

California State University, San Marcos
College of Education

EDAD 616A

Education Law and Personnel Administration – 2 Units

Spring Semester 2008

Monday's, 4:30 p.m. – 9:00 p.m.

University Hall #439

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Mission Statement of the College of Education, CSU San Marcos

The mission of the College of Education Community is to collaboratively transform public education by preparing thoughtful educators and advancing professional practices. We are committed to diversity, educational equity, and social justice, exemplified through reflective teaching, life-long learning, innovative research, and ongoing service. Our practices demonstrate a commitment to student-centered education, diversity, collaboration, professionalism, and shared governance.

(Adopted by COE Governance Community, October, 1997).

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 met through the infusion of content and experiences within the credential program, as well as additional coursework. Students successfully completing this program 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 5205, 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 assignments 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. All written work and oral assignments must be original work. All ideas/materials that are borrowed from other sources must have appropriate references to the original sources. Any quoted material should give credit to the source and be punctuated with quotation marks.

Students are responsible for honest completion of their work including examinations. There will be no tolerance for infractions. If you believe there has been an infraction by someone in the class, please bring it to the instructor's attention. The instructor reserves the right to discipline any student for academic dishonesty in accordance with the general rules and regulations of the university. Disciplinary action may include the lowering of grades and/or the assignment of a failing grade for an exam, assignment, or the class as a whole.”

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.

College of Education Attendance Policy

Due to the dynamic and interactive nature of courses in the College 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 provides an opportunity for the candidate to learn the basic principles of parent, student, and employee due process; personnel practices relative to hiring, evaluation, and discipline of employees; content of collective bargaining agreements; and principles for supervision.

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
- Student discipline and expulsion
- Retention, discipline, and dismissal of employees
- Investigations and documentation
- Progressive discipline
- FRISK documentation techniques
- Conflict mediation and management
- Liability and worst-case scenarios
- Harassment, discrimination, and freedom of speech
- Litigation avoidance
- The Brown Act
- General concepts and principles of personnel administration
- Elements of personnel relations, including collective bargaining, contract interpretation, and working with formal and informal employee groups

Course Standards

Specific standards as required by CCTC are noted in the bracketed information at the end of each course standard.

Knowledge

The candidate will

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)]

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)]

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

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)]

Skills

The candidate will:

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:

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)]

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 be able to describe steps and implications of due process rights as detailed in the California Education Code. Students will research specific local issues and policies that are aligned with federal and state laws. Emphasis is placed on the personnel management process as a way of achieving excellence within a diverse organization.

Course Requirements and Grading Policy

Assignments are given based on expectations of “mastery” of the content and academic format for the assignments. Based on the instructor’s feedback, students may make improvements on assignments and may resubmit assignment for additional grade consideration. However, late assignments may result in loss of points and can not be considered for “resubmission” based on instructor’s feedback.

1. Each student will be expected to attend all class sessions and participate in class discussions. If you are unable to attend or will be late, please let the instructor know in advance. Students will be given reading assignments and are expected to come to class prepared to discuss the topics. (25%)
2. Students will be given written assignments, which will involve an analysis of various topics. (50%)
3. Students will conduct an interview and write a summary and reflective paper. (25%)

Course assignments:

Class participation: Read assigned readings and participate in class discussions, write journal reflections (3 required journal entries), and small group discussions and activities. (25%)

Assignment #1: Authentic documents collection Collect copies of district and/or legal documents in support of the course topics: Relevant Board Policies, Student/Parent Handbook, Collective Bargaining Agreement, Due Process agreements, Discrimination protections, and other related documents for review and comparison. (25%)

Assignment #2: Research a case Conduct a search for a “case” related to one of the course topics. Students are to write a paper to include the current status (rationale) of topic; summarize the legal basis (court case or law); key elements of law/regulations; implications for practice current site and district administrators. (25%)

Assignment #3: Interview of Site or District Administrator Conduct an interview of a site administrator or district HR administrator regarding their use of school law. Students are to write a paper summarizing their interview and reflecting on the key learning. (25%)

Textbooks and Resource Materials

Please purchase the following reference guides prior to the first class:

Legal References for California School Administrators, 2009. School Administrators' Publishing Co., Kansas. To purchase reference guide (\$14.00) visit the following website at www.sapco.org or call (866) 338-3455.

FRISK Documentation Model: Practical Guidelines for Evaluators in Documenting Unsatisfactory Employee Performance. Steven Andelson, J.D. (2001). Atkinson, Andelson, Loya, Rudd & Romo: San Diego. To purchase book call: (562) 653-3200.

However: before buying this book, visit your HR department or site principal to see if they have an extra book that you can have or borrow. Let them know you are taking the HR class at CSUSM.

Various chapters which will be provided and assigned:

Chapter 4: Student Citizenship and Discipline From *School Law: A California Perspective*, 3rd ed. Arthur J. Townley and June H. Schmeider-Ramirez. 2007. Kendall/Hunt Publishing Co., Iowa.

