



*EDLR 5411: Legal Aspects of Education*  
**UCAPP**  
**Spring 2022**

Syllabus information may be subject to change.

**Course and Instructor Information**

**Course Title:** Legal Aspects of Education  
**Credits:** 2  
**Format:** In-person instruction  
**Professors:** Instructor(s)  
**Email:**  
**Phone:**

**Office Hours:** by appointment

**Required Text(s)**

Mooney, Thomas B., *A Practical Guide to Connecticut School Law* (9<sup>th</sup> Ed. 2018)

*Additional course readings and media will be available within HuskyCT*

**Course Description**

This course provides an analytical framework for the significant legal issues that school administrators confront each day, including mandatory attendance, curriculum, school district obligations, liability issues, student rights, teacher and other employee constitutional and statutory rights, tenure, collective bargaining, special education and religion in the schools. Participants will learn about constitutional law, statutory law, regulatory law, and case law, and how to find answers to legal questions.

The course will emphasize the practical application of legal principles to the responsibilities of teachers and administrators. The basic principles of school law will be presented through four large group lectures and four classes of small group discussion, which will include individual reading and written reflections on specified topics, as facilitated by small group instructors assigned to each student. The instructors and participants will bring practical problems in school law forward for discussion, analysis and proposed solutions. At the end of the course, each student will be able to demonstrate improved:

- knowledge of school law
- skill in identifying legal problems in daily situations
- skill in applying legal analysis to make appropriate decisions

## Course Objectives

In this course, aspiring leaders will gain the knowledge and skills to:

1. Understand the sources of law and gain familiarity with legal principles and legal research;
2. Understand basic concepts of school law, including student discipline, constitutional rights of students and staff, teacher tenure, curriculum, district obligations (*e.g.*, freedom of information, school records, school facilities, copyright), and special education;
3. Anticipate legal problems before they arise;
4. Respond appropriately to legal issues as they arise;
5. Apply legal principles in a practical manner that is respectful of the members of the school community and avoids unnecessary expenditures and financial risk related to such problems.

## Leadership for Equity

UCAPP is committed to developing and preparing transformational school leaders with the competence and disposition to effect school policies and practices that realize equitable ***achievement, participation, service, and support outcomes*** for every student.

Through strategically aligned coursework and practicum experiences, UCAPP graduates will enter schools ready to:

- Lead with an anti-racist and equity-driven perspective;
- Lead by listening to and working collaboratively with all constituencies -- teachers, students, families, and communities -- which they serve;
- Lead with honesty and courage to confront and disrupt systemic policies and practices that have perpetuated disparate achievement, participation, service, and support outcomes

## PSEL Standards

Standard 2: Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being.

Standard 3: Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being.

Standard 5: Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student.

Standard 9: Effective educational leaders manage school operations and resources to promote each student's academic success and well-being.

## Method of Instruction

Participants in the course will be assigned readings for each class as well as two problems for individual reflection. Readings will include the text, Mooney, A Practical Guide to Connecticut School Law (9<sup>th</sup> Ed. 2018), as well as selected judicial opinions, statutes and supplementary materials. The text may be purchased here: <https://www.cabe.org/page.cfm?p=1242>. However, the instructors will also provide students excerpts with the reading. Hypothetical and real-life situations will be presented to the class for analysis and recommended action. The class will focus on the substantive legal rules and their practical application in decision-making. Students will be expected to participate actively in classroom discussion, as well as in exercises to provide practice in advocacy. A final examination will give students a chance to demonstrate their competence in recalling and applying relevant principles of school law.

## Class One, Introduction to School Law

February 28, 2022

**Reading:**

Mooney, pp. 3-16, 41-87, 174-192

Topics for this session include:

