EDL 606: Judicial & Ethical Considerations  
William Carey University  
School of Education  
Course Syllabus – Online

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Phone: office 601.318.6605 cell 601.606.6295  
Office Hours: Tu/Th 9.00 a.m. to 2.00 p.m., or by other appointment  
Fairchild Hall, Room 107

WCU Theme: “Going the Extra Mile” Matt. 5:41  
Vision: “Confident, Caring, and Reflective Professional Educators”

The School of Education serves to prepare confident, caring, and reflective educators within a Christian environment, from a liberal arts curriculum for both pre-service educators as well as advanced preparation for inservice educators.

** The purchase and activation of a TK20 account is a requirement for any student taking Education courses at William Carey University. Uploading one or more assignments in this course is a requirement of this Education course. The neglect to upload the required assignment to your TK20 by the specified deadline will result in receiving an “I” (incomplete) or a grade of an “F” for this course at your instructors’ discretion. If they choose to give you an “I”, you will then have one term to complete the upload to receive a reduced grade, preventing the “I” from turning to an “F” automatically. If you have
questions about what TK20 is or how to purchase your account, contact your TK20 Administrator at tk20@wmcarey.edu.

The vision of William Carey University’s leadership program is to equip Educational Leadership candidates to become change agents for positively impacting students’ lives socially, emotionally and academically.

Catalog Description:
(Three hours) This course includes the exploration of local, state, and federal laws, court decisions, and legal opinions affecting public education.

Course Content: Candidates are exposed to specific mandates related to exceptionalities, laws related to faculty and students’ rights and responsibilities, school finance, due process and social justice.

Required Textbook:

Websites:
http://www.wrightslaw.com
http://www.mscode.com/free/statutes/toc.htm
http://www.ada.gov  (Americans with Disabilities Act)
http://idea.ed.gov/explore/home  (Individuals with Disabilities Education Act of 2006)
http://library.wmcarey.edu
http://blogs.edweek.org/edweek/school_law  (School Law Spotlight published by Education Week)
http://www.findlaw.com
http://www.ago.state.ms.us (MS Attorney General Office)

<table>
<thead>
<tr>
<th>Learning Outcomes</th>
<th>ISLLC Standards</th>
<th>ELCC Standards</th>
<th>WCU Conceptual Frameworks</th>
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<tr>
<th></th>
<th>Outline the legal framework for education, including federal and state statutes as they apply to public school administration.</th>
<th>4a 5d 6b</th>
<th>3.3a 3.2c</th>
<th>1 6</th>
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<tbody>
<tr>
<td></td>
<td>Become knowledgeable about school law in general; including how to locate, interpret, and apply statutes and court decisions relevant to school operations and the teaching-learning process.</td>
<td>5a 6a 6b</td>
<td>6.1d 5.3a</td>
<td>1 6</td>
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<td>Demonstrate knowledge of the power of state legislatures and local school boards, including financial ramifications, elections, and school board procedures.</td>
<td>1c 2a 3a 5a</td>
<td>6.1d 5.3a</td>
<td>1 6</td>
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<td></td>
<td>Explain the general use of money and property.</td>
<td>3a 3b</td>
<td>3.1b</td>
<td>1 6</td>
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<td></td>
<td>Identify appropriate procedures with regard to students with disabilities, including ADA, IDEA, NCLB, free appropriate public education, and least restrictive environment.</td>
<td>4b 4c 5e 6a</td>
<td>3.2c 4.2c</td>
<td>1 4 6</td>
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<td></td>
<td>Describe due process and tort liability of school districts, officers, and employees.</td>
<td>6b</td>
<td>5.3a</td>
<td>1 6</td>
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<td></td>
<td>Demonstrate knowledge of contract liability of school districts and officers.</td>
<td>6b</td>
<td>5.3a</td>
<td>1 6</td>
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<td></td>
<td>Explain the statutes on certification, employment, conditions of employment, discharge, retirement, reduction-in-force, and contracts of teachers and other school employees.</td>
<td>5b 5c 6b 6c</td>
<td>6.1b</td>
<td>1 6</td>
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<td>Discuss statutes concerning compulsory education of children.</td>
<td>4c 5e</td>
<td>5.3a 3.2c</td>
<td>1 6</td>
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<td></td>
<td>Develop an understanding of social justice as related to public</td>
<td>3b 5c</td>
<td>5.1a 5.2a</td>
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school education, including minorities, civil rights, and cultural issues. | 5e |  | 6
---|---|---|---
11. Examine how ethics and law impact the teacher and classroom (computer ethics and software, Internet publishing, distance learning copyright, intellectual property, referencing electronic media, the Teach Act, and fair use). | 3b | 5.3a | 5

