



## Teachers and the Law Course Outline

### Course Description

This course is specifically tailored for classroom teachers in the public schools. Traditional school law courses usually approach the content of school law from the perspective of school administrators, but the intent of this course is to examine the legal system and the role it plays in the educational setting for the teacher specifically. As a result, this class is most beneficial to individuals who are current or future classroom teachers. The majority of the content will focus on the practical application of legal concepts and how they apply to the numerous daily decisions teachers must make.

### Objectives

- Analyze the origin of US laws.
- Review the basic structure of the legal system in the U. S.
- Classify legal terms.
- Explore a legal case.
- Evaluate the general criteria that are used for granting teachers tenure status.
- Determine the rights teachers usually acquire when they achieve tenure.
- Create examples of how tenure can be broken.
- Analyze the process that must be followed, the type of notice(s) that must be received, the due process rights of the teachers, and the type of hearing(s) that must be held before tenured teachers can be dismissed.
- Differentiate between the rights of probationary and tenured teachers with respect to non-renewal of contracts.
- Discriminate between property and liberty interests.
- Determine the circumstances in which a teacher may be found personally liable for the injury of a student and what action(s) a teacher might take to prevent the liability suit from being successful.
- Define and explain the appropriate use(s) of the following defenses: contributory negligence, comparative negligence, assumption of risk, and governmental immunity.
- Explain the concepts of "punitive damages," "compensatory damages," and "nominal damages;" giving examples of when each type might be awarded and the conditions under which punitive damages might apply.
- Summarize the rights of students and teachers under Section 1983 of the U.S. Code.
- Explain the difference between slander and libel, the way damages are determined, and the types of damages that are usually assessed.
- Explain why the courts have settled differently on the application of the Constitution to the conflict between the rights of teachers and those of students concerning religious freedom.
- Compare and contrast the concepts of "establishment of religion" and "exercise of religion" situations in which each of these might occur during the course of the school year.

- Analyze specific scenarios found in public schools to determine if the scenario violates the Lemon test.
- Identify occasions on which religious literature may be distributed at school and occasions on which religious groups may or may not be excluded from using school facilities.
- Compare the concepts of personal interest and public interest considering Pickering and Connick, explaining when he/she might be punished or dismissed for publicizing his/her views.
- Explain, given specific scenarios, determine when teachers' speech is protected and when it is not.
- Explain the concept of academic freedom and compare the relative amounts of academic freedom given to teachers in the areas of controversial materials, textbooks, literary classics, religious beliefs, personnel issues, distribution of irrelevant materials, rated films and videos, and language.
- Compare and contrast the court position concerning grooming standards and dress codes as they relate to teachers.
- Recognize situations under which a teacher could most likely be dismissed for political and social affiliations and those under which the teacher could not be dismissed.
- Explain the concept of "freedom of association" as it applies to teachers.
- Devise situations in which a teacher may be dismissed for exhibiting immoral behavior, including, but not limited to, excessive drinking, use of illegal drugs, lying, pre-marital sex and pregnancy, and homosexual behavior.
- Examine the rights to free speech determined in Tinker and, given specific examples, whether the speech is protected or not.
- Explain the conditions under which administrators and teachers may regulate student publications, either school-sponsored or underground, and those under which they may not.
- Outline the due process rights that the parent of a special education student has under P.L. 94-142/IDEA.
- Explain the purpose of the individual educational plan (IEP) and how it is related to an appropriate education.
- Explain the relationship between the issues of related services and appropriate educational opportunity.
- Describe the procedures that are necessary to be taken before a disabled child can be suspended for ten or more days.
- Examine the impact of the Americans with Disabilities Act (ADA) on schools.
- Compare and contrast the rights of parents and the interest of the state regarding home schooling
- Describe the rights of the boards of education to dictate curriculum and whether parents have a right to protect their children from curriculum they feel is objectionable
- Become familiar with charter schools
- Review specific state laws that impact participants in the course
- Successfully complete the course examination
- Assess the function of teaching the think-aloud process to help with self-monitoring techniques to focus on comprehension and identify when the comprehension is incorrect.
- Analyze four key cognitive strategies of reading: summarizing, questioning, predicting, and clarifying.
- Develop activities that integrate the four key cognitive strategies for reading comprehension instruction based on content-area curriculum standards.
- Analyze the various roles and methods used during the Reciprocal Teaching process.
- Develop activities using Reciprocal Teaching for reading comprehension instruction based on content-area curriculum standards.
- Analyze the demands and challenges that expository/informational text places on all classrooms.
- Analyze the characteristics of informational/expository text and its features.
- Explore the guidelines teaching students to use text structures in their classroom and apply it to their classrooms.
- Develop an activity that uses informational/expository reading strategies designed to encourage metacognition, promote thoughtful interaction with text, and ensure high levels of comprehension.
- Assess the purpose of before, during, and after reading strategies.
- Distinguish between the characteristics of good and poor reading as they participate in before, during, and, after reading strategies

- Develop lessons and activities that use before-reading strategies designed to activate or build prior knowledge, set a purpose for reading, and motivate students to think and learn with text.
- Develop lessons and activities that use during-reading strategies designed to encourage higher level thinking, promote thoughtful interaction with text, and ensure high levels of comprehension.
- Develop lessons and activities that use post-reading strategies designed to encourage thoughtful reflection, application, analysis, synthesis, and evaluation.
- Evaluate the text structures associated with narrative text.
- Implement strategies to build story schema (background knowledge about stories) by showing how narrative text has recurring elements (story grammar): characters, settings, conflicts, major events, resolutions, and themes.
- Develop lessons and activities that use narrative text strategies designed to encourage metacognition, promote thoughtful interaction with text, and ensure high levels of comprehension.
- Reflect on current research and statistics of vocabulary development and the implications it has on student achievement.
- Assess how vocabulary knowledge provides a foundation for reading comprehension and enables students to expand their content-area knowledge.
- Analyze a range of practical, effective teaching strategies that can be used to develop students' vocabulary knowledge.
- Apply techniques for assessing students' vocabulary knowledge.
- Develop lessons and activities that help students learn concepts and vocabulary necessary for interacting with and comprehending content-area text materials.
- Demonstrate how reflection is one of the primary ways for students to learn in the classroom.
- Analyze reflective practices in their classrooms and understand the purpose of it in the classroom.

