



College of Education

Vision Statement

We develop educational leaders who create tomorrow's opportunities.

Mission Statement

Our mission is to prepare professionals to serve and lead education and human services organizations.

Department of Educational Leadership

EDL 622

Legal Aspects of School Administration

Standard Syllabus

Credit Hours: 3

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Course Description

Functions, relationships and responsibilities of school districts with interpretations of legal status as shown by statutes and court decisions, rules and regulations.

Course Structure/Approach

EDL 622 (Legal Aspects of School Administration) is organized around the required text- Alexander, Kern and Alexander, M. David, American Public School Law, 6th. Edition; Selected Supreme Court Decisions, state statutes, and ADE and national administrator (ADE and ELCC) standards. The course will consist of lecture, readings, individual and group assignments; written assignments, examinations, case studies, scenario, an action research project; 15 clock hours of field work (leadership experience), and the completion of a legal resource portfolio.

EDL 622 is a doctoral level course and is also a required course for the administrative certificate in the state of Arizona. EDL 622 may also fulfill a foundation, as well as, a requirement in the Masters of Education degree in Educational Leadership. The course gives major attention to the issues of the constitutional and other legal bases of public education in the United States and the State of Arizona.

The course is designed to provide all participants with a thorough grounding in the legal basis for teachers and administrators. The primary focus of EDL 622 is on:

- Legal theory and practice dealing with the functions, relationships and responsibilities of school personnel and school districts.
- State and federal statutes, administrative rules and regulations,
- Landmark decisions of the United States Supreme Court in the areas of finance, religion, collective bargaining, student rights, rights of the disabled, employee rights and desegregation and discrimination,
- Selected, attorney general opinions,
- State board of education rules, governing board policies along with interpretations and applications of each will be studied to gain a thorough understanding of how schools and individuals are affected and
- The major current and critical legal issues in education with a strong focus on risk Alexander, Kern and Alexander, M. David, American Public School Law, 6th. Edition management strategies to help assure compliance with the law.

Required Texts

Alexander, Kern and Alexander, M. David, American Public School Law, 8th. Edition

West's Arizona Education (This text includes all ARS in Title 15 and the statutes that pertain to education regarding Open Meeting Law, social security, annuities, deferred compensation and selected criminal statutes from Title 13.)

Gary Emanuel, What You Need to Know about Arizona School Law (required resource handbook for the class. The handbook is available from the NAU bookstore as a course pack).

Call 1-800-426-7674 to order the retirement system, course pack.

Supplemental and reference materials

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|--------------------------------------|---|
| 1. Constitution of the United States | 2. Federal Statutes |
| 3. Enabling Act of 1910 | 4. Constitution of state of Arizona |
| 5. Arizona Revised Statutes Title 15 | 6. Arizona Administrative Code, Title 7 |
| 7. Local Governing Board policies | 8. U.S. Circuit Courts of Appeals decisions |
| 9. U.S. Supreme Court decisions* | 10. Media coverage of educational issues |

Note: A list of selected United States Supreme Court landmark cases related to the topics discussed are included in this document.

Student Learning Outcomes: By the end of the course students will demonstrate that they:

- ELCC 3.1: Understand and can monitor and evaluate school management and operational systems.
- ELCC 3.2: Understand and can efficiently use human, fiscal, and technological resources to manage school operations.
- ELCC 3.3: Understand and can promote school-based policies and procedures that protect the welfare and safety of students and staff within the school.
- ELCC 3.4: Understand and can develop school capacity for distributed leadership.
- ELCC 3.5: Understand and can ensure teacher and organizational time focuses on supporting high-quality school instruction and student learning.

