American Public University System
The Ultimate Advantage is an Educated Mind

Education
EDUC670
Education Law, Ethics, and Politics
Credit Hours = 3
Length of Course = 8 weeks
Prerequisite: none

Instructor Information

Instructor: APUS Faculty

Course Description (Catalog)

This course explores legal, ethical and politics issues governing PreK-12 education in America and the legal responsibilities and powers of state and local governing bodies and individuals that arise in elementary and secondary schools. Topics include confidentiality, testing, liability for student injury, due process, search and seizure, staff appraisal, employment discrimination, church/state conflicts, control over the curriculum, the expression of controversial views, issues related to the financing and adequacy of state school finance plans, and the schools' authority to make rules governing student and teacher conduct. Issues surrounding in-school and in-district politics will also be discussed. Contracts, dismissals, tenure, retirement, liability of personnel and district, school district boundary changes, and bonding are also explored. Emphasis is given to federal and state statutes and case law affecting due process, liability, equal protection, and the rights of teachers and students in order to better understand the risks in education management and possible strategies to reduce those risks.

Course Scope

This course is a broad overview and addresses the legal and ethical issues relating to the practical problems faced by school administrators. It offers school leaders the opportunity to develop a broader understanding of the legal and ethical aspects of American schooling through presentation of subject areas of law most relevant to PreK - 12 education. It also introduces students to methods of legal analysis and decision-making, including an examination of students' legal rights, and the ethical parameters of education leadership, so that they can anticipate and recognize legal problems as education administrators.

STANDARDS FOR ADMINISTRATORS

State and national standards are covered in this course as listed below. The four sets of standards are based on the following organizations:

- **ELCC**, Educational Leadership Constituents Consortium
- **PRAXIS II School Leaders** (Reference Policy 5100, Appendix E)
- **West Virginia Standards for School Leaders**
- **ISTE/NETS- A**: International Society for Technology Education/National Education Technology Standards – Administrators
ELCC Standards

1.1 Develop a Vision
   b. Candidates base this vision on relevant knowledge and theories, including but not limited to an understanding of learning goals in a pluralistic society, the diversity of learners and learners’ needs, schools as interactive social and cultural systems, and social and organizational change.

3.2 Manage Operations
   c. Candidates demonstrate an understanding of how to apply legal principles to promote educational equity and provide a safe, effective, and efficient facilities.

3.3 Manage Resources
   a. Candidates use problem-solving skills and knowledge of strategic, long-range, and operational planning (including applications of technology) in the effective, legal, and equitable use of fiscal, human, and material resource allocation and alignment that focuses on teaching and learning.

5.1 Acts with Integrity
   a. Candidates demonstrate a respect for the rights of others with regard to confidentiality and dignity and engage in honest interactions.

5.2 Acts Fairly
   a. Candidates demonstrate the ability to combine impartiality, sensitivity to student diversity, and ethical considerations in their interactions with others.

5.3 Acts Ethically
   a. Candidates make and explain decisions based upon ethical and legal principles.

6.1 Understand the Larger Context
   b. Candidates demonstrate the ability to explain how the legal and political systems and institutional framework of schools have shaped a school and community, as well as the opportunities available to children and families in a particular school.
   d. Candidates demonstrate an understanding of the policies, laws, and regulations enacted by local, state, and federal authorities that affect schools, especially those that might improve educational and social opportunities.
   g. Candidates can describe community norms and values and how they relate to the role of the school in promoting social justice.

6.3 Influence the Larger Context
   b. Candidates apply their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit students and their families.

PRAXIS II School Leaders Standards

I. Determining Educational Needs
   3. Recognition of specific needs of diverse populations and mobile populations

III. Development of Staff and Program Evaluation
   9. Staff are treated fairly, equitably and with dignity and respect
   11. Awareness of the values of a diverse school community and its meaning for the educational program

IV. School Management
   Organizational and Operational Features of School Management
   5. Personnel selection and evaluation procedures

Governing and Control Features of School Management
1. Educational functions of local, state, and federal agencies and governing bodies
2. Role of various formal and informal organizations and agencies
3. Process of participatory government

Legal Features of School Management
3. Judicial and legislative provisions for students with disabilities, privacy act, affirmative action, sex discrimination, freedom of information and civil rights
4. Principles and issues related to school safety and security

V. Individual and Group Leadership Skills
6. Problem solving skills

West Virginia Standards for School Leaders

Standard 5: Personal/Professional Demeanor
A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness and in an ethical manner.