**COURSE REQUIREMENTS:**

<table>
<thead>
<tr>
<th>Performance Assessments</th>
<th>ELCC</th>
<th>ISLLC</th>
<th>SLLA</th>
<th>ISTE</th>
<th>MSSL/MPPS</th>
<th>WCU/CF</th>
<th>Vision Values</th>
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<tbody>
<tr>
<td>1. Case Reviews: Provide written responses to four legal case studies, including case citation, facts of the case, implications, final decisions, rationale, and personal reflection.</td>
<td>5</td>
<td>5,6</td>
<td>III, V</td>
<td>5,6</td>
<td>5</td>
<td>3</td>
<td>A2</td>
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</table>
Cases include: New Jersey v TLO, San Antonio v Rodriguez, Board of Education v Rowley, and Gebser v Lago Vista.

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<tr>
<th>2. Administrator Interview:</th>
<th>5,6</th>
<th>5,6</th>
<th>III, V</th>
<th>6</th>
<th>5</th>
<th>3</th>
<th>A2, 3</th>
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<tr>
<td>Interview an effective practicing administrator on the details of a specific legal case that he/she has been directly involved with. Give case details, outcome, and personal reflection.</td>
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<tr>
<th>3. Group Discussion on Ethics:</th>
<th>3,5</th>
<th>5,6</th>
<th>III, V</th>
<th>6</th>
<th>5</th>
<th>3</th>
<th>A2</th>
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<tr>
<td>Participate in the group discussion board on MDE’s Code of Ethics Policies. Topics include privileged thinking; alcohol, drugs; tobacco use; and freedom of expression.</td>
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<tr>
<th>4. Chapter Assignments:</th>
<th>3,5</th>
<th>5,6</th>
<th>III, V</th>
<th>6</th>
<th>5</th>
<th>3</th>
<th>A2</th>
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<tbody>
<tr>
<td>Complete specific chapter assignments on the topics of Sources of</td>
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Assignments:

1. **Case Reviews (4):** Written response to four assigned legal case studies. Include the legal case citation, facts of the case, implications, final decisions, rationale, and personal reflection. Cases include: New Jersey v TLO, San Antonio v Rodriguez, Board of Education v Rowley, and Gebser v Lago Vista. This assignment should be uploaded into TK20 for data collection, as well as D2L dropbox. **40 points**

2. **Administrator Interview:** Conduct an interview with a practicing school administrator. Focus on a specific case in which the administrator faced one or more legal issues. Describe the action taken and the outcome. Include your personal reflection of how the case was handled. Please use fictitious names in your written response and class discussion (for confidentiality purposes). **20 points**

3. **Group Discussion on Ethics:** Participate in group discussion on MDE’s Code of Ethics Policies. Respond to the questions posted on D2L Discussion Board. Topics include (1) privileged thinking; (2) alcohol, drugs, tobacco use; and (3) freedom of expression. **30 points total.**
4. **Chapter Assignments:** Complete specific chapter assignments on the topics of Chapter 1 Sources of Law, Chapter 3 Students and the Law, Chapter 4 Teachers and the Law, and Chapter 8 School District Liability. Upload assignments to D2L dropbox. *(40 points total).*