Chapter 6: Special Education and the Law From *School Law: A California Perspective*, 3rd ed. Arthur J. Townley and June H. Schmeider-Ramirez. 2007. Kendall/Hunt Publishing Co., Iowa.

Chapter 9: Terms and Conditions of Employment (pp. 199-227) from *Legal Rights of Teachers and Students*, 2nd Ed. Nelda H. Cambron-McCabe, Martha M. McCarthy, & Stephen B. Thomas. 2009. Pearson Education, Inc., New York.

Chapter 10: Teachers' Substantive Constitutional Rights (pp. 228-250) from: *Legal Rights of Teachers and Students*, 2nd Ed. Nelda H. Cambron-McCabe, Martha M. McCarthy, & Stephen B. Thomas. 2009. Pearson Education, Inc., New York.

Additional articles and case law reviews will be provided and assigned.

Tentative Class Meeting Schedule and Topics

Session 1: March 23, 2009

- The following topics will be discussed:
- Introductions
- Review Syllabus
- Introduction to School Law and Personnel
- District governance
- Brown Act
- NCLB and related legal issues
- Federal funding and associated requirements
- The instructional program and state and federal legal requirements
- Review interview assignment

March 30 (CSUSM Spring Break) – No Class

1. Assignment: Conduct an interview with a district or site administrator about their use of “school law” on a regular basis. Possible interview questions are:
What are 2 or 3 Most Important Points that site administrators need to know about school law?

What are the legal areas that you must be aware of on a daily basis?

What are 2 or 3 key legal points that you keep in mind as you “evaluate” personnel?

What else would you like to tell me about your knowledge and use of school as it relates to your role?

Write a 2 page summary of your interview. Be prepared to share the results of your interview in class on April 6th.

2. Document Collection: Collective Bargaining Agreement with Certificated Employees. Find and read the article associated with employee discipline and teacher evaluation.

3. Reflection Journal #1: Briefly describe and reflect on the two areas of the collective bargaining agreement (discipline and evaluation).

Readings before next session:

Chapter 9: Terms and Conditions of Employment (pp. 199-227) from Legal Rights of Teachers and Students, 2nd. Ed. Nelda H. Cambron-McCabe, Martha M. McCarthy, & Stephen B. Thomas. 2009. Pearson Education, Inc., New York.

Chapter 10: Teachers’ Substantive Constitutional Rights (pp. 228-250) from: Legal Rights of Teachers and Students, 2nd. Ed. Nelda H. Cambron-McCabe, Martha M. McCarthy, & Stephen B. Thomas. 2009. Pearson Education, Inc., New York.

Session 2: April 6, 2009

Human Resources:

- Recruitment, selection, and evaluation of personnel
- Employee discipline including due process, dismissal and layoff process
- Ethical leadership and personnel administration
- Investigations and documentation, FRISK techniques

Assignments before next class:

1. Document Collection: Collect, read and bring a copy of your district's sexual harassment policy and Non-discrimination policy to our next session.

Readings before next session: TBD

Session 3: April 13, 2009

Human Resources (Continued):

- Special guest presentation on the importance of documentation: Kelly Minnehan, Esq. from the legal offices of Fagen, Friedman, & Fullfrost
- Employee harassment and discrimination issues
- Collective bargaining and the Rhodda Act.
- Employer/employee relations; how to build a good working relationship

Assignments before next class:

1. Document Collection: Examine your district's/school's Student Discipline Handbook.
2. Reflective Journal Entry #2: Write a reflective journal entry on insights regarding your district/school's *Student Discipline Handbook*.

Readings for next session:

Chapter 4: Student Citizenship and Discipline From School Law: A California Perspective, 3rd ed. Arthur J. Townley and June H. Schmeider-Ramirez. 2007. Kendall/Hunt Publishing Co., Iowa.

Session 4: April 20, 2009

Schools and the Law: Read and discuss Chapter 4 from School Law: A California Perspective

- Student citizenship and discipline
- Examine your district/school's *Student Discipline Handbook*
- Expulsion
- Student rights and what administrators need to know
- Review local site rules, regulations, and discipline
- Dress codes

Readings before next session:

Chapter 6: Special Education and the Law From *School Law: A California Perspective*, 3rd ed. Arthur J. Townley and June H. Schneider-Ramirez. 2007. Kendall/Hunt Publishing Co., Iowa.

Session 5: April 27, 2009

Class discussions from *Special Education and the Law* (Chapter 6 from *School Law: A California Perspective*):

- Laws, rules, and enforcement
- Student and parent due process re: student discipline
- Advocates and lawsuits
- Examine current site leaders' responsibilities
- ADA requirements for students and employees

Readings for next session: TBD

Session 6: May 4, 2009 – Last Session

- Separation of church and state
- Prayer, Bible, meditation in schools
- Curriculum issues
- Final Thoughts
- Final written assignment
- Reflection #3