

**College of Education  
University of South Carolina  
Department of Educational Leadership and Policies**

**EDLP 705j – Legal Basis of Educational Organization and Administration  
Syllabus**

- I. **COURSE DESCRIPTION:** Emphasis on techniques of legal research, the legal relationships between the federal and state government as they relate to school district organization and administration, as well as legal case studies in all major areas of administrative concern.

**VISION STATEMENT:** The program in CD -12 Administration prepares scholar administrators for leadership positions in the schools.

**A. Course Credit:** Three graduate credits

**B. Prerequisites:** At least two of the following: EDLP 700, 701, 702, 703

**C. Intended Audience:** M.Ed. graduate students enrolled in CD-12 Educational Administration

**D. Instructor:** Dr. J. Lynn Harrill  
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Columbia, SC 29208  
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Office Hours: By Appointment

**E. Location/Time:** A. Weekly On-line Course Delivery via Blackboard, and  
B. On-Campus Sessions

**On-Campus Session Schedule:**

- (1) Saturday, 1/7/06: Course Introduction  
Room 126: Wardlaw College  
1:00 p.m. – 2:00 p.m.
- (2) Thursday, 3/2/06 Mid-Term Exam  
Room 250: Gambrell Hall  
6:00 p.m. – 8:30 p.m.
- (3) Monday, 5/1/06: Final Exam  
Location to be Determined  
6:00 p.m. – 8:30 p.m.

## **F. Course Objectives:**

The purpose of this course is to increase the knowledge and understanding of state and federal legal issues related to the operation and administration of public schools. The objectives of the course are intended to guide aspiring school administrators through a thorough study of statutory and case law topics. The legal knowledge, processes, and concepts developed in the course will assist graduate students in becoming independent, proactive school leaders who are aware of the legal rights of students, teachers, parents, and other school personnel. Upon successful completion of this course, as assessed by performance on assignments, students will be able to:

1. Examine and explain basic components of the U.S. Constitution as a foundation for the study of public school law.
2. Examine and explain the basic structure of the legal system as it relates to the operation of public schools.
3. Review the historical roots of public education law.
4. Evaluate the direct and indirect roles of the federal government in public education.
5. Compare and contrast local and state control over school governance.
6. Explain the contexts of the separation of church and state and analyze measures taken to preserve the separation.
7. Discuss legal issues emerging from various instructional programs.
8. Define individual rights of students and school personnel guaranteed by the first, fourth, and fourteenth Amendments and analyze hypothetical situations to clarify the role of the administrator in securing such rights.
9. Review desegregation policies and evaluate modern trends of class segregation.
10. Discuss causes of action in tort law.
11. Examine contract law and the due process doctrine and apply knowledge to hypothetical situations involving school personnel certification, selection, evaluation, discipline, dismissal, non-reappointment and non-renewal of certified personnel.
12. Explain the principal's role in termination proceedings.
13. Define, analyze, and explain forms of employment discrimination.
14. Articulate specific measures that school administrators can initiate and implement to ensure appropriate compliance with the laws of the United States and South Carolina.

[NCATE: 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3]

## **II. REQUIRED TEXTS AND RESOURCES**

Alexander, Kern & Alexander, David (2005). American public school law (6<sup>th</sup> ed.) Belmont, CA: Wadsworth.  
ISBN#: 0-534-27424-2

*(Optional)*

Essex, Nathan L. (2005). School law and the public schools: a practical guide for educational leaders (3<sup>rd</sup> ed.) New York: Pearson Allyn Bacon.  
ISBN#: 0-205-41205-X

*(Optional)*

La Morte, Michael W. (2005). School law: cases and concepts (8<sup>th</sup> ed.) New York: Pearson Allyn Bacon.  
ISBN# 0-205-41913-5

*(Optional)*

Monk, Linda R. (2003). The words we live by: your annotated guide to the constitution . Hyperion/AStonesong Press Book.

Additional readings and resources as needed (internet resources, library reserve, readings provided by the instructor)

### III. COURSE REQUIREMENTS

- A. Attendance:** Students are expected to participate in online activities individually each week and to attend the on-campus sessions as designated in this document.
- B. Participation:** Students are expected to participate in all class activities. Whether working in groups or individually, students must actively engage in the assigned discussions and simulations.
- C. Submission of Assignments:** All assignments must be completed and submitted to the instructor on the assigned date as indicated in this document. There are no exceptions to this requirement.
- D. Publication Manual of the American Psychological Association (5<sup>th</sup> ed.):** Guidelines regarding the conventions of scholarly citations in manuscript presentation must be carefully followed. Expectations regarding APA style will be discussed in class.
- E. Electronic Resources:** Use of electronic resources is vital to the successful completion of this course. Activities in the class will require that students be able to access their accounts on the University's mainframe; log onto the Blackboard program; send and receive e-mails; and download, open, and send files and documents.
- F. Carolinian Creed:** Students must adhere to the Carolinian Creed, widely acknowledged norms of ethical behavior, and standards of professional and personal integrity. Evidence of academic dishonesty or collusion in another's dishonesty may well result in administrative removal from this course and this degree program.