5. **Student Handbook Review:** Utilizing your district’s student handbook, evaluate and analyze each section, applying the legal expertise you have gleaned from this course. Provide a written report of each error found and include recommendations for changes in the handbook. Cite the legal justification that supports each change. **30 points**

**Grading Scale:**

- 100- 93%   A
- 92-85%    B
- 84-75%   C
- 74 and below F

**NOTE:** Late assignments will be graded. Points will be deducted for each day late. No assignment will be accepted after one week late.

**ATTENDANCE:**

Attendance and participation (whether face-to-face or online) at all class meetings are expected. Please be on time and stay until class has ended. No credit is to be received if more than 2 full classes or more than 7 hours of class time are missed. There are no excused or unexcused absences. Failure to complete an assignment counts as an absence for the class. Please see The Graduate Catalog of WCU for more information.

**Academic Integrity:**

William Carey University seeks to create an environment that encourages continued growth of moral and ethical values, which include personal honesty and mutual trust. The college places the highest value on academic integrity and regards any act of academic dishonest as a serious offense. Academic dishonest considered unethical and in violation of William Carey University’s academic standards and Christian commitment. If such an incident occurs, students, faculty, and/or staff are **obligated** to initiate appropriate action. Depending upon the seriousness of the offense sanctions could include failure of the assignment, failure of the course, and **could lead to suspension or dismissal from the university.** A full explanation of the procedures for responding to instances of academic dishonesty is contained in

If you need additional help.  
http://www.lib.usm.edu/legacy/plag/plagiarismtutorial.php

**PLAGIARISM:**
If you do not understand the concept of plagiarism you need to read the section on plagiarism in the current edition of the APA Manual. If you have any questions about plagiarism after reading this section please consult the professor. If you do not request further discussion with the professor, it will be assumed that you understand the definition of plagiarism. Plagiarism will not be tolerated and will result in the student receiving a final grade of F. Plagiarized assignments are not acceptable and CANNOT be redone.

**Disabilities Statement:**
Students with disabilities, who are protected by the Americans with Disabilities Act of 1990 and require special accommodations, should contact 601-318-6188. in the Student Services Office in Lawrence Hall.

**Catastrophic Event Plan**
In the event of closure or cancellations due to natural disaster or other emergency causes, general information will be forwarded to local media, posted on the WCU website http://wmcarey.edu, and sent via automated process to your WCU student email address. Specific information regarding the continuation of coursework will be posted on the university’s course management system at https://elearning.wmcarey.edu. For up-to-the-minute alerts regarding emergency situations, sign up to receive notifications through Sader Watch, the WCU emergency text message service. Sign up instructions can be found under current students on the WCU homepage.

