

California State University, San Marcos  
School of Education

**EDAD 616A**  
**Education Law and Personnel Administration – 2 Units**  
Spring Semester 2013, UH 337  
CRN# 25500

**Professor:** Dr. Katie McNamara  
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**Meeting time:** Mondays from 4:30-9pm, UH 337  
April 8-May 13th, 2013  
**Office Hours:** By appointment

**SOE Mission Statement** *(Approved by SOE 01/18/13)*

The mission of the School of Education community is to collaboratively transform education. We:

- Create community through partnerships
- Promote and foster social justice and educational equity
- Advance innovative, student-centered practices
- Inspire reflective teaching and learning
- Conduct purposeful research
- Serve the School, College, University, and Community

**Preliminary Administrative Services Credential Program:**

The course objectives, assignments, and assessments have been aligned with the CTC Program Standards for The Preliminary Administrative Services Credential. This course is designed to help candidates seeking a California administrative credential to develop the skills, knowledge, and attitudes necessary to assist schools and district in implementing effective programs for all students. The successful candidate will be able to merge theory and practice in order to realize a comprehensive and extensive educational program for all students. You will be required to formally address the requirements of the CTC Program Standards.

**Course Prerequisite**

Consent of Program Coordinator

### **Authorization to Teach English Learners**

This credential program has been specifically designed to prepare teachers for the diversity of languages often encountered in California public school classrooms. The authorization to teach English learners is partially met through the infusion of content and experiences within the credential program. Students successfully completing this program and additional coursework will receive a credential with authorization to teach English learners.

### **Students with Disabilities Requiring Reasonable Accommodations**

Students are approved for services through the Disabled Student Services Office (DSS). This office is located in Craven Hall 4300, and can be contacted by telephone at (760) 7450-4905, or TTY (760) 750-4909. Students authorized by DSS to receive reasonable accommodations should meet with their instructor during office hours or, in order to ensure confidentiality, in a more private setting.

### **All University Writing Requirement**

This course meets the university's writing requirement of at least 2500 words. Students are expected to use academic writing style consistent with graduate level courses. Written assignments will include out of class as well as in class assignments.

### **CSUSM Academic Honesty Policy**

Students will be expected to adhere to standards of academic honesty and integrity, as outlined in the Student Academic Honesty Policy.

### **Plagiarism**

As an educator, each student is expected to do his/her own work, and contribute equally to group projects and processes. Plagiarism or cheating is unacceptable under any circumstances. If you are in doubt about whether your work is paraphrased or plagiarized see the Plagiarism Prevention for Students website <http://library.csusm.edu/plagiarism/index.html>. If there are questions about academic honesty, please consult the University catalog.

### **School of Education Attendance Policy**

Due to the dynamic and interactive nature of courses in the School of Education, all students are expected to attend all classes and participate actively. At a minimum, students must attend more than 80% of class time, or s/he may not receive a passing grade for the course at the discretion of the instructor. Should the student have extenuating circumstances, s/he should contact the instructor as soon as possible. Students who miss two class sessions or are late (or leave early) for more than three sessions cannot receive a grade of "A".

*(Adopted by the COE Governance Community, December, 1997).*

## Course Description (2 units)

This course is designed to provide students an overview of federal and state laws and local policies that impact school leaders, students, teachers, and parents. The topics presented in the course, include, but are not limited to:

- Introduction to school law and district governance
- Retention, progressive discipline, and dismissal of employees
- FRISK documentation techniques
- Student discipline and safety
- Special education law
- Harassment, discrimination, freedom of speech law and cases
- Religion in the schools
- Liability and litigation

## Course Standards

*Each candidate will be an educational leader who promotes the success of all students by:*

- facilitating the development, articulation, implementation and stewardship of a vision of learning that is shared and supported by the school community;
- advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;
- ensuring management of the organization, operations, and resourced for a safe, efficient, and effective learning environment;
- collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;
- modeling a personal code of ethics and developing professional leadership capacity, and;
- understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

## Knowledge

The candidate will focus on Standard 6:

- a) learn how to establish, support, and maintain high expectations and standards for the academic and social development of all students, the performance of staff and the contributions of all adults in the service of the shared vision of the school community. [6(a)(3)]
- b) learn about and analyze how a school must operate consistently within the parameters of federal, state, and local laws, policies, regulations, contractual and statutory requirements. [6(f)(1)]
- c) learn and practice effective methods for attracting, inducting, motivating, retaining, and supporting staff and for the monitoring and supervision of certificated and non certificated faculty and staff. [6(c)(1)]

d) learn and practice effective methods for working with certificated and classified staff with disabilities. [6(c)(2)]