Standard 6: Systems
A school administrator is an educational leader who promotes the success of all students by understanding, responding to and influencing the larger political, social, economic, legal and cultural context.

ISTE/NETS- A Technology Standards
Social, Ethical, Legal and Human Issues: Educational leaders understand the social, legal, and ethical issues related to technology and model responsible decision-making related to these issues.
2. Identify, communicate, model, and enforce social, legal, and ethical practices to promote responsible use of technology
5. Participate in the development of policies that clearly enforce copyright law and assign ownership of intellectual property developed with district resources.

Course Objectives

After successfully completing this course, students will be able to:
1. Interpret the legal system as it applies to education
2. Distinguish the roles of federal, state, and local levels in the governance of education
3. Apply legal principles to educational issues
4. Access and apply legal documentation to educational issues
5. Evaluate and apply ethical principles to educational issues

Course Delivery Method

This course delivered via distance learning will enable students to complete academic work in a flexible manner, completely online. Course materials and access to an online learning management system will be made available to each student. Online assignments are due by Sunday evening of the week as noted and include Forum Board questions (accomplished in groups through a threaded discussion), examination, and individual assignments (submitted for review by the Faculty Member). Assigned faculty will support the students throughout this eight-week course.

Course Materials

Required Course Textbooks:

Recommended Textbook for the degree program:

In addition to the required texts in this course, you are **strongly encouraged** to purchase the latest addition of the *Publication manual of the American Psychological Association* (Currently 6th Ed.) if you have not previously purchased this resource.

**Websites:**


(Details at HomeWork #2)

In addition to the required course texts the following public domain Websites are useful. Please abide by the university’s academic honesty policy when using Internet sources as well. Note Web site addresses are subject to change.

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| Center for Effective Collaboration and Practice | [http://cecp.air.org/default.asp](http://cecp.air.org/default.asp) |
| FindLaw | [http://lp.findlaw.com](http://lp.findlaw.com) |
| National Center on Education, Disability, and Juvenile Justice | [http://www.edjj.org](http://www.edjj.org) |
| University of Michigan – Legislative Histories United States Congress | [http://www.lib.umich.edu/govdocs/legishis.html](http://www.lib.umich.edu/govdocs/legishis.html) |
| US Census Bureau | [www.census.gov](http://www.census.gov) |
| USA Today - census data | [www.census.usatoday.com](http://www.census.usatoday.com) |

The following reference materials are also useful:


*BYU Education and Law Journal*. Brigham Young University.


*Education Week*. Washington, DC: Editorial Projects in Education.


*LEXIS/NEXIS data base*. Dayton, OH: Mead Data Central.

*WESTLAW data base*. St Paul, MN: West.

**Evaluation Procedures**

**Homework Assignments:** Case Briefs and Case Studies (Obj. 1, 2, 3, 4, 5)
There are 7 homework assignments. You will either be asked to do a case brief or to respond to a specific case study in each module. The assignments are related to the topics during the week.

Final Exam

In week eight of the course students will take a comprehensive final exam that consists of multiple choice, T/F and short answer questions.

Forum Participation

There are eleven forum questions throughout the course and each forum is described in its respective module. Some modules have two forum questions, and some modules have one forum question. All but the last forum question, forum question 11, requires that you respond to two of your colleague learners. (NOTE: If there are too few students in the course to meet that requirement, the instructor will make an adjustment for you.) All forum question postings must be respectful. Remember that humor does not always translate online. If you feel any discomfort with another learner's posting to you, please address your discomfort to that student off-line (email), or address your discomfort to the instructor. However, you are expected to challenge each other to grow, which may mean asking probing questions or stating opposition to statements. If done, respectfully, such challenges are acceptable. Also, appropriate “NETIQUETTE” should be followed for all postings and forums posts should include APA format on all references cited. It is best to reference at least one outside resource in your posts. Your forum post is due by Midnight on Thursday of the week listed. The minimum length of your forum posts are approximately 1 double spaced page (300 words). Your 2 responses to classmates' postings are due by Midnight on Sunday of the week listed and should be a minimum of 150 words (about a paragraph). Writing “I agree” or “you are right” does not meet the requirements of a thoughtful response to your classmates.

Forums

The success of this course depends on our ability to have read the assigned readings closely, to have thought carefully about the points raised or ignored by authors, and to bring to the group your questions and concerns about their theses and positions into the forum. Prior to each class I will post Announcements and outline the focus of the subsequent session and direct your reading. Having prepared the readings prior to class ensures your productive participation.