**SEXUAL MISCONDUCT STATEMENT**
It is the policy of William Carey University to comply with all federal and state laws governing sexual misconduct. Further, William Carey University reaffirms its principle, as well as Title IX of the Education Amendments Act of 1972, that all students have a right to be free from sexual discrimination in the form of sexual harassment and sexual violence. Students are referred to the Student Handbook, *The Translation* (*The Red Book*), for policy statements regarding sexual harassment and sexual assault and for procedures for reporting and responding to sexual offenses. The policies and procedures may also be found on the university’s website under Campus Life – Security.  http://wmcarey.edu/sexual-misconduct
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Assignments Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 24</td>
<td>Course introduction, Chapter 1 discussion, syllabus overview, Plessy v Ferguson case, equal protection clause, Bill of Rights</td>
<td>Obtain textbook</td>
</tr>
<tr>
<td>Mar 3</td>
<td>Privileged thinking Chapter 1: Educational Governance Sources of Law and the Courts</td>
<td>Discussion tab item #1 Chapter 1 Assg</td>
</tr>
<tr>
<td>March 9-13</td>
<td><strong>Spring Break</strong></td>
<td></td>
</tr>
<tr>
<td>Mar 17</td>
<td>New Jersey v TLO case San Antonio v Rodriguez case</td>
<td>Case studies #1 and #2 in dropbox</td>
</tr>
<tr>
<td>Mar 24</td>
<td>Chapter 3: Students and the Law</td>
<td>Chapter 3 Assg</td>
</tr>
<tr>
<td>Mar 31</td>
<td>Code of Ethics Standard 2</td>
<td>Discussion tab item #2</td>
</tr>
<tr>
<td>Apr 7</td>
<td>Board of Education v Rowley case Gebser v Lago Vista case</td>
<td>Case studies #3 and #4 in dropbox</td>
</tr>
<tr>
<td>Apr 14</td>
<td>Chapter 4 Teachers and the Law</td>
<td>Chapter 4 Assg</td>
</tr>
<tr>
<td>Apr 21</td>
<td>Review Chapter 8 Educator &amp; School District Liability</td>
<td>Administrator Interview in dropbox Chapter 8 Assg</td>
</tr>
<tr>
<td>Apr 28</td>
<td>Review student handbook components, such as grading, attendance, dress code, discipline, graduation.</td>
<td>Student Handbook Evaluation in dropbox</td>
</tr>
<tr>
<td>May 5</td>
<td>Freedom of Expression</td>
<td>Discussion tab item #3</td>
</tr>
</tbody>
</table>
ADDITIONAL REFERENCES


Sexual Harassment of School Employees. Scarborough, Maine, retrieved on Jan 19, 2010 at http://www.scarborough.k12.me.us/board/policies/ACAB.pdf

http://www.asbj.com/TopicsArchive/Bullying/Bullying-From-Words-to-Action.aspx

LEGAL REFERENCES AND WEBSITES

http://blogs.edweek.org/edweek/school_law  School Law Spotlight published by Education Week

http://education.findlaw.com/  A legal resource guide with educational information on student rights, teacher rights, school safety, discrimination, student conduct and discipline, and students with disabilities.

http://idea.ed.gov/explore/home  Individuals with Disabilities Education Act of 2006

http://library.wmcarey.edu


http://www.ago.state.ms.us  MS Attorney General Office contains state legal information and attorney general opinion on various issues.


http://www.wrightslaw.com  Wrights Law is a legal resource website, organized by Pete and Pam Wright, legal advocates. Utilize the site to explore federal statutes and legal cases regarding children with disabilities.

December 2014 (699)

Legal Update for District School Administrators

December 2014, Dr. Johnny R. Purvis*

West’s Education Law Reporter
A cooperative effort with Dr. Ben Burnett, Dean, College of Education, William Carey University on behalf of the Pine Belt Superintendents’ Organization and the University of Central Arkansas

Terry James, Chair, Department of Leadership Studies, University of Central Arkansas

S. Ryan Niemeyer, Editor, UM Director of the Mississippi Excellence in Teaching Program and Assistant Professor, Leadership and Counselor Education, University of Mississippi

Shelly Albritton, Technology Coordinator, Department of Leadership Studies, University of Central Arkansas

Wendy Rickman, Assistant Professor, Department of Leadership Studies, University of Central Arkansas

Safe, Orderly, and Productive School Institute

Department of Leadership Studies

University of Central Arkansas

201 Donaghey Avenue

230 Mashburn

Conway, AR 72035

*Phone: 501-450-5258 (office)
The Legal Update for District School Administrators is a monthly update of selected significant court cases pertaining to school administration. It is written by *Johnny R. Purvis for the Safe, Orderly, and Productive School Institute located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Purvis at *501-450-5258. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics

A. Abuse and Harassment:
“Award of $1,000,000 for School’s Failure to Properly Address Harassment Not an Abuse of Discretion by a Magistrate Judge”