### **Skills**

The candidate will focus on Standard 6:

a) examine the context within which the school operates, including the school district, employee bargaining units, the school board, and other governmental entities and to understand how the policies from several levels of government influence teaching and learning at the school site. [6(f)(2)]

### **Attitudes and Values**

The candidate will:

a) develop and refine a personal vision of education and instruction through multiple opportunities to reflect and by developing ways to engage self and others through reflective activities. [6(a)(1)]

b) examine their personal attitudes and actions toward persons of different races, socio-economic status, cultures, religions and ethnic backgrounds as well as their attitudes toward sexual orientation and individuals with disabilities and reflect upon how their attitudes and actions support or diminish the goal to ensure that all students receive equitable access to education. [6(d)(6)]

### **Course Objectives**

Students will know and understand how various federal and state laws impact school and district policies as they relate to employee relations, student conduct, and student and parent rights. Students will research specific local issues and policies that are aligned with federal and state laws. A lens is placed on the personnel management process as a method of meeting legal standards within a diverse organization.

### **Course Requirements and Grading Policy**

All assignments will be submitted on Cougar Courses by 4:30pm on the due date. Assignments are given based on expectations of “mastery” of the content and academic format for the assignments. Based on the instructor’s feedback, students who submit work early may make improvements on assignments and may resubmit assignment for additional grade consideration. However, late assignments may result in loss of points and cannot be considered for “resubmission” based on instructor’s feedback.

1. Attendance and participation: Each student will be expected to attend all class sessions and participate in class discussions. Students who are unable to attend or will be late, must let the instructor know in advance. Each class students will be assigned reading and be expected to come to class prepared to discuss the topics.
2. Reflective journal: Each student will reflect weekly using the Cougar Course blog on an aspect from the class reading/presentation.
3. Document collection: Students will collect and organize for review their site and district documents required in the course.

4. Context map: Students will contribute to a legal current events site on Cougar Courses to collect data and update the context MAP.
5. Interview: Students will conduct an interview with a site or district administrator following pre-developed questions and write a summary and a reflection of the findings.
6. Written assignment: Students will complete one three page written paper from a selection of scenarios related to educational law.

## **Course assignments**

### **Bring your laptops to class**

**Assignment #1: Attendance and Participation:** 100% attendance and full engagement in every class. (20 points)

**Assignment #2: Authentic documents collection.** Collect, organize, and bring to class the following copies of district documents:

- Your district mission statement,
- Your school board member names and meeting dates,
- The student/parent handbook,
- The district employee discrimination protections,
- A certificated job description,
- A certificated evaluation form,
- A student discipline referral form,
- A student suspension form,
- A child abuse report form,
- And a special education referral form.

We will refer to these documents in class discussions. (*Show the professor your hard copy or digital file of these documents on April 15, the second class meeting day, 10 points*).

**Assignment #3: Reflective blog:** You will reflect on the legal aspects of the class discussion or reading as it might relate to your school or district. Post this on Cougar Courses Reflection Blog each week, with postings starting after the second class. Limit your blog to 100 words and be sure to spell check and remove names to guard confidentiality. You will reply to at least two other students' blogs in a value-added format. In value-added, students give another example, expand on the idea, compare or contrast with another concept, cite research that supports the idea, or give a different perspective to the blog. The last person to blog will summarize all the postings instead of adding more to what is already written.

(First postings *due the Wednesday after class by midnight: April 10, April 17, April 24, May 1, and May 8. The value-added replies are due by the following Monday at midnight. Five posting weeks at 4 points each, 20 points total*)

**Assignment #4:** Stay up-to-date on current legal issues. Read news bytes from the National School Board Association site and add to the class discussion on legal issues. You will incorporate the legal trends on the context map and post your updated version on Cougar Course Forum. Sign up for news articles for free at:  
<http://www.nsba.org/MainMenu/SchoolLaw/LegalClips.aspx> (Due May 1, 10 points)

**Assignment #5: Interview a Site or District Administrator** Conduct an interview of a site administrator or district HR administrator regarding the resources and support to implement school law. Write a 2-3 page paper summarizing the interview and your reflection on the key learning. (Due May 1st, 20 points)