- Introduction to the legal process
- Introduction to legal resources:
- Connecticut General Statutes
- United States Code
- Code of Federal Regulations
- Case law available online
- Principles of constitutional law:
  - Equal protection
  - Due process
  - Fundamental rights and strict scrutiny
- Statutory law
- Case law
  - Majority Opinion
  - Dissenting Opinion
  - Concurring Opinion
- Case study, *Lacks v. Ferguson Reorganized School District*, 147 F.3d 718, 127 Ed. Law Rep. 568 (1998), (available at <http://law.justia.com/cases/federal/appellate-courts/F3/147/718/634933/>).
  - Facts
  - Holding
  - Appeal
  - Precedent
- Regulatory law
- Common law
- Review of the common law (*e.g.*, liability issues)
  - Group discussion on common concerns regarding liability
  - Permission slips and waivers
- Freedom of Information issues
- Curriculum
  - Board role
  - Administration role
  - Legal requirements
  - Parent objections
- Equal educational opportunity:
  - *Horton v. Meskill* (1977)
  - *Sheff v. O'Neill* (1996)
  - *Connecticut Coalition for Justice in Education Funding v. Rell* (2018)
  - Assignment of Reflection One, Curriculum (due March 17, 2022)

**Class Two, Religion in the Schools,  
Board of Education Obligations, Liability**

**March 7, 2022**

**Reading**

**Mooney, pp. 129-141, 193-234, 386-406**

Topics for this session include:

- Discussion of legal analysis
- Scenarios concerning liability
- Litigation hold
- Freedom of Information Issues
  - Email
  - “Prompt” response
  - Quiz on Freedom of Information Issues
- Religion in the schools
  - *Lemon* test
  - Student rights
  - Parent rights
  - Employee rights
  - Scenarios concerning religion in the schools
- Curriculum
  - Group discussion of issues regarding curriculum
  - Parent rights/appropriate accommodations
  - Intellectual property rights of employees, employers
  - Scenarios regarding curriculum
- Review of questions from Class One

**Class Three, Student Issues**

**March 21, 2022**

**Reading:**

**Mooney, pp. 311-385, 406-445**

Topics for this session include:

- School Accommodations
  - School age
  - Residency
  - Transportation
- Regulation of student conduct
  - Board policy and handbooks
  - Equal protection and due process
- Student discipline
  - Removal
  - Suspension
  - Expulsion
  - Mandatory Expulsion
- Assignment of Reflection Two (due April 7, 2022)

**Reading and assignment:**

Listen to oral argument in Tinker v. Des Moines, available at [http://www.oyez.org/cases/1960-1969/1968/1968\\_21](http://www.oyez.org/cases/1960-1969/1968/1968_21)

**Cases to be assigned to groups by instructor**

A.M. v. Taconic Hills Central School District, 510 Fed. Appx. 3 (2d Cir. 2013) (<https://www.leagle.com/decision/infco20130130126>).

Guiles v. Marineau, 461 F.3d 320 (2d Cir. 2006) (<https://caselaw.findlaw.com/us-2nd-circuit/1101375.html>).

Wisniewski v. Board of Education of Weedsport Central School District, 494 F.3d 34 (2d Cir. 2007) (<https://caselaw.findlaw.com/us-2nd-circuit/1466801.html>).

Doninger v. Niehoff, 527 F.3d 41 (2d Cir. 2008) (<https://caselaw.findlaw.com/us-2nd-circuit/1325010.html>) .

Topics for this session include:

- Student discipline
  - Investigations
  - Student “seizure”
  - Student statements and hearsay
  - Expulsion scenarios
  - Special education issues
- Student rights Regulation of student conduct
  - Dress codes
  - Uniforms
  - Attendance policies
  - Confiscations
- Constitutional rights
  - Fourth Amendment
    - Review of *T.L.O.* standard
    - Search and seizure scenario
  - First Amendment
    - T-shirts
    - School newspaper
    - Internet
    - Threats
  - Fifth and Fourteenth Amendment
    - Due process

- Equal protection
  - Self-incrimination
- Review of school accommodations issues
  - School age
  - Residency
  - Transportation
- Review of Reflection One

## Class Five

### Class Five, Overview of Special Education Obligations

April 4, 2022

#### Reading:

Mooney, pp. 477-540

Topics for this session include:

- “Free appropriate public education”
  - “Special education”
    - “Specially designed instruction . . . to meet the unique needs of a child with a disability”
    - “At no cost”
    - “In the least restrictive environment”
- “Related services”
  - Medical services
  - Other related services
  - Assistive technology
- Eligibility for special education services
- The PPT/IEP Team process
  - Parent rights to participate in decision-making
  - Surrogate parents
  - PPT/IEP Team requirements
  - Development of the IEP
  - Required elements of the IEP
  - Review and revision of the IEP
- Placement issues
- Physical restraint and seclusion
- Private school placements
- Student records
- Section 504 of the Rehabilitation Act of 1973
  - Disability
  - “Free appropriate public education”
  - Procedural requirements
    - Educational setting
    - Evaluation and placement
    - Procedural safeguards
    - Children enrolled in charter and magnet schools