Classes will typically begin with a question I have posed the previous week. We should work to achieve conversational exchanges with each other through the forums, constructively challenging each other to think broadly and critically about ideas or assertions posed by the reading.

In all participation and assignments I am looking for evidence of:

- Demonstration of substantial knowledge and higher order thinking and analytical skills and application of facts, concepts, terms, and processes learned/read/discussed;
- Critical contemplation, i.e., “grapple” with issues and topics;
- Appropriate use of knowledge learned;
- Imaginative thinking and responses to challenges/problems/issues;
- Exploring underlying assumptions about the lifelong value of education and classroom management of schooling;
- Clarity of expression and logical connection among ideas expressed;
- Writing that reflects precise and concise thinking;
- Excellent grammar, syntax, and spelling.

EVALUATION EXAMPLE BELOW

<table>
<thead>
<tr>
<th>Grade Instruments</th>
<th>Points</th>
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</thead>
<tbody>
<tr>
<td>Homework Assignments (7 assignments @ 5 points each)</td>
<td>35</td>
</tr>
<tr>
<td>Forums (8 at 5 points each)</td>
<td>40</td>
</tr>
<tr>
<td>Final Exam (1 @ 25 points)</td>
<td>25</td>
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</table>
APUS Policy on Plagiarism:
Plagiarism is a serious violation of APUS’s code of academic conduct. The Student handbook explains specific policies and penalties. Here is the link to the policy:
Additionally, the School of Education offers further clarification. Specifically, all students in this course are to follow these guidelines:

- Do not quote or paraphrase published sources, including assigned readings and Web-based sources, without explicit reference to the original work. Credit the source using APA style. Cutting and pasting from a website without citing the electronic source is plagiarism, as is taking phrases, sentences and/or paragraphs from textbooks without referencing the source.
- Do not insert parts of class lectures, online modules, or tutorials, including examples, into your own work, without permission or citation. These are published by the instructors, who properly cite the sources of any external published sources.
- Do not insert parts of previous students’ work or current students’ work into your own work, without permission and/or citation.

You are expected to use your own words to demonstrate your understanding of the content of this course. While it is appropriate to reference experts and outside resources, students should do so judiciously to avoid simply summarizing and paraphrasing what all other sources have stated about a given topic. Remember, always cite any work that is not your own intellectual property. Fail to do so may result in failing an assignment and/or course and ultimately may result being removed from the program due to a violation of professional dispositions.
# Course Outline

## 8 Week Course

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic(s)</th>
<th>Learning Objective(s)</th>
<th>Reading(s)</th>
<th>Assignment(s)</th>
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<tbody>
<tr>
<td>1</td>
<td>The legal system</td>
<td>Describe the judicial process as it relates to educational lawsuits</td>
<td>Chapter 1 (Essex)</td>
<td>Submit HW#1 Ethical Case Study</td>
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<td></td>
<td>Introduction to leadership ethics</td>
<td>Assess the roles of federal, state, and local governments in educational programming</td>
<td>Course syllabus</td>
<td>Using the case study provided by the professor, please respond by answering the questions provided.</td>
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<td>Express ethical components of leadership problems</td>
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<td><strong>Introduction Forum</strong></td>
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<td></td>
<td>Introduce yourself to your classmates. Give an example of when you have seen ethical behavior (or unethical behavior) in education. What did you do when you observed this behavior?</td>
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<td><strong>Forum #1</strong></td>
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<td>What is your state’s structure of education? In your responses to peers compare and contrast your system with theirs.</td>
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<td>2</td>
<td>No Child Left Behind</td>
<td>Understand No Child Left Behind and the role it plays in educational practice</td>
<td>Chapter 14 (Essex)</td>
<td>Submit HW#2 Ethical Case Study</td>
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<td></td>
<td>The role of ethics in the law</td>
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<td>Create a case study related to NCLB that shows a contradiction between an ethical issue and the law. Provide what you believe to be solution following the questions provided. Submit this as a word document.</td>
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<td><strong>Forum #2</strong></td>
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<td>What do you do when ethics conflict with the law?</td>
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<tr>
<td>3</td>
<td>Student Attendance</td>
<td>Apply legal tests to situations related to separation of church and state</td>
<td>Chapters 9 &amp; 10 (Essex)</td>
<td>Assignment 3: Case Brief</td>
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<tr>
<td></td>
<td>The Instructional Program</td>
<td>Understand compulsory Attendance and school choice.</td>
<td></td>
<td>Select a case regarding school attendance, academics, separation of church and state or school choice (from anywhere in the United States) that has been decided after 2007. Prepare a case brief (instructions in module)</td>
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<td></td>
<td>Separation of church state</td>
<td>Academic responsibilities.</td>
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<td><strong>Forum #3</strong></td>
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<td>Scenario: A small high school has generally begun graduation ceremonies with prayer. The valedictorian is typically the student who delivers the prayer; however, this year’s valedictorian has</td>
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</table>
announced that she finds the custom offensive and opposes any prayer at graduation. The members of the senior class met and voted (by a majority of 65 to 27) to continue the prayer tradition and elected a class chaplain to deliver the prayer. The principal has noted that students, not the school, are in charge of graduation ceremonies. You are now the principal. While some parents support the students' actions, some are very upset, and, in fact, the ACLU has contacted the district threatening a suit saying there was a violation of church and state. Prepare a response from the point of view of the principal. Be sure to consider the Lemon test, the students' rights to free speech as protected by the First Amendment to the US Constitution, and any other legal or cultural issues that apply. Then, comment on, ask probing questions about, or respectfully challenge at least two of your colleague students' responses to this situation.