Students will also demonstrate knowledge and understanding of laws and selected court decisions relevant to education and schooling including:

- Working within the framework of court decisions, laws, policies, and regulations enacted by local, state, and federal authorities;
- Legal and contractual obligations, collective bargaining;
- Potential civil and criminal liabilities;
- Potential legal issues affecting school personnel selection, development, supervision, retention, and dismissal;
- Legal requirements affecting student supervision and abuse reporting;
- Principles and issues relating to school safety and security;
- Legal issues impacting school operations;
- Confidentiality and privacy of school records; and
- Rights and confidentiality of students and staff;
- Understand the value of developing a vision for a school district or a school that includes legal and ethical considerations. Demonstrate understanding knowledge and skills regarding applicable ELCC standards 3.1, 3.2, 3.3, 3.4, 3.5 (and Arizona Administrator Certification Standards (R7-2-603).
- Understand the concept of State Compliance Review of a District and be able to conduct a Compliance Review of a district.
- Identify important facts and continuing significance of landmark education decisions.

- Become familiar with the primary sources of law for Arizona educators; i.e.: ARS Title 15, State Board Rules and Regulations (R7-2), tribal law, Federal law etc.
- Demonstrate the understanding, knowledge and skill required to satisfy the basic legal duties of Arizona educators with respect to ARS 13-3620 and ARS 15-514 (A) (B)
- Demonstrate a clear understanding of the Family Right to Privacy Act, Americans with Disabilities Act, Family Medical Leave Act, OSHA requirements, Individuals with Disabilities Education Act, Section 504, student retention issues and constitutional rights.

Assessment of Student Learning Outcomes:

Five articles - related to education law should be drawn from Internet research, professional publications and journals or current Arizona events in the news media. Each article summary shall be at least one typewritten page, follow APA style, and include source documentation and your comments on the significance of the article.

Summary of 3 case studies - use the case studies supplied to you, review the case study; identify the legal and leader/management issues, and describe how you would resolve the problems and issues.

Major Scenario and Class Presentation

Students will analyze a scenario provided by the professor, identify the leadership and legal problems and issues involved, submit individual written response to problems and issues, and present as a team what actions should be taken to remedy the immediate problems and issues contained in the scenario, and present a long range plan to mitigate against the reoccurrence of the problems/issues in the future.

ELCC 3.1: Candidates understand and can monitor and evaluate school management and operational systems.

ELCC 3.2: Candidates understand and can efficiently use human, fiscal, and technological resources to manage school operations.

ELCC 3.3: Candidates understand and can promote school-based policies and procedures that protect the welfare and safety of students and staff within the school.

ELCC 3.4: Candidates understand and can develop school capacity for distributed leadership.

ELCC 3.5: Candidates understand and can ensure teacher and organizational time focuses on supporting high-quality school instruction and student learning.

Final: A written exam covering the course will consist of both objective and essay questions.

Signature Assignment will assess ELCC Standards: 3.1, 3.2, 3.3, 3.4, 3.5 (Content knowledge)

Students will conduct an action research project on the duty to report required by ARS 13-3620 Child abuse and neglect reporting & ARS 15-514 (A) and (B) Reports to Department of Education.

The Signature Assignment, directions and grading criteria (rubric) will be provided by the professor.

Grading Criteria

	Points Possible
Signature Assignment	60
Attendance and Participation	20
Written Article summaries (5 summaries)	25
Written case study summaries (3 summaries)	20
Scenario Individual written report	50
Presentation	25
Final Exam	100
Total Possible Points	300

Grading System:

90 – 100 %	=	A
80 – 89 %	=	B
70 – 79 %	=	C
60 – 69 %	=	D

Recommended Readings:

- Educational Leadership published by the Association of Supervision & Curriculum Development
- The School Administrator
- Kappan – Phi Delta Kappa
- Principal – NAESP
- NASSP and ASBA publications
- American School Board Journal
- Other relevant readings may be provided by the instructor during the first class session.