Plaintiff (student) filed action alleging that school district violated Title VI by allowing his fellow high school students to harass him for three and one-half years. The award of damages from $1.25 million to $1 million for a school district’s violation of Title VI in failing to properly address student on student racial harassment was not an abuse of discretion where high school student, his mother, and third-party testified of student’s increasing frustration, loneliness, other emotional anguish, and student’s ability to attend college or enter the workforce was significantly and adversely impaired by prolonged harassment. Furthermore, the award was located within the range of permissible decisions. Note: The plaintiff was a dark-skinned and biracial (half-white and half-Latino) student and attended a high school where minorities represented less than five percent of the student population. Students in the high school committed such behaviors as the following toward the plaintiff: called him “nigger,” told him to go back where he came from, charged toward him and screamed that they would rip his face off and kick his ass, stripped a necklace from his neck, and stated to him that he was so ghetto. In addition to such behaviors and the aforementioned, a student
tampered with his locker and filled his locker with garbage, which spilled on him and the floor.

B. Athletics:

“Parents’ Right to Control Individual Components of Son’s Education was Not Protected by Due Process”


Parent’s right to control individual components of their son’s education, including his participation in interscholastic sports and other activities, was not protected by due process or their fundamental right to make decisions associated with their son’s best interest; thus, precluding the parents’ claim that transfer rule of state high school league, which denied their son’s eligibility to participate in interscholastic and athletic activities at the school of the parents’ choice.

C. Civil Rights:
“There was No Evidence That Police Officer used Excessive Force in Handcuffing and Restraining Disabled Middle School Student”


Police officer’s seizure and restraint of disabled 11-year-old sixth grade Hispanic middle school student by handcuffing him was justified at its inception and reasonable in scope under the Fourth Amendment, where officer arrived at the immediate school’s parking lot and saw security guards struggling to restrain the student in the school’s playground area. The action of the police officer was justified at its inception and reasonable in scope under the Fourth Amendment, where officer arrived at the school’s parking lot, saw security guards struggling to restrain the student and saw student kicking his feet, flailing his arms while yelling, and trying to headbutt and bite bystanders. The police officer and security guards tried to calm the student by talking to him, and thereupon, the student tried to bite one of the guards and bent the guard’s finger back. The officer then restrained the student by himself while the student continued to scream, yell, and kick. After about five to seven minutes after arriving at the scene, the officer told the principal that he could not control the student and he would have to handcuff him, which he did. The student’s mother was notified and she arrived at the scene approximately five minutes after the student was
handcuffed and the handcuffs were removed as soon as the mother asked the officer to take them off of her child.

“Principal May ‘Not’ be Entitled to Qualified Immunity Based on Action by a Student’s Claim Alleging Unreasonable Search”

Middle school principal was “not” entitled to qualified immunity in a Section 1983 civil action by the parents of an African-American student, alleging an unreasonable search. The principal alleged strip search of student, if proven*, would have violated the Fourth Amendment and offended the student’s legitimate expectation of privacy. The school’s interest in confiscating a laser pointer and recovering stolen property, although legitimate, did “not” justify an adult woman forcing a young man to strip to his undergarments. Note: The first alleged search occurred on January 26, 2010, when a laser pointed from confiscated from the then sixth grade student during a basketball game. The second alleged search occurred (October 13, 2010) when the student enter a visiting team’s locker room, went through team members stuff and was found with a visiting team member’s MP3 player. * When the material facts are not disputed, a court can decide the case as a matter of law, rendering a trial unnecessary.

However, when the facts are disputed, a trial is required to decide who is
being truthful. This particular case is a civil rights case (Title VI, Title IX, and 14th amendment) – literally, a case of “he-said-she-said” – is of the latter type.

