the secretary Ms. Devine. He paid no attention to her plea that he "cut it out." He propositioned her. Embarrassed and angry, Mrs. Devine demanded that the teacher leave her alone. He picked up his paycheck, but on the way out, made a "pass" at her anatomy.

Mrs. Devine complained to the principal upon his return. Mr. Wellsome called Fox into his office after school for a conference. Fox just shrugged off the matter. Fox said that he had "propositioned" the secretary about nine times before, that any girl who wanted to be pinched, he would pinch, and that he would do the same thing again if the opportunity arose.

**Question:**

What would you do?
Appendix D

Class Participation

In addition to contributing to class discussions both during class time and online, you will need to be prepared to share a current event related to school law during some of the class sessions. You may complete the “question guide” in Appendix E and use it to guide your class discussion.

Also, for class participation you will need to post the answers to the discussion questions. Discussion questions are listed at the end of each lecture (Lectures 1-6). Lectures 1-6 are posted online. Post your answers in the “Discussions” folder under the designated thread. Your answers need to be posted prior to the class session where the lecture is assigned.

Also, for class participation, prior to each class session you will need to review the PowerPoint presentations posted in each class session folder via Western Online. Generally, I will not be using a lot of PowerPoint presentations. However, I have access to several that I have used or have been used by other professors in the past. I have them posted for you to view and reflect upon. We will spend a portion of each class session discussing the PowerPoint slides and together, we will clarify any questions that may arise.
Appendix E

Article or Current Event Analysis

“Analyzing the Message”

1) What is the main purpose of this article?

2) What concept/s or information would the reader need to know in order to fully understand this article?

   List any terms or concepts in the article that you do not understand?

3) What are the key questions or issues the author is addressing in this article?

4) What is the main point of view presented by the author of this article? OR What are the main assumption(s) underlying the author’s thinking?

5) If readers take the article seriously, what conclusions might they draw from the article?

6) What are 1-2 key points that you want to remember from this article?