Example Full Semester Class Schedule:

Schedule and topics based on Alexander text and Selected Supreme Court Decisions

Session	Topic of Discussion	Text / Reference Material
Session 1	Review of Course and Course Requirements	

The Legal System

Text: Alexander, et al., Chapter 1-2

Selected U.S. Constitutional Provisions

U.S. Constitution

Federal Court System

U.S. Constitution

- "It is emphatically the...duty of the judicial department to say what the law is."
Marbury v. Madison, 5 U.S. 137 (1803)
- US Supreme Court criteria used to review constitutional questions.
- *Ashwander v. Tenn. Valley Authority*, 297 U.S. 288 (1936)
- Selected Provisions - The **Arizona Constitution**"...provision shall be made for the establishment of a system of public schools..."
- Enabling Act of 1910 "... shall enact such laws as shall provide for ...public school system,"
Arizona Constitution

Session 2

Governmental Roles in Education

Text: Alexander, et al., Ch. 3-4

1. Federal Government - Federal Statutes (examples)
Civil Rights Act; Individuals with Disabilities Ed. Act (IDEA)
Title IX; No Child Left Behind Act (NCLB)
Family Rights and Privacy Act; Equal Access Act
2. State Government
Arizona State Board of Education
ARS 15-201-214 & the Arizona Administrative Code Title 7
Arizona State Department of Education
ARS 15-231-243
Arizona Superintendent of Public Instruction

- ARS 15-251-256
Arizona Board of Regents
- ARS 15-1621-1695
Community College Governing Board
- ARS 15-1441-1491
- 3. County Government
County School Superintendents
ARS 15-301 - 308
- 4. Local Government
Local School District Governing Boards
ARS 15-342 - 354
Student's District Governing Board Policies
- 5. Legal Counsel for Schools, Colleges, and Universities
Role of the Arizona Attorney General
ARS 41-992
Role of Arizona County Attorneys
ARS 11-532
Employment of Private Legal Counsel
ARS 15-341, 1448

Compulsory Attendance

Text: Alexander, et al., Chapter 6

1. Public School
2. Charter School
ARS 15-161
3. Private School
4. Parochial School
ARS 15-801-829
5. Home School
ARS 15-181-189.03

Session 3

Essential Skills of Leadership

1. Vision
2. Decision making
3. Effective Communication
4. Group Process
5. Style, Power, and Ethics
6. Role Conflict
7. Culture and Climate
8. Motivation
9. Change
10. Evaluation

Introduce the Signature Assignment (Action Research Project), and select a Supreme Court case for analysis.

Session 4 RELIGION IN PUBLIC SCHOOLS

Text: Alexander, et al., Chapter 5

1. Free Exercise
2. The Lemon Test
3. Vouchers
4. Separation
5. Tax Credits
6. Pledge of Allegiance
7. Religious Activities
8. Equal Access
9. Religious Curricula
- 10 U.S. Constitution
11. Arizona Constitution
12. ARS 15-506; 1105

I. STUDENT RIGHTS

Text: Alexander, et. al., Chapters 8

1. Due Process
2. Elements of Due Process- ARS

II. FREEDOM OF SPEECH AND EXPRESSION

1. Balancing the Interest
2. Forecast of Disruption -ARS
3. Personal Appearance
4. Weapons- ARS

III. STUDENT PUBLICATIONS

1. Types of Publications
2. Forum Analysis
3. Prior Restraint
4. Distribution of Religious Materials

Session 5

I. SEARCH AND SEIZURE

Text: Alexander, et. al., Chapter 9

1. Fourth Amendment
2. Lockers, Automobiles
3. Canine Searches
4. Drug Testing

II. STUDENT DISCIPLINE

1. In Loco parentis
2. Corporal Punishment
3. Child Abuse
4. Academic Discipline

III. Tort liability

Text: Alexander, et al., Chapter 11

1. Definition
2. Intentional Tort
3. Strict Liability
4. Negligence
5. Defenses for negligence
6. Educational Malpractice

IV. Defamation and Student Records

Text: Alexander, et al., Chapter 12

1. Definition
2. Defamation in Public Schools
3. Defamation of Public or Private persons
4. Student Records
5. Family Ed. Rights and Privacy Act
6. Least restrictive environment
7. IDEA
8. AIDS