<table>
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<tr>
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<tr>
<td>4</td>
<td>School district liability and immunity</td>
<td>Determine liability and immunity of school districts</td>
<td>Chapters 4 &amp; 8 (Essex)</td>
<td>Submit HW#4: Case Brief 2 &lt;/br&gt; Select a case regarding school district liability or liability for student records and privacy (from anywhere in the United States) that has been decided after 2007. Prepare a case brief (instructions in module).</td>
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<td>Identifying relevant legal issues</td>
<td>Identify a legal issue applicable to education</td>
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<td>Forum #4 &lt;/br&gt; Post a description of a situation which may or may not result in school district liability. What are the ethical responsibilities of the school employees? The legal? Are these responsibilities the same? Then, in response to at least two of your colleague learner's postings, state whether or not you think the school district would be liable or immune in that situation and why. Also, indicate any ethical dilemmas and how you would respond.</td>
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<tr>
<td>5</td>
<td>Student rights</td>
<td>Analyze the legal basis for student rights and discipline</td>
<td>Chapters 2, 3, 4 &amp; 5 (Essex)</td>
<td>HW5: Case Brief &lt;/br&gt; Select a case regarding student rights or student discipline (from anywhere in the United States) that has been decided after 2007. Prepare a case brief (instructions in module).</td>
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<td></td>
<td>Student Discipline</td>
<td>Conduct legal library research</td>
<td></td>
<td>Forum #5 &lt;/br&gt; Post a hypothetical case related to any of the topics in Essex Chapters 2, 3, 4 or 5. In response to the cases of at least two of your colleague students, assume the position of attorney for or against the district. State which position you are taking and present your</td>
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<tr>
<td>Week</td>
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| 6    | Teacher constitutional rights and freedom and collective bargaining. Legal issues in the educational environment | Analyze the legal basis for teacher rights. Review legal issues as experienced in the educational environment | Chapters 6 & 13 (Essex) | **HW6: Case Brief**  
Select a case regarding teachers rights of any kind (from anywhere in the United States) that has been decided after 2007. Prepare a case brief (instructions in module).  

**Forum #6**  
Post a hypothetical case related to any of the topics in the readings. In response to the cases of at least two of your colleague students, assume the position of attorney for or against the district. State which position you are taking and present your argument, citing relevant case law and statute as applicable. Also, indicate any ethical dilemmas and how you would respond. |
| 7    | Teacher employment rights and discrimination in employment. Presence as a leadership ethic | Teacher employment rights and discrimination in employment. | Chapters 11 & 12 (Essex) | **HW7: Case Brief**  
Select a case regarding employment issues of any kind in schools (from anywhere in the United States) that has been decided after 2007 and prepare a case brief (instructions in module).  

**Forum #7**  
Post a hypothetical case related to any of the topics in the readings. In response to the cases of at least two of your colleague students, assume the position of attorney for or against the district. State which position you are taking and present your argument, citing relevant case law and statute as applicable. Also, indicate any ethical dilemmas and how you would respond. |
| 8    | Final Exam | Final Exam | NONE | **FINAL EXAM** |
Selected Bibliography/E-Bibliography


Additional Resources

www.schoollaw.com/

www.nsba.org/SchoolLaw/Issues

www.nsba.org/SchoolLaw