**Class Six, Due Process Hearings and Discipline of Students with Disabilities**

**April 11, 2022**

**Reading:**

**Mooney, pp. 540-586**

Topics for this session include:

- “Due process” hearing procedures
  - Prehearing procedures
  - Mediation
  - Advisory opinions
  - Settlement agreements
  - “Stay-put”
  - The hearing process
  - Appeal
  - Attorneys’ fees
- State complaint procedure
- Student Discipline
  - IDEA issues
    - IEP requirements
    - Disciplinary action
      - ✓ Short term suspensions
      - ✓ Long term suspensions or expulsions
      - ✓ Manifestation determination
      - ✓ Stay-put
  - Children not yet identified
- Reporting crimes by students with disabilities
- Section 504 issues

**Class Seven, Employee Matters**

**April 18, 2022**

**Reading:**

**Mooney, 237-286, 645-662, 676-710**

Topics for this session include:

- The employment relationship
- Statutory issues:
  - Wage payment
  - Overtime
  - Workers’ Compensation



- Constitutional issues:
  - Due process
  - Fourth Amendment
  - First amendment
    - Religion
    - Speech
- Teacher Tenure
- Teacher Evaluation
- Introduction to discrimination issues

## Class Eight

### **Class Eight, Employee Matters and Review**

**April 25, 2022**

#### **Reading:**

Mooney, 662-676

Topics in this session include:

- Quiz on Teacher Tenure
- Scenarios regarding the employment relationship
- Quiz on discrimination issues
- Scenarios concerning free speech rights
- Review of Reflection Two
- In-class review/Discussion of Final Examination (Distributed by email; Due April 30, 2022, 11:59 p.m.)

**Class Participation / Engagement (30%)**

Includes discussion of the readings, advocacy, and role-playing.

**Written Reflections (30%)**

Written Reflections must be limited to a maximum of two, typed, double-spaced pages, using 12-pt font, Times New Roman. Should the written document vary from these standards, the document will be converted into the appropriate type and font and any writing over the two-page limit will not be reviewed by the instructor.

**Final Examination (40%)**

The final examination will be distributed on the last day of class for students to complete at home. Students will be given a limited period of time to complete the examination. The examination is closed book, closed notes and students are prohibited from consulting with anyone for the purpose of completing the examination.

**Reflection One (Due March 17, 2022)**

**Curriculum**

Provide a written response (one to two pages total\*) to the following two separate situations:

The father of one of the students at Acorn Elementary School is very actively involved in the upbringing of his third-grade daughter. He frequently asks for meetings with the classroom teacher, and he has even met with the physical education teacher to ask for extra-assignments to help develop her “unique athleticism” (his words). The classroom teacher has come to you, because the father has asked for extensive modifications to the curriculum to conform to his religious beliefs. A problem, however, is that the mother has sole custody of this girl, and she has not asked for any modification at all. What do you do?

The same father gets custody through a court order. Now he is *really* a pain. The latest is that he has gone through the curriculum guide for the health curriculum. He has identified several areas of the curriculum that concern him. He has announced that his daughter will not be attending these classes and has asked for an alternative assignment for those periods. You have had it, however, and you want to inform him that unexcused absences from this class will count against the student and will ultimately result in the student’s flunking the course. Can you?

**\*Note: Written reflections must be limited to a maximum of two, typed, double-spaced pages, using 12-pt font, Times New Roman. Should the written document vary from these standards, the document will be converted into the appropriate type and font and any writing over the two-page limit will not be reviewed by the instructor.**

**Reflection Two (Due April 7, 2022):****Regulation of Student Conduct**

As an administrator at Nutmeg Memorial High School, you have been concerned over apparent increased drug use at the school. Last year, only one student had been caught with drugs, but so far this year some fourteen different students have been found with drugs. You have spent one Saturday going through hundreds of student lockers to see what you can find. In two separate lockers, you found marijuana in envelopes addressed to the students. You find a return address on each envelope identifying as the sender Joe Blow, a student at the school who is only a sophomore in terms of academic credit, though he has been at the high school for five years. When you interview the two students, they explain that Joe operates a Website offering ginko biloba for sale, but everyone knew it was really marijuana.

