

Course Syllabus: SCHOOL LAW FOR SUPERINTENDENTS
Fall 2007
DEPARTMENT OF EDUCATIONAL ADMINISTRATION
THE UNIVERSITY OF TEXAS AT AUSTIN

Welcome to the Fall 2007 course on school law. This class meets on Mondays from 7 to 10 p.m. in Sanchez Building, Room 380. Students who have selected the Tuesday night break-out group of this class will be meeting from 7 to 10 p.m. in Sanchez Building, Room 380, or in the PC Laboratory on the 4th floor as designated by the professor.

Professor: Norma V. Cantu' (e-mail address MetroCan2@aol.com)
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Office Hours: Mondays 9:30 to 11:30 and 5 to 7, or by appointment.

Texts: Students will be provided hand-outs and supplementary readings by the professor. The Texas Education Code is available on the web site for the Texas Education Agency at www.tea.state.tx.us.

COURSE OBJECTIVES

This seminar is reserved for law students, preferably third year students, who are interested in securing the following:

- Familiarity with the basic legal structure within which public schools function;
- Tools for understanding key education-related provisions of federal and state laws, as well as the regulations interpreting the laws;
- Knowledge regarding key court ruling rulings, particularly those that impact on school accountability, testing and curriculum;
- Fluency in basic relevant legal terminology necessary to be able to participate effectively in the training of co-workers and subordinates on school law concepts and in discussions of school law issues with supervisors, school counsel, parents and members of the community; as well as
- Strategies and techniques for avoiding and reducing legal claims against schools.

This course does not deliver in-depth treatment of legal concerns which are unique to higher education. Those legal topics are covered in another course offered by the Department of Educational Administration.

REQUIRED MATERIALS

Students will not be using a textbook during this semester. Instead, students will read cases and statutes that are identified in the syllabus. The information needed for this course is also available online at www.findlaw.com and at www.tea.state.tx.us. As new case rulings are announced by the courts, the professor may update the reading materials. Students are encouraged, but not required, to order the CD-Rom or soft volume of the Texas Education Agency's *School Law Bulletin*. This reference book can be purchased from TEA and will prove helpful to the future school administrator.

ATTENDANCE AND CLASS WORK

This course is open to superintendency students, as well as doctoral students in the Educational Public Policy program. Normally, this course is not available to law students because these students have taken similar classes as part of their law school curriculum.

The grading procedure is structured to ensure that students have met the course objectives. The mid-term exam and final exams are worth 30% each, while the class assignments and class participation account for 20% each. The written assignments consist of hypothetical situations which students must analyze in light of legal theories and precedents. The mid-term examination will involve short essay questions based on our class discussions and readings. The final exam will focus on the second half of the course, except that one of the questions will be comprehensive, asking for an application of the legal concepts covered in the entire semester. Your grade will reflect your thoughtful and collaborative participation in class and in our small group discussions; thus, class attendance is crucial to getting the most value out of the course.

Our class meets on Mondays (or Tuesdays depending on the selection made by the students) in Room 380. I have also reserved the PC Laboratory for Tuesday evenings for online legal research. I will offer office hours Mondays 9:30 to 11:30 and 5 to 7 in Sanchez 3.110H. I encourage students to come by and visit with me, as well as questions by e-mail. If the question about our class work appears to be of interest to the whole class, I will respond via e-mail and send a copy to the rest of the class using Blackboard so that everyone will benefit from the online discussion.

As you probably know, I teach on Wednesdays at the law school, from 3:30 to 5:30 p.m. I have office hours at the law school on Tuesdays from 9:30 to 11:30 a.m. and Wednesdays from 1 to 3 p.m. in Townes Hall, Room 3.118M.