### **Curriculum Design & Time Requirements**

The following methodologies will be used during the course: lectures, reading, individual and group discussions, cooperative learning, applied practice assignments, development of lesson plans and unit, and reflective written responses. This is a forty-five hour three credit graduate level course taught in the classroom and online.

### **Course Materials**

The required text for this course is *A Teacher's Pocket Guide to School Law; 3rd edition*, by Nathan L. Essex published by Pearson Education Inc. A variety of readings and resources will be referenced throughout the course. Additional supplementary materials will be provided.

### **Session Outline**

#### **Session 1: The Teacher and the Legal System**

##### **Contents:**

- Analyze the origin of US laws.
- Review the basic structure of the legal system in the U. S.
- Classify legal terms.
- Explore a legal case.

#### **Session 2: How Secure is my Employment?**

**Contents:**

- Evaluate the general criteria used for granting teachers tenure status.
- Determine the usual rights teachers acquire when they achieve tenure.
- Construct examples of how tenure can be broken.
- Analyze the process that must be followed, the type of notice(s) that must be received, the due process rights of the teachers, and the type of hearing(s) that must be held before tenured teachers can be dismissed

**Session 3: When Am I liable? What Constitutes Slander and Libel?****Contents:**

- Analyze when a teacher might be found personally liable for the injury of a student and what action(s) a teacher might take to prevent the liability suit from being successful.
- Define and explain the appropriate uses for the following defenses: contributory negligence, comparative negligence, assumption of risk, and governmental immunity.
- Explain the concepts of: "punitive damages," "compensatory damages," and "nominal damages," giving examples when each type might be awarded and the conditions under which punitive damages might apply.
- Summarize the rights of students and teachers under Section 1983 of the U.S. Code
- Explain the difference between slander and libel and the manner in which damages are determined and the types of damages usually assessed.

**Session 4: When Can Schools Limit Religious Freedom?****Contents:**

- Explain why the courts have found differently on application of the Constitution to the conflict between the rights of teachers and those of students concerning religious freedom.
- Compare and contrast the concepts of establishment of religion and exercise of religion and describe situations when each of these might occur in the course of the school year.
- Analyze specific scenarios found in public schools to determine if the scenario violates the Lemon test.
- Identify occasions on which religious literature may be distributed at school and occasions on which religious groups may or may not be excluded from using school facilities.

**Session 5: Teacher Free Speech****Contents:**

- Compare and contrast the concepts of personal interest and public interest in light of *Pickering and Connick*, explaining when s/he might be punished or dismissed for publicizing his/her views.

- Explain, given specific scenarios, the four step balancing test used by courts to determine when teachers' speech is protected and when it is not.
- Explain the concept of academic freedom and compare and contrast the relative amounts of academic freedom given to teachers in the areas of controversial materials, textbooks, literary classics, religious beliefs, personnel issues, distribution of irrelevant materials, rated films and videos, and language.

### **Session 6: Teacher Freedoms and Restrictions**

#### **Contents:**

- Compare and contrast the court position concerning grooming standards and dress codes as they relate to teachers.
- Recognize situations under which a teacher could most likely be dismissed for political and social affiliations and those under which the teacher could not be dismissed.
- Explain the concept of “freedom of association” as it applies to teachers.
- Devise situations in which a teacher may be dismissed for exhibiting immoral behavior, including, but not limited to, excessive drinking, use of illegal drugs, lying, pre-marital sex and pregnancy, and homosexual behavior.

### **Session 7: Student Freedom of Expression?**

#### **Contents:**

- Examine the rights to free speech determined in *Tinker* and, given specific examples, whether the speech is protected or not.
- Explain the conditions under which administrators and teachers may regulate student publications, either school-sponsored or underground, and those under which they may not.

### **Session 8: Students with Disabilities?**

#### **Contents:**

- Outline the due process rights that the parent of a special education student has under P.L. 94-142/IDEA.
- Explain the purpose of the individual educational plan (IEP) and how it is related to an appropriate education.
- Explain the relationship between the issues of related services and appropriate educational opportunity.
- Describe the procedures that are necessary to be taken before a disabled child can be suspended for ten or more days.
- Examine the impact of the Americans with Disabilities Act (ADA) on schools.

### **Session 9: Do Parents Have Choices in Educating Their Children?**

#### **Contents:**

- Compare and contrast the rights of parents and the interest of the state regarding home-schooling
- Describe the rights of the boards of education to dictate curriculum and whether parents have a right to protect their children from curriculum they feel is objectionable
- Become familiar with charter schools
- Become familiar with school vouchers

**Session 10: Individual State Laws, Course Evaluation, and Final Examination?**  
**Contents:**

- Review specific state laws that impact participants in the course
- Successfully complete the course examination

**Grading**

<b>Assignment</b>	<b>Points</b>
Talking Points	15
Reading/Written Assignments	70
Examination	15
<b>Total Points</b>	<b>100</b>

**Grading Scale**

100-93    A  
 92-85    B  
 84-77    C