

Education Law: K-12

May 2019

Professors Megan Davis and Jonathan Brush

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Course Objective:

Welcome to the study of Education Law. This course strives to provide perspective and understanding of the basic legal concepts and mechanics of the law applicable to K-12 education. This class will cover topics including, but not limited to, Public Information and Records Management, Open Meetings Act, Special Education/504, State and Federal Liability and Immunities, First Amendment Issues, Fourteenth Amendment Issues, Teacher Contracts, and Student Discipline/Harassment/Bullying.

Class Sessions:

Monday, May 13th, through Thursday, May 16th, 10am to 5pm

Final Exam Friday, May 17th Time TBD

Reading Material:

Required:

There is no textbook for this class. In lieu of a text, course material may be picked up from Anjanette Curtis's desk in the LSS Suite beginning May 1st. The cases have been redacted for clarity and brevity. There is no charge for the material.

You are expected to be able to discuss the assigned reading in depth, so please make a commitment to be prepared. Your advanced preparation gives you the best opportunity to correctly synthesize and participate in our class discussion.

Office Hours:

If you have any questions about the course, please ask us. Questions are welcome and encouraged. We are available after class and by appointment. Professors Brush and Davis can be found in the LSS Suite, Room 15J.

Attendance Requirement:

Consistent with the university policy, 80 percent attendance in class is required. A class roll will be circulated each day and each student must initial the appropriate square next to his or her name for the particular date of attendance. Initialing the roll indicates that the student will be in attendance for the entire, and not part, of the class session. Each student is responsible for initialing the roll sheet at each class meeting. If the sheet is not initialed before the professor leaves the classroom at the end of a session, students who have not initialed the roll for that class will be considered and counted absent. Students will not be allowed to argue at a later time that they were actually present on days in which the class roll was not initialed. Those individuals not satisfying the attendance requirement will be reported to UH Law Center administrative officials and may be dropped from the course.

Grading:

Your grade will be based on two short assignments, participation, and the final exam. The assignments will be brief (1-2 page) writing exercises. The exam will consist of short answers and be open book. The examination and assignment will be discussed as the week progresses.

Participation 20%

Assignment 25%

Final Exam 55%

Student Participation:

Students with poor class participation may have their final grade dropped by 1/3 of a letter grade. The decision to drop a grade for participation is at my discretion and is non-negotiable. A drop in class participation can result from a combination of unpreparedness, not paying attention in class, and absences (even if you are within the six-absence limit). In rare circumstances, a student may go up a 1/3 of a letter grade for making a substantial contribution to the class. Note that volunteering every class does not constitute a substantial contribution—quality, not quantity matters.

Honor Code:

The UHLC Honor Code applies to this class. It is set forth in its entirety in the Student Handbook. You are responsible for knowing the provisions of the UHLC Honor Code, and for full compliance with all of the UHLC Honor Code provisions. Failure to do so will result in referral to the UHLC Honor Court, and may result in you failing this class.

Computer and Phone Use:

The permitted use of personal computers in the classroom is permitted solely for the purposes of (i) reviewing preparation notes and (ii) taking notes during class. Specifically excluded from in-class computer usage is anything beyond these activities, e.g., “surfing the web” and messaging. Nonparticipation and nonresponsiveness in the classroom discussion attributable to diversionary uses of your personal computer constitutes an absence from the class. We reserve the right to disallow the use of laptops in the classroom at any time throughout the semester. The use of other electronics, including recording devices, is prohibited during class time. Please be sure that all noise-making devices, including cell phones, are in silent mode or powered off.

Instructor Evaluations:

We welcome any comments or suggestions that you may have regarding our teaching style, class presentation, or any other related subject. Please feel free to provide us with such comments during the course of the semester as they will help

us to improve our teaching. We will carefully consider all of the comments and suggestions that we receive.

Accommodating Students with Disabilities:

The Americans with Disabilities Act (ADA) requires that the University of Houston make reasonable accommodations to persons with disabilities as defined by and within the meaning of the statute. Students who have questions about or feel that they need assistance under the ADA should contact Student Services.

Counseling and Psychological Services:

The University of Houston's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad or hopeless. You can reach CAPS at www.uh.edu/caps and by calling 713-743-5454 during and after business hours for routine appointments or if you know someone who is in crisis. No appointment is necessary for the "Let's Talk" program (http://www.uh.edu/caps/outreach/lets_talk.html), a drop-in consultation service at convenient locations and hours around campus.

Proposed Course Outline:

Attached is a proposed course schedule for the week. We may release an updated and complete course schedule by the beginning of May. We may, of course, modify it as the week progresses, to achieve course objectives.

We may, at times, post additional materials to our website. When this occurs, you will be notified via email.

DATE	TOPIC	ASSIGNMENT (due the date assigned to the left)
May 13	Introduction Governance: Public Information Act, Open Meetings Act, FERPA Sources of Law Fourteenth Amendment 4 th Amendment	Review PIA, OMA, FERPA Read San Antonio ISD v. Lopez through Veronia School District v. Acton
May 14	Continue 4 th Amendment discussion	

	<p>Student Discipline, Harassment, Bullying, Title IX</p> <p>Teacher Contracts</p> <p>First Amendment</p>	<p>Review Chapter 37 and Title IX, read I.F. v. Lewisville ISD</p> <p>Review Chapter 21</p> <p>Read West Virginia v. Barnette through Westside Community Schools v. Mergens</p>
May 15	<p>Continue 1st Amendment</p> <p>Special Education and 504 (with mention of Child Find)</p>	<p>Read Board of Education v. Rowley through Fry v. Napoleon School District</p> <p><i>Assignment due Wednesday: Draft an appeal letter to the district on behalf of a parent regarding a student discipline determination (MAX 2 pages, including signature block)</i></p>
May 16	Liabilities and Immunities	Read Monell through Robinson v. Brannon
May 17	FINAL EXAM	