Possible interview questions are:

1. *How do you access information about school law?*
2. *What are the legal areas that you come across the most in your position?*
3. *What are important legal points that you keep in mind as you:*
  - a. *evaluate personnel?*
  - b. *communicate with parents?*
  - c. *discipline students?*
4. *What topics do you get advice on from your district's legal council?*
5. *How do you document incidents that could be litigious?*
6. *Have you been trained in FRISK and do you use the method to document improper faculty and staff behavior?*
7. *What advice can you give me on the knowledge and implementation of school law as an aspiring administrator?*

**Assignment #6:** Write a 3-4 page paper visualizing yourself as an instructional leader using your knowledge and implementation of school law. I have created six scenarios to give you a basis to analyze a situation with legal implications at a school. Write a paper that tells how you would respond to the situation and what would you do, especially in the important aspects of fact finding, legal implications, verifying your actions, and communicating the next steps to stakeholders. (Due May 8, 20 points)

Scenarios (Choose one)

1. As most students have cell phones, reported sexting has become increasingly common in your school. According to the students 2010 Healthy Kids Survey, 35% of your students say they have received sexually suggestive photos or videos on their cell phones. This survey information about your school will become public soon. What do you do? How do you respond?
2. You have asked the PTA to purchase two laptops for administrative use at meetings and conferences. A PTA member spoke up at a recent meeting that she had seen a popular teacher in a coffee shop using a school-issued laptop to Skype friends. The PTA members want to know if personal use can be prevented from the computers they purchase for staff. How do you respond? What do you do?

3. A recent article written by a student in your school newspaper claims that the Christian Club does not allow the gay students to hold office or vote. Parents are calling your office representing both sides of the question, with one parent threatening legal action. How do you respond? What do you do?
4. A White supremacist group has been hanging around the outside of your campus passing out fliers with derogatory wording against the Hispanic/Latino population at your school. Students are starting to get agitated and the staff is afraid of a bigger problem. How do you respond? What do you do?
5. A non-custodial parent with a court order to stay 100 feet away from his ex-wife lets you know that he wants to come to the year-end talent show because his daughter is singing. As he doesn't see her often, he wants to get more involved in his child's school. How do you respond? What do you do?
6. The national Take Your Daughter or Son to Work Day is next week. You expect a number of parents will want to participate in this program, which is designed for students to visit their parent's work and then share about their work force experience the next day in school. You are concerned because STAR testing also starts next week and you must have a 95% participation rate. How do you respond? What do you do?

### **Textbooks and Resource Materials**

#### **Bring your Laptops to Class**

Please purchase, borrow, or log on to the following reference guides prior to the first class:

1. Andelson, J. D. (2001). *FRISK documentation model: Practical guidelines for evaluators in documenting unsatisfactory employee performance*. San Diego, CA: Atkinson, Andelson, Loya, Rudd & Romo.  
(To purchase book call: (562) 653-3200, or borrow the book from your site administrator.)
2. Essex, Nathan L. (2011). *A teacher's pocket guide to school law, 2<sup>nd</sup> ed.* Upper Saddle River, NY: Pearson Education, Inc.
3. Schimmel, D., Eckes, S., Militello, M. (2010). *Principals teaching the law*. Thousand Oaks, CA: Corwin Press.
4. Register for up-to-date legal school law news (free)  
<http://www.nsba.org/MainMenu/SchoolLaw/LegalClips.aspx>

**Class Meeting Schedule, Topics, Assigned Readings, and Assignments Due**

**Session 1: April 8 – We will use laptops to negotiate the assignments the first week**

*IN CLASS: Laws protecting students*

|   |                                       |
|---|---------------------------------------|
| <i>Shimmel</i>  | <i>Chapters 1 and 2</i>               |
| <i>Essex</i>  | <i>Chapter 8 and pp. 40-46</i>        |
| <i>Student/parent handbook</i>  | <i>Student rights and protections</i> |
| <i>Website: <a href="http://chks.wested.org/">http://chks.wested.org/</a></i> | <i>Examine data and discuss</i>       |

- Liability for student injuries (Schimmel: Chapter 1, Essex: Chapter 8, student/parent handbook)
- Student freedom of expression (Schimmel: Chapter 2, Essex: p. 40-46, student/parent handbook)