V. Teacher Certification, Contracts, and Tenure

Text: Alexander, et al., Chapter 14

1. Certification
2. Contracts
3. Tenure
4. Grounds for Termination
5. Incompetence
6. Insubordination
7. Cause or Good Cause
8. Reduction in Force
ARS 15-501 - 515
9. Contract Protections
ARS 15-521
ARS 15- 531 - 538.01

Session 6

Personnel Administration & Course Scenario

- I. Due Process Rights of Teachers
 1. Substantive Due Process
 2. Vagueness Test
 3. Procedural Due Process
 4. Irrationality and Presumption Test

II. Discrimination in Employment

Text: Alexander, et al., Chapter 17

1. Protections
2. Sex Discrimination
3. Religious Discrimination
4. Age Discrimination
5. Equal Pay Act
6. Disabilities

Course Scenario

Students will analyze a scenario provided by the instructor, identify the legal and leadership problems and issues involved, present as a team what actions should be taken to remedy the immediate problems/issues contained in the scenario, and present a long range plan to mitigate against the reoccurrence of the problems/issues in the future.

Three course sessions will be devoted to this project.

Session 7

School Finance & Course Scenario

- Procurement Law
- Sealed Bid
- Bid specifications

Course Scenario Project

Final Examination Administered

(Test will be comprised of objective, and essay items)

Session 8 Course Scenario and Team Presentations

Course Policies

Students enrolled in this course will be expected to demonstrate professional behavior toward all concerned, produce graduate level work; be on time and attend all class sessions. Note: Unexcused absence or tardiness will result in a lowered final grade in accordance with the grading system contained in the syllabus. Both the midterm the final examination must be taken at the scheduled time. No make-up exams will be provided. Written assignments are to follow current APA style. Correct grammar, spelling and punctuation are expected. References are to be properly credited. All work is to be the student's original work and must be turned in at the scheduled time. Any cheating, plagiarism or any other type of academic dishonesty will result in a failing grade for this course. Active participation in class activities, discussions, group work, and assignments, including field work experiences is expected. Failure to demonstrate active participation in a professional manner will result in lowering of final grades. Note: unprofessional conduct or rude behavior will not be tolerated, and may result in removal from the class and or termination from the program.

Northern Arizona University - Policy Statements

Safe Environment Policy

NAU's Safe Working and Learning Environment Policy seek to prohibit discrimination and promote the safety of all individuals within the university. The goal of this policy is to prevent the occurrence of discrimination on the basis of sex, race, color, age, national origin, religion, sexual orientation, disability, or veteran status and to prevent sexual harassment, sexual assault or retaliation by anyone at this university.

You may obtain a copy of this policy from the college dean's office. If you have concerns about this policy, it is important that you contact the departmental chair, dean's office, the Office of Student Life (523-5181), the academic ombudsperson (523-9368), or NAU's Office of Affirmative Action (523-3312).

Students with Disabilities

If you have a learning and/or physical disability, you are encouraged to make arrangements for class assignments/ exams so your academic performance will not suffer because of the disability or handicap. If you have questions about special provisions for students with disabilities, contact the Counseling and Testing Center (523-2261).

It is your responsibility to register with the Counseling and Testing Center. Application for services should be made at least eight weeks before the start of the semester.

If the Counseling and Testing Center verifies your eligibility for special services, you should consult with your instructor during the first week in the semester so appropriate arrangements can be made. Concerns related to noncompliance with appropriate provisions should be directed to the Disabilities Support Services coordinator in the Counseling and Testing Center.

Institutional Review Board

Any study involving observation of or interaction with human subjects that originates at NAU-including a course project, report, or research paper-must be reviewed and approved by the Institutional Review Board (IRB) for the protection of human subjects in research and research-related activities.

