### Term Information

**Effective Term**: Summer 2016

### General Information

- **Course Bulletin Listing/Subject Area**: Educ Sts: Educational Admin
- **Fiscal Unit/Academic Org**: EHE Educational Studies - D1280
- **College/Academic Group**: Education & Human Ecology
- **Level/Career**: Graduate
- **Course Number/Catalog**: 7885
- **Course Title**: Legal Aspects of Education for School Administrators
- **Transcript Abbreviation**: Legal Aspects Educ
- **Course Description**: The course is designed to help school leaders explore the interplay of law, policy and educational leadership and practice.
- **Semester Credit Hours/Units**: Fixed: 1.5

### Offering Information

- **Length Of Course**: 14 Week, 12 Week, 8 Week, 7 Week, 6 Week, 4 Week
- **Flexibly Scheduled Course**: Always
- **Does any section of this course have a distance education component?**: Yes
- **Is any section of the course offered**: 100% at a distance
- **Greater or equal to 50% at a distance**: Less than 50% at a distance
- **Grading Basis**: Letter Grade
- **Repeatable**: No
- **Course Components**: Lecture
- **Grade Roster Component**: Lecture
- **Credit Available by Exam**: No
- **Admission Condition Course**: No
- **Off Campus**: Never
- **Campus of Offering**: Columbus

### Prerequisites and Exclusions

- **Prerequisites/Corequisites**: Enrollment in BRIGHT MBA
- **Exclusions**

### Cross-Listings

- **Cross-Listings**

### Subject/CIP Code

- **Subject/CIP Code**: 13.0401
- **Subsidy Level**: Doctoral Course
- **Intended Rank**: Masters, Doctoral, Professional
Requirement/Elective Designation

The course is an elective (for this or other units) or is a service course for other units

Course Details

Course goals or learning objectives/outcomes

• 1. Thinking critically, reflectively and even handedly about problem solving and decision making in education.

• 2. Demonstrating an understanding of how to manage schools and school districts in a complex legal environment.

• 3. Understanding legal problems that confront school administrators in their work.

• 4. Understanding the need to work with other significant actors in education and develop ways they can work together in coping with mutual problems.

• 5. Promoting and advocating legal and literacy in staff, teachers, other education professionals, and students for the purpose of fostering "preventive law" through discussion and mediation as opposed to third-party based "adversarial law".

Content Topic List

• 1. School control of student expression and student conduct.

• 2. Search and Seizure of students

• 3. Supervision and Tort Liability

• 4. Educator Rights

• 5. Disability/Special Education Basics, Dynamics, and Safeguards

Attachments

• ESEADM 7885 Legal Aspects of Education for School Administrators syllabus.docx

(Syllabus Owner: Gerken,Samantha Jo)

Comments

Workflow Information

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THE BRIGHT PROGRAM

ESEADM 7885: Legal Aspects of Education for School Administrators


1.5 Semester Hours

Professor: Philip T.K. Daniel, J.D., Ed.D.
301 Ramseyer Hall
Phone: 614-292-7991
Email: daniel.7@osu.edu

Office Hours: BY APPOINTMENT

Course Description:

The course is designed to help school leaders explore the interplay of law, policy and educational leadership and practice. Emphasis is on studies of statutory and case law, legal principles, and provisions relevant to administration and management. The course promotes an understanding of the American legal system as it applies to the governance and operation of P-12 education. It also addresses problem-solving and communication for the purpose of protecting the rights of special needs students as regards eligibility determination, student and parent rights, and procedural safeguards. Focus is on the legal contexts of education so as to give the Bright Fellows a broad overview of the essential elements of national and state frameworks.

Course Objectives:

This course is designed to aid students in:

a. Thinking critically, reflectively and even-handedly about problem-solving and decision-making in education. This requires an understanding of problem solving through legal principles consisting of how to recognize legally significant facts, identify conflict, and arrive at rules, analysis and conclusions that advocate for school programs and promote equity and fairness;

b. Demonstrating an understanding of how to manage schools and school districts in a complex legal environment. This is so as to promote student safety, and welfare in the context of managing the school organization, its operations and its resources. Specifically, resources spent in legal conflict are resources not available for the education of students;

c. Understanding legal problems that confront school administrators in their work. This requires learning legal standards that advance sound supervision over scarce resources so as to act fairly, with integrity, and within the context of the law and
school district rules and regulations;

d. Understanding the need to work with other significant actors in education and
develop ways they can work together in coping with mutual problems. This requires
school leaders to develop a collaborative style of administration, through legal and
cultural contexts, so as to appropriately communicate with all stakeholders in the
greater school community;

e. Promoting and advocating legal and literacy in staff, teachers, other education
professionals, and students for the purpose of fostering "preventive law" through
discussion and mediation as opposed to third-party based "adversarial law".

Diversity:

Diversity is a hallmark of both the subject matter and practical application of the course.
Through reading the text Law and Public Education (5th ed. 2014) and other assigned resources
students in the course will become knowledgeable about and sensitive to issues surrounding
human and cultural diversity; a diversity of ideas will be paramount in all classroom assignments
and class discussions. The topics of citizenship, free expression, due process, search and seizure,
classification by race, sex, and disability will demonstrate the centrality of diversity in a legal
understanding of education and the rights to learning which all students are now privileged to
receive. The course also exposes administrators to the fundamental professional responsibility of
addressing one of the biggest challenges in education - effectively and appropriately protecting
and educating persons with disabilities. The course is designed to help educational
administrators to mainstream and include such students, and, in the process, encourage special
education and non-special education students to respect each other. This will include, among
other things, using appropriate terms, and finding solutions to problems endemic to the special
education enterprise.