READING ASSIGNMENTS

Class	Topic	Assignment
Week 1 September 4, 2007	First day of class for Tuesday night students	Orientation. Pre-test of doctoral students on legal terminology. Discussion topics: Where does the superintendent fit into the international role of public education? The national role? The state role? How are school laws passed and interpreted?
Week 2 September 10, 2007	Overview of legal duties of Texas superintendents	For today, read Texas Education Code (TEC) sections 4.001, 4.002, 7.001 through 7.005, 7.021, 7.051 through 7.057, 7.101, 7.102, 8.051 and 11.201. Pick up written assignment #1, to be turned in at the beginning of next class.
Week 3 September 17, 2007	Accountability and school finance	Turn in written assignment #1. For today, read <i>West Orange-Cove ISD v. Neeley</i> , attached to Reading Assignment #1 on the Blackboard website. Also, read <i>Federal Register</i> Notice, Vol. 72, No. 67 (April 9, 2007), and TEC 28.001-28.026, 29.001-29.010, 29.053-29.153, 33.081, and 33.083. We will discuss assurances by superintendent to state and federal agencies on quality of educational programs; leadership on curriculum and instructional materials; legal aspects of accountability systems; appeals concerning services to special populations.
Week 4 September 24, 2007	School admissions	For today, read <i>Parents Involved in Community Schools v. Seattle</i> , posted online on Blackboard website as Reading

		Assignment #2. Read TEC Chapter 25, TEC 38.001, 42.003, 12.001-12.003. Pick up written assignment #2 to be turned in at the beginning of next class. We will discuss today advice to school boards on student admissions standards, importance of attendance, rights to appeal admissions and transfer decisions, charter schools and alternative schools.
Week 5 October 1, 2007	Employment	For today, read TEC 7.057, 11.163, Chapter 21 in Educ. Code, Govt. Code 617.001-617.005, and recent cases posted in Reading Assignments #3 on Blackboard website. We will discuss hiring and firing of at-will and contractual personnel, the administrator's role in overseeing employment decisions, staff supervision, documentation of staff work performance, mediation as a legal tool, antidiscrimination laws, due process and handling of employment grievances.
Week 6 October 8, 2007	Employment continued.	
Week 7 October 15, 2007	Religion and prayer in schools	Pick up mid-term exam to be turned in at beginning of next class. For today, read TEC 25.082, 25.087, 25.091 and Religious Viewpoint Act passed in 2007. We will discuss tension between No Establishment of Religion Clause and Free Exercise of Religion Clause.
Week 8 October 22, 2007	Free Speech	For today, read Govt. Code 554.002, 554.003, and cases

		<p>posted in Reading Assignments #4. We will discuss the liability of superintendents for failing to safeguard speech that is protected by the Constitution. How does the First Amendment affect employment and management decisions? What duties are owed to students and the general public?</p>
Week 9 October 29, 2007	Student discipline	<p>For today, read TEC Chapter 37 and materials posted in Reading Assignment #5 on recent legislative changes to rules on placement of students with discipline problems. We will discuss immunity of teachers and administrators who discipline students, the Coverdell Amendment to No Child Left Behind Act, and legal issues behind zero tolerance policies. Pick up written assignment #3 which is due at beginning of class next week.</p>
Week 10 November 5, 2007	Public information laws and Federal Educational Rights and Privacy Act (FERPA)	<p>Turn in assignment #3. For today, read Govt. Code 552.002, 552.021-552.024, 552.026, 552.101-552.105, 552.107, 552.114, 552.117, 552.126, 552.131, 552.201, and 552.221. Read Govt. Code Chapter 551 sections related to Texas Open Meetings Act and cases posted in Reading Assignment #6 on Blackboard website. We will discuss federal laws concerning student privacy. What duties arise from common law regarding privacy? How are state laws different from federal laws? How may the media obtain information</p>

		from the superintendent about the school district, its staff and students?
Week 11 November 12, 2007	Administrator immunity from suit	For today, read TEC 22.051 and cases posted on Assignment #7 on Blackboard website.
Week 12 November 19, 2007	Voting rights	For today, read TEC 11.051-11.063 and cases posted on Assignment #8 on Blackboard website. We will discuss at-large vs. single-member districts, pre-clearance of voting changes, restrictions on superintendents during bond elections, and accessibility of ballots and voting places to persons with disabilities.
Week 13 November 26, 2007	Last Class Day for Tuesday night students.	Review for final exam.
Week 14 December 4, 2007	Last Class Day for Monday night students.	Review for final exam.