**Session 2: April 15**

*DUE: Hard copy binder or digital file of school/district legal documents. You will need these site and district documents for class discussions. See the list of authentic documents are listed under Assignment #2.*

*DUE: Reflective Cougar Course blog and value-added comments on legal issue, issue from class or reading applied to your school*

*READ: Human resources legal issues*

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|-------------------------|--|
| <i>Public Law 103-3</i> | <i>Family leave</i>                        |
| <i>Essex</i>            | <i>Chapter 9, 11</i>                       |
| <i>Teacher contract</i> | <i>Teacher rights and responsibilities</i> |

- Recruitment, selection, and evaluation of personnel (Essex: Chapter 11, job announcement, certificated evaluation form)
- Employee harassment and discrimination issues (Essex: Chapter 9, the district employee discrimination protection form)
- Bargaining, contracts, and unions (the teacher collective bargaining agreement and contract)
- Family leave: Public Law 103-3

**Session 3: April 22**

*DUE: Reflective Cougar Course blog and value-added comments on legal issues from class or reading applied to your school*

*READ: Human resources legal issues*

|                                |                                       |
|--------------------------------|---------------------------------------|
| <i>Frisk Manual</i>            | <i>All</i>                            |
| <i>Essex</i>                   | <i>Chapter 11</i>                     |
| <i>Student/parent handbook</i> | <i>Student rights and protections</i> |



- ADA requirements for students and employees (student/parent handbook, teacher contract)
- Employee discipline including due process, dismissal and layoff process (FRISK manual)
- Investigations and documentation process (FRISK manual)

**Session 4: April 29 (online)**

*DUE: Reflective Cougar Course blog and value-added comments on legal issue, issue from class or reading applied to your school*

*DUE: Current legal issue article summary on the Cougar Course forum*

*READ: More human resources*

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|------------------------|--------------------------|
| <i>Shimmel</i>         | <i>Chapters 6, 7</i>     |
| <i>Essex</i>           | <i>Chapter 10</i>        |
| <i>First Amendment</i> | <i>Freedom of speech</i> |

- Teacher Freedom of Expression (Schimmel: Chapter 6, Essex: Chapter 10)
- Freedom of Speech: First Amendment
- Use of the Internet, intellectual property
- Teacher lifestyle and out of school choices (Schimmel: Chapter 7)

**Session 5: May 6**

*DUE: Interview with a leader summary and reflection paper*

*DUE: Updated class context map*

*DUE: Reflective Cougar Course blog and value-added comments on legal issue, issue from class or reading applied to your school*

*DUE: EDAD 624B Field Study signed forms and final documentation*

*READ: Special Education, Desegregation, and English Learners*

|                                  |                                     |
|----------------------------------|-------------------------------------|
| <i>Shimmel</i>                   | <i>Chapters 3, 9</i>                |
| <i>Essex</i>                     | <i>Chapter 6, 7, p. 132, p. 176</i> |
| <i>Special Ed Referral Forms</i> | <i>Students with disabilities</i>   |
| <i>Lau v Nichols</i>             | <i>English Learners Case Study</i>  |

- Students with disabilities (Schimmel: Chapter 3, Essex: Chapter 7, special education referral form)
- Student records and the Family Educational Rights and Privacy Act (Schimmel: Chapter 9, Essex: Chapter 6)

Disenfranchised groups

- Desegregation: Brown v. the Board of Education (Essex, p.132)
- English Learners cases: Lau vs. Nichols, Prop 227
- Gender discrimination: Title IX (Essex, p.176)

**Session 6: May 13**

*DUE: Scenario paper*

*DUE: Reflective Cougar Course blog on legal issue from class or reading applied to your school*

READ: Student discipline, abuse and neglect, and religion in schools

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|--|---|
| <i>Shimmel</i>                         | <i>Chapters 4, 10</i>                   |
| <i>Essex</i>                           | <i>Chapter 3, 4, 5 and p. 48, p. 67</i> |
| <i>Child Protective Services Forms</i> | <i>Freedom of speech</i>                |

- Student due process (Schimmel: Chapter 4, Essex: Chapter 5, student/parent handbook, a student suspension form, a student discipline referral form)
- Dress codes (Essex, p 48, p 67, student/parent handbook)
- Reporting abuse and neglect (Schimmel: Chapter 10, Child Protective Services forms)
- Religion in schools (Essex, Chapter 3)