D. Disabled Students:

“School District Gave Parents a Meaningful Opportunity to participate in the Creation of Their Child’s IEP”


School district provided parents of an elementary school student with autism a meaningful opportunity to participate in the creation of the student’s fourth grade IEP, as required by IDEA. Parents were given notice of the IEP meetings, they attended them, and shared their views about their youngster’s behavior intervention plan. The district did not agree with the parent’s request to stop putting the student in a calming room when he behaved aggressively, as urged by the rehabilitation facility that the parents had consulted. In addition, the district did not predetermine the student’s IEP or behavior intervention plan and it did not refuse to listen to suggestions from the student’s parents or the rehabilitation faculty.
“School’s Failure to Arrange for Paraplegic Student to Play on Concert Stage was Not an Act of Bad Faith under Rehabilitation Act”


Sixth grade school’s band director did not exhibit bad faith or gross misjudgment in failing to make arrangements for paraplegic student to perform on stage during a concert or in suggesting the student play from the floor in front of the stage, as required to support a disability discrimination claim under the Rehabilitation Act. The band director was merely negligent in failing to ensure that the concert venue would be wheelchair accessible.

Note: When the plaintiff was six years old, he was injured in an automobile accident that severely damaged his spinal column and caused paraplegia.

E. Labor and Employment:

“Candidate for Director of Schools Did Not Demonstrate That Board’s Reasons for Not Hiring Her were Pretext for Gender Discrimination”


Unsuccessful candidate for the position of director of schools (superintendent) did not demonstrate that the reasons given by the county
board of education for not hiring her were perpetual as so pertaining to
gender discrimination in violation of Title VII and Tennessee’s Human
Rights Act. The plaintiff based her claim on the premise that the board had
never selected a female to be the director of schools despite having female
applications in the past. The plaintiff was not able to present statistical or
other evidence that demonstrated that the board’s prior hiring decisions
pertaining to the district’s director position were discriminatory toward
women.

“Teacher’s Use of Rewards Points Earned from Purchases with School Funds to
Secure Personal Items Warranted Termination”
Timpani v. Lakeside School Dist. (Ark App., 386 S. W. 2d 588), November 11,
2011.

Classroom teacher’s redemption of rewards points earned from purchases
made with school funds, for personal items warranted employment
termination pursuant to Arkansas’s Teacher Fair Dismissal Act. Even though
the school district did not have a written policy concerning the use of reward
points, evidence was presented that other teachers employed in the school
district understood that policy prohibited the use of rewards points for
teachers’ personal use. In addition, the plaintiff was dishonest, rude, and
disrespectful when confronted with the allegations by the school district’s
administration. Note: The plaintiff, who was employed for more than 20 years with the school district and taught sixth grade, use “bonus points” or reward points earned from the Scholastic Book Club to secure items such as two twenty-seven inch televisions, a DVD player, and a microwave oven. The book club awarded bonus points based on several factors, including the dollar amounts spent on each order, for which the plaintiff used school funds, money from students and other teachers, and her personal money. When the middle school principal learned of the order by the plaintiff, she called the superintendent and asked for advice in dealing with the situation. Based on instructions from the superintendent, the principal ask the plaintiff about the manner in which she was going to use the items secured with the bonus points for instructional purposes within her classroom. In addition, plaintiff was told by her principal that she could not keep the items for her personal use because the items were acquired with money from students, other teachers, and the school district. The plaintiff stated that it was her belief that the bonus points belong to her and the items that she ordered with the bonus points belong to her, and refused to cancel the order.

Books of Possible Interest: Two recent books published by Purvis –
1. Leadership: Lessons From the Coyote, www.authorhouse.com


Note: Johnny R. Purvis recently retired (11 years) as a professor in the Department of Leadership Studies at the University of Central Arkansas (UCA). Prior to retiring from UCA he retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. In addition, he retired as a law enforcement officer having served in both Arkansas and Mississippi. He can be reached at the following phone number: 601-310-4559 (cell-phone) or e-mail jpurvis@uca.edu