Technology:

Participants in the course will engage in an exploration of legal aspects of the formulation of
policy in the schools as regards technology. Students will access case law, statutes, and other
legal materials via web site and the syllabus of the course will be housed on an Internet Web site.
Students will describe the curricular issues and responsibilities that relate to technology
implementation, understand generally the connection between technology and legal problems
that confront administrators, teachers, and other education professionals, and think critically and
reflectively about problem-solving and decision-making, particularly as it relates to technology
issues.

Course Materials:

Text: Required: 1) Gee and Daniel, LAW AND PUBLIC EDUCATION, 5th ed. (2014); 2) On-
Line assignments; 3) other handouts or materials as determined by the instructor.

Structure: The course is composed of lectures, discussions, and student participation.
Evaluation: Evaluation will be based on a midterm and a final exam. The midterm will constitute 20% of the grade. The final will constitute 80% of the grade. In addition, the professor reserves the right to "bump a grade up" (when a student is on the border between grades) when a student's participation occurs in a timely fashion and adds to the quality of the course.

Grading Scale: A 100-point grading scale will be used which will include plus and minus demarcations (i.e., 93-100 = A; 90-92.9 = A-; 86.7-89.9 = B+; 83.3-86.6 = B; 80-83.2 = B-; 76.7-79.9 = C+; 73.3-76.6 = C; 70-73.2 = C-; 66.7-69.9 = D+; 63.3 - 66.6 = D; 63.2 and below = E.

Academic Misconduct: Academic misconduct of any kind will not be tolerated. The Ohio State University’s Code of Student Conduct (Section 3335-23-04) defines academic misconduct as: “Any activity that tends to compromise the academic integrity of the University, or subvert the educational process.” Examples of academic misconduct include (but are not limited to) plagiarism, collusion (unauthorized collaboration), copying the work of another student, and possession of unauthorized materials during an examination. Ignorance of the University’s Code of Student Conduct is never considered an “excuse” for academic misconduct. To review the Code of Student Conduct and, specifically, the sections dealing with academic misconduct, please see oaa.osu.edu/coam/home.html. If a faculty member suspects that a student has committed academic misconduct in a course, the faculty member is obligated by University Rules to report his/her suspicions to the Committee on Academic Misconduct (COAM). If COAM determines that a student has violated the University’s Code of Student Conduct (i.e., committed academic misconduct), the sanctions for the misconduct could include a failing grade in the course and suspension or dismissal from the University.

Intellectual Property/Audio and Video Recording: Video and audio recording of classes without the explicit written permission of the instructor/professor is a violation of the Code of Student Conduct.


Outline/Schedule of Topics:

May 24  Overview of and Introduction to the course. Student classification by sex (including alternative lifestyle), and race. This will include entitlement to and denial of rights based upon issues of equal protection, Title IX and Title V and, various state laws. Topics will be discussed through the lens of positive law and normative jurisprudence.

May 26  School control of student expression including topics of silent, political passive
speech, school disruption, the rights of other students, the school as marketplace of ideas, inculcative teaching, valuing student speech, supporting versus tolerating speech, pedagogy and student speech, and civic and civil development of students. This section will also involve technology, acceptable use policies, and student use of school computer resources. Topics will be discussed through the lens of positive law and normative jurisprudence

May 27  
School control of student conduct including issues of school authority, schools and law enforcement. The principal topic will be student due process including issues of vagueness and overbreadth in the construction of student handbooks, liability to school personnel for failure to provide procedural protections, suspension, expulsion, and academic sanctions for disciplinary infractions. Topics will be discussed through the lens of positive law and normative jurisprudence.

June 22  
Search and Seizure of students including an assessment of individualized suspicion, and random, sweep, locker, automobile, “sniff”, and strip searches. Topics will be discussed through the lens of positive law and normative jurisprudence.

June 23  
Supervision and Tort Liability. An exploration of torts (personal injury) including physical and psychological injury, the intent, recklessness and negligence standards, tort defenses, constitutional torts, and the various areas of liability for school personnel. Topics will be discussed through the lens of positive law and normative jurisprudence.

June 24  
Educator Rights. An evaluation of free speech topics and protections of school personnel including academic freedom, loyalty oaths, obscenity, the role of school authorities as sovereign, employer, educator and patron, and various areas of due process including firing for cause. Topics will be discussed through the lens of positive law and normative jurisprudence.

July 20  
Disability/Special Education Basics. Students will study state and federal regulations, local level policies and assurances, as well as due process requirements as they relate to assessment, eligibility, and placement of students with disabilities. This will include current educational terminology and definitions of individuals with disabilities including identification criteria and labeling controversies.

July 21  
Disability/Special Education Dynamics. Students will study problem-solving approaches in special education and the evaluation of progress in problem-solving with an emphasis on non-discriminatory evaluation, rethinking special education classifications, a re-conceptualization of the “general curriculum”, and accountability and enforcement through alternative dispute resolution.
July 22 Disability/Special Education Safeguards. Students will study the challenges and sanctions that result when ethics, collaboration, knowledge, program development, program assessment, and respect for the rights of students with disabilities are not effectively applied in schools. This will involve an evaluation of due process, safeguards, parental rights, and remedies under federal, state, and local law.

NOTE: The above represents an approximation of the items to be covered and the respective dates. True coverage will depend on the pace of discussion, the collective needs of students and the professor and the demands of time. You are expected, however, to keep pace with the calendar of assigned readings.

Also: The law is like Midwestern weather; if you wait a few minutes it will change. Hence, the discussion of cases and laws is intended to be illustrative and not exhaustive.