#### IV. EVALUATION AND GRADING

Each component of the course will be weighted as follows:

|                                    |     |
|------------------------------------|-----|
| Legal Briefs                       | 15% |
| Discussion Group Participation     | 15% |
| Mid-Term Examination               | 25% |
| Legal Research Report / Memorandum | 20% |
| Final Examination                  | 25% |

The Grading Scale is indicated below.

|    |          |
|----|----------|
| A  | 94 -100  |
| B+ | 89 - 93  |
| B  | 83 - 88  |
| C+ | 78 – 82  |
| C  | 70 - 77  |
| D  | 65 - 69  |
| F  | Below 65 |

**Note:** No more that four grades of C or lower are allowed in a graduate degree program.

#### V. ASSIGNMENTS

**A. Legal Briefs:** Graduate students will be expected to submit three legal briefs on the specific dates indicated below. Using the law library or internet resources, students should locate cases that deal with issues related to public education. If utilizing the USC law library, students should locate appropriate cases with the Education Law Reporter (published by West Publishing Company). If using the internet to locate appropriate cases, the University library system provides Lexisnexis , Each legal brief should be one page in length (single spaced) and should include the following components: Citation, Topic, Issue(s), Facts, Finding of the Trial Court, Finding of the Appellate Court, and Reasoning. Two Module C handouts are available to assist students in developing and writing the legal briefs: (1) Parts of a Case and (2) Sample Legal Brief Form. The handouts can be located in Blackboard under Course Documents. One legal brief is due on each of the following dates: 1/24/06, 2/21/06, and 3/14/06. The Sample Legal Brief Form will serve as rubric for legal briefs. Note: Legal briefs must be e-mailed to the instructor by 11:00 p.m. of the due date. Late papers will not be accepted. Legal Brief Due Dates: 1/24/06, 2/21/06, 3/14/06. [NCATE: 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3]

**B. On-Line Discussion Groups:** Graduate students will be expected to actively participate in on-line discussion groups. Early in the semester, students will be grouped into four-member discussion teams. The instructor will provide several informal activities (ungraded) for students to become acquainted with the members of

their assigned teams. Students will be notified by a Blackboard Announcement concerning the informal, “get-to-know your team” activities.

During two specific weeks during the semester, students will formally participate with assigned team members in discussion of a specific, controversial, legal issue. All team members are required to participate in on-line discussion providing their own personal opinions, beliefs, research, and legal cases. Students will be graded on their level and frequency of discussion, knowledge, and research on the particular issue. ALL TEAM MEMBERS MUST PARTICIPATE. A rubric for discussion groups will be provided. Two separate weeks during the semester have been designated for discussion group activities: Discussion Group Activity #1 (February 6-10, 2006) and Discussion Group Activity #2 (March 27-31, 2006). [NCATE: 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3]

**C. Mid-Term Examination:** Students will travel to USC Columbia for the Mid-Term Examination scheduled for Thursday, March 2, 2006, 6:00 – 8:30 p.m. Location for the Mid-Term Examination will be Gambrell Hall, Room 250. The midterm examination will assess student’s skills, knowledge and understanding of the topics studied during the first half of the course. The examination questions will be comprised by multiple choice, true/false, fill-in-the blank, and essay questions. Specific guidance in preparation for the mid-term examination will be provided by the instructor prior to the examination. [NCATE: 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3]

#### **D. Legal Research Report / Memorandum:**

**(1) Legal Research Report:** Students will identify an issue in a school(s) or district(s) which may have negative legal ramifications if not addressed. Without naming schools, districts, or individuals, students will develop a Legal Research Report to address the issue in question. The report will include the following components: 1. Description of the Situation, 2. Identification of the violation or possible violation of law, 3. Development of a plan to address the issue/ situation proactively, and 4. Research of case law to provide support for addressing the issue proactively. A scoring rubric for the report will be provided.

**(2) Memorandum:** Based on the findings in the Legal Research Report, students will compose a memorandum to the instructor identifying the major issues and making recommendations on possible solutions. The purpose of this part of the assignment is to provide students with an opportunity to simulate appropriate communication with school officials about identified concerns. A scoring rubric for the memorandum will be provided.

The Legal Research Project and Memorandum will be submitted to the instructor on 4/10/06 by 11:00 p.m. No late papers will be accepted.

