BASIC SCHOOL LAW AND POLICY

Course Number: EL 5551
Semester Hours: Three
Prerequisites: Completion of Modules I & II of the Principal/Supervisor Program sequence, where applicable or instructor’s permission.
Limitations on Enrollment: 25
Required: For all School Business Administrator, Principals, and Supervisors Program Candidates.

Catalog Description

Covers legal principles generally applicable to education in the United States and to New Jersey public schools in particular, including Constitutional, statutory, and decisional law affecting policies and practices, with emphasis on analysis of major cases.

N.B. In order to insure full class participation, any student with a disability condition requiring special accommodations (e.g., tape recorder, special adaptive equipment, special note taking or test taking procedures) is strongly encouraged to contact the professor at the beginning of the course.
Course Objectives

Students will achieve growth towards becoming informed, dynamic professionals by developing proficiency in knowledge, skill application and value development, as evidenced by demonstration of the ability to:

A. list sources of educational law and describe their manner of interaction with one another. (Knowledge)

B. model the utilization of legal resources. (Knowledge/Skills)

C. describe the government’s authority to compel and regulate education. (Knowledge)

D. analyze and evaluate the school finance reform movement, as it relates to the equality of educational opportunity issue. (Knowledge/Skills/Values)

E. synthesize and evaluate racial discrimination law in the schools, as it relates to the equality of educational opportunity issue. (Knowledge/Skills/Values)

F. synthesize and evaluate gender discrimination law, as it relates to equality of educational opportunity issue. (Knowledge/Skills/Values)

G. evaluate handicap discrimination, as it relates to the equality of educational opportunity issue. (Knowledge/Skills/Values)

H. list mandated educational programs. (Knowledge)

I. analyze and evaluate student rights and responsibilities under the law. (Knowledge/Skills/Values)

J. describe the legal powers, duties, and obligations of local school boards. (Knowledge)
K. evaluate teacher rights and responsibilities under the law. (Knowledge/Skills/Values)

L. describe the public school contracts law. (Knowledge)

II. Course Outline

A. Sources of Law
   1. United States Constitution
   2. New Jersey Constitution
   3. Federal legislation
   4. State legislation
   5. State administrative code
   6. Judicial case law
   7. Administrative case law
   8. Interaction of powers

B. Conducting Legal Research
   1. Legal resources
   2. Legal research
   3. Briefing a case
   4. Reading statutes and regulations

C. Governmental Authority to Compel Education
   1. Federal role & powers: 10th Amendment
   2. State role & powers
   3. Municipal role & powers
   4. Authority to educate
      a. Compulsory school law
      b. Non-public schools
      c. Religious schools
      d. Home schooling
   5. Other schooling options:
      a. Charter schools
      b. Choice schools
      c. Voucher programs
D. Equal Educational Opportunity & School Finance Reform
1. The Coleman Report and other inequality studies
2. The Serrano-Rodriguez-Robinson trilogy
3. Poverty as a suspect classification
4. Thorough & Efficient Clause
   c. The Comprehensive Educational Improvement Reform Act

E. Equal Educational Opportunity & Race
2. “Separate but Equal” Doctrine
3. Fundamental rights
4. Suspect classifications
5. Equal protection analysis
6. “All Deliberate Speed”: Brown v. Board of Education
7. DeFacto v. deJure segregation; the New Jersey standard

F. Equal Education Opportunity & Gender
1. Title IX of the 1972 Education Amendment (20 U.S.C. 1681-86)
2. Intermediate judicial scrutiny
3. Access to curriculum; to extra-curriculum

G. Equal Educational Opportunity & Handicap
1. Individuals with Disabilities Education Act (IDEA)
2. Section 504 of the Rehabilitation Act
3. Americans with Disabilities Act
   a. N.J.A.C. 6:28-1 et seq.

H. Mandated Educational Programs
1. The Public School Education Act (T&E)
2. High School Graduation Standards Act
3. Family life education
4. Core Curriculum Content Standards
5. Drugs & alcohol
6. IDEA; Section 504: ADA
7. Bilingual education

I. Student Rights & Responsibilities
   1. Search & seizure
   2. Due Process and the right to attend school
   3. Punishment
   4. Protected speech and expression - 14th Amendment -- states
   5. Religion in the schools
      a. Free exercise
      b. No Establishment
      c. Equal access

J. The Local School Board: Powers, Duties, Obligations
   1. Organization & structure
   2. Educational program
   3. Open Public Meetings Act
   4. Church/state separation
   5. School Ethics Act

K. Teacher Rights & Responsibilities
   1. Tenure laws
   2. Seniority
   3. Teacher employment practices
   4. Sick/disability leave; Family Leave Acts
   5. Fitness
   6. Teachers’ free speech
   7. Academic Freedom

L. Public School Contracts Law
   1. Competitive bidding; exceptions
   2. Specifications
   3. Qualification of bidders
   4. Award of contracts
III. Methods of Instruction

A. Case studies
B. Buzz groups
C. Socratic dialectic
D. Student research and presentations
E. Guest speakers

IV. Methods of Evaluation

A. Written examinations (Knowledge/Skills/Values)
B. Class discussions (Knowledge/Skills/Values)
C. Presentations of case studies (Knowledge/Skills/Values)

V. Recommended Textbooks


VI. Recommended Information Resources


VII. Bibliography


VIII. Seminal Works


**IX. Non-Print Media**


**Kean University CIRT**

| Americans With Disabilities Act | VD-6 | 1993 |
| Oberti Decision: Discussion of Inclusion | VHS-2250 | 1993 |
| Schools on Trial | VHS-829 | 1988 |

**X. Web Sites**

   -provides free access to decisions of Commissioner of Education, State Board of Education, State Board of Examiners, School Ethics Commission, after July 1, 1997.

2. [http://www.state.nj.us/education](http://www.state.nj.us/education)
   -provides free access to recent court decisions as well as decisions of the Office of Administrative Law, NJ Supreme Court and Appellate Division.
   - provides access to most federal circuit court and U.S. Supreme Court decisions.

4. http://www.njleg.state.nj.us
   - provides access to the State Constitution and statutes.