Provide a written response (one to two pages total\*) to the following:

How do you respond to this discovery?

Are you concerned about any violation of student rights?

Is Joe subject to expulsion?

**\*Note: Written reflections must be limited to a maximum of two, typed, double-spaced pages, using 12-pt font, Times New Roman. Should the written document vary from these standards, the document will be converted into the appropriate type and font and any writing over the two-page limit will not be reviewed by the instructor.**

**Grading Scale:**

Grade	Letter Grade	GPA
93-100	A	4.0
90-92	A-	3.7
87-89	B+	3.3
83-86	B	3.0
80-82	B-	2.7
77-79	C+	2.3
73-76	C	2.0
70-72	C-	1.7
67-69	D+	1.3
63-66	D	1.0
60-62	D-	0.7
<60	F	0.0

## Student Responsibilities and Resources

As a member of the University of Connecticut student community, you are held to certain standards and academic policies. In addition, there are numerous resources available to help you succeed in your academic work. Review these important [standards, policies and resources](#), which include:

- The Student Code
  - Academic Integrity
  - Resources on Avoiding Cheating and Plagiarism
- Copyrighted Materials
- Credit Hours and Workload
- Netiquette and Communication
- Adding or Dropping a Course
- Academic Calendar
- Policy Against Discrimination, Harassment and Inappropriate Romantic Relationships
- Sexual Assault Reporting Policy

You are also responsible for abiding by the expectations and policies defined the UCAPP Student Handbook.

## Students with Disabilities

The University of Connecticut is committed to protecting the rights of individuals with disabilities and assuring that the learning environment is accessible. If you anticipate or experience physical or academic barriers based on disability or pregnancy, please let one of us know immediately so that we can discuss options. Students who require accommodations should contact the Center for Students with Disabilities, Wilbur Cross Building Room 204, (860) 486-2020 or <http://csd.uconn.edu/>.

Blackboard measures and evaluates accessibility using two sets of standards: the WCAG 2.0 standards issued by the World Wide Web Consortium (W3C) and Section 508 of the Rehabilitation Act issued in the United States federal government.” (Retrieved March 24, 2013 from [Blackboard's website](#))

## Software/Technical Requirements (with Accessibility and Privacy Information)

The software/technical requirements for this course include:

- HuskyCT/Blackboard ([HuskyCT/ Blackboard Accessibility Statement](#), [HuskyCT/ Blackboard Privacy Policy](#))
- [Adobe Acrobat Reader](#) ([Adobe Reader Accessibility Statement](#), [Adobe Reader Privacy Policy](#))
- Google Apps ([Google Apps Accessibility](#), [Google for Education Privacy Policy](#))
- Dedicated access to high-speed internet with a minimum speed of 1.5 Mbps (4 Mbps or higher is recommended).
- WebCam

For information on managing your privacy at the University of Connecticut, visit the [University's Privacy page](#).

**NOTE:** This course has NOT been designed for use with mobile devices.

## Help

[Technical and Academic Help](#) provides a guide to technical and academic assistance.

This course is completely facilitated online using the learning management platform, [HuskyCT](#). If you have difficulty accessing HuskyCT, you have access to the in person/live person support options available during regular business hours through the [Help Center](#). You also have [24x7 Course Support](#) including access to live chat, phone, and support documents.

## Minimum Technical Skills

To be successful in this course, you will need the following technical skills:

- Use electronic mail with attachments.
- Save files in commonly used word processing program formats.
- Copy and paste text, graphics or hyperlinks.
- Work within two or more browser windows simultaneously.
- Open and access PDF files.

University students are expected to demonstrate competency in Computer Technology. Explore the [Computer Technology Competencies](#) page for more information.

## Evaluation of the Course

Students will be provided an opportunity to evaluate instruction in this course using the University's standard procedures, which are administered by the [Office of Institutional Research and Effectiveness](#) (OIRE).

Additional informal formative surveys may also be administered within the course as an optional evaluation tool.