[NCATE: 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3]

**E. Final Examination:** Students will travel to USC Columbia for the Final Examination scheduled for Monday, May 1, 2006, 6:00 – 8:30 p.m. Location of the final examination will be determined during spring semester. The final examination will assess student's skills, knowledge and understanding of the topics studied during the last half of the course. The examination questions will be comprised by multiple choice, true/false, fill-in-the blank, and essay questions. Specific guidance in preparation for the mid-term examination will be provided by the instructor prior to the examination. [NCATE: 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3]

**Legal Basis of Educational Organization and Administration**  
**EDLP 705j - Class Assignments**

| Week                    | Assignments and Activities   | Reading / Assignment Due   |
|-------------------------|--|--|
| Intro Meeting<br>1/7/06 | Introduction to EDLP 705j <ul style="list-style-type: none"> <li>○ Module A Syllabus</li> <li>○ Module B: U.S. Constitution in Review</li> <li>○ Module B2 S.C. Constitution in Review</li> <li>○ Module C: Briefing a Case</li> </ul> | On-Campus Course Introduction<br>Jan. 7, 2006 / 1:00 p.m. – 2:00 p.m.<br>Location: Room 126 Wardlaw<br>USC Columbia Campus |
| Week1<br>1/9/06         | <ul style="list-style-type: none"> <li>○ Module 1.1 The Legal Systems</li> <li>○ Module 1.2 The U.S. Court System</li> </ul>   | Alexander & Alexander: 1-11<br>Alexander & Alexander: 11-20<br>:   |
| 1/16/06                 | Holiday – Martin Luther King Day   | No Classes   |
| Week 2<br>1/17/06       | <ul style="list-style-type: none"> <li>○ Module 2: History of Public Schools</li> <li>○ Module 3.1 Role of the Federal Government</li> <li>○ Module 3.2: Governance of Public Schools</li> </ul>                                       | Alexander & Alexander: 21-64<br>Alexander & Alexander: 62-95<br><br>Alexander & Alexander: 98 - 148                        |
| Week 3<br>1/23/06       | <ul style="list-style-type: none"> <li>○ Module 4: Church and State</li> </ul>   | Alexander & Alexander: 149 – 247<br><br><b>* Legal Brief # 1 Due 1/24/06</b>   |
| Week 4<br>1/30/06       | <ul style="list-style-type: none"> <li>○ Module 5: School Attendance</li> </ul>  | Alexander & Alexander: 248 – 295   |
| Week 5<br>2/6/06        | <ul style="list-style-type: none"> <li>○ Module 6: Student Rights: Speech, Expression and Privacy</li> </ul>   | Alexander & Alexander: 364 – 429<br><b>* Discussion Group Activity 1</b>   |
| Week 6<br>2/13/06       | <ul style="list-style-type: none"> <li>○ Module 7: Student Rights: Common Law, Constitutional Due Process, and Statutory Protections</li> </ul>  | Alexander & Alexander: 430 – 483   |
| Week 7<br>2/20/06       | <ul style="list-style-type: none"> <li>○ .Module 8: The Instructional Program</li> </ul>   | Alexander & Alexander: 296 – 363<br><b>* Legal Brief # 2 Due 2/21/06</b>   |
| Week 8<br>2/27/06       | <b>Mid Term Examination</b><br>(March 2, 2006)   | On-Campus Mid-Term Exam<br>March 2, 2006 / 6:00 – 8:30 p.m.<br>Location: Room 250, Gambrell Hall<br>USC Columbia Campus    |
| 3/5/06 –<br>3/12/06     | Spring Break   | No Classes   |
| Week 9<br>3/13/06       | <ul style="list-style-type: none"> <li>○ Module 9.1: Rights of Students with Disabilities</li> <li>○ Module 9.2: Tort Liability</li> </ul>   | Alexander & Alexander: 484 - 548<br><br>Alexander & Alexander: 549 - 592<br><b>* Legal Brief # 3 Due 3/14/06</b>           |

|                         |   |  |
|-------------------------|---|--|
| Week 10<br>3/20/06      | <ul style="list-style-type: none"> <li>○ Module 10: No Child Left Behind</li> <li>○ Module 11: S.C. Accountability Act</li> <li>○ Module 12: Economic Education Act</li> <li>○ Module 13: Physical Education Act</li> </ul> | On-line copies of statutes   |
| Week 11<br>3/27/06      | <ul style="list-style-type: none"> <li>○ Module 14: Desegregation of Public Schools</li> </ul>  | Alexander & Alexander: 889 - 938<br><br><b>* Discussion Group Activity 2</b>                                       |
| Week 12<br>4/3/06       | <ul style="list-style-type: none"> <li>○ Module 15 :Certification, Contracts, and Tenure</li> </ul>   | Alexander & Alexander: 669 - 717   |
| Week 13<br>4/10/06      | <ul style="list-style-type: none"> <li>○ Module 16:Teacher Rights and Freedoms</li> </ul>   | Alexander & Alexander: 718 - 764<br><br><b>* Legal Research Report Due 4/10/06</b>                                 |
| Week 14<br>4/17/06      | <ul style="list-style-type: none"> <li>○ Module 17:Due Process Rights of Teachers</li> </ul>  | Alexander & Alexander: 765 - 793   |
| Week 15<br>4/24/06      | <ul style="list-style-type: none"> <li>○ Discrimination in Employment</li> </ul>  | Alexander & Alexander: 794 - 854   |
| Final Meeting<br>5/1/06 | <b>Final Examination</b><br>(May 1, 2006)   | On-Campus Final Examination<br>May 1, 2006 / 6:00 – 8:30 p.m.<br>Location: To be determined during spring semester |