The IRB meets once each month. Proposals must be submitted for review at least fifteen working days before the monthly meeting. You should consult with your course instructor early in the course to ascertain if your project needs to be reviewed by the IRB and/or to secure information or appropriate forms and procedures for the IRB review. Your instructor and department chair or college dean must sign the application for approval by the IRB. The IRB categorizes projects into three levels depending on the nature of the project: exempt from further review, expedited review, or full board review.

If the IRB certifies that a project is exempt from further review, you need not resubmit the project for continuing IRB review as long as there are no modifications in the exempted procedures.

A copy of the IRB *Policy and Procedures Manual* is available in each department's administrative office and each college dean's office. If you have questions, contact Carey Conover, Office of Grant and Contract Services, at 523-4889.

Academic Integrity

The university takes an extremely serious view of violations of academic integrity. As members of the academic community, NAU's administration, faculty, staff, and students are dedicated to promoting an atmosphere of honesty and are committed to maintaining the academic integrity essential to the education process. Inherent in this commitment is the belief that academic dishonesty in all forms violates the basic principles of integrity and impedes learning.

Students are therefore responsible for conducting themselves in an academically honest manner.

Individual students and faculty members are responsible for identifying instances of academic dishonesty. Faculty members then recommend penalties to the department chair or college dean in keeping with the severity of the violation. The complete policy on academic integrity is in Appendix F of NAU's *Student Handbook*.

Classroom Management Statement

Membership in the academic community places a special obligation on all members to preserve an atmosphere conducive to a safe and positive learning environment. Part of that obligation implies the responsibility to each member of the NAU community to maintain an environment in which the behavior of any individual is not disruptive.

It is the responsibility of each student to behave in a manner which does not interrupt or disrupt the delivery of education by faculty members or receipt of education by students, within or outside the classroom. The determination of whether such interruption or disruption has occurred has to be made by the faculty member to maintain and enforce the standards of behavior acceptable to preserving an atmosphere for teaching and learning in accordance with University regulations and the course syllabus.

At a minimum, students will be warned if their behavior is evaluated by the faculty member as disruptive. Serious disruptions, as determined by the faculty member, may result in immediate removal of the student from the instructional environment. Significant and/or continued violations may result in an administrative withdrawal from the class. Additional responses by the faculty member to disruptive behavior may include a range of actions from discussing the disruptive behavior with the student to referral to the appropriate academic unit and/or the Office of Student Life for administrative review, with a view to implement corrective action up to and include suspension or expulsion.

Attachments

Compliance Review Directions: Each student will select a chapter from Arizona Compliance Review (contained in the text book –*What You Need to Know about Arizona Law*), and evaluate their own district.

This assignment requires the use of the textbook, *What You Need to Know about Arizona Law* as a practical application of what your school and school district should be doing to comply with Arizona Law. The assignment will be to research your local school and district to determine if they have policies that are in compliance with Arizona law and are implementing those policies at the local school level.

Materials needed:

- You will need to have access to your local board policy manual. This manual is available at each local school as well as in the district office. Note: The local school principal should also have a copy of this manual. In addition, you will need a copy of school handbooks (teachers and students), as well as a copy of any local site council policies.
- You will also need a copy of *What You Need to Know about Arizona*. You may choose the chapter that you wish to review. Use the documents listed above to answer the questions asked of each citation in each applicable chapter.

Suggested Method:

Use a group approach with each person doing a different chapter. The group must divide up the work to have each person review a different chapter of the handbook. In the event that any two members are located in the same district, please ensure that each person does one chapter.

Explain to your district office personnel who are assigned to provide copies of the local board handbook, that you are engaged in a class project. Offer to provide to the party responsible, any feedback concerning the policy manual that you discover as you research your district policy. If more than one person is engaged in this task from a district, you may pool your efforts at discovering and

evaluating your policies. After you have discovered your district policy concerning the statute, please compare that effort with your teacher and student handbook, where applicable. Any discrepancies that you discover within practice or policy should be shared with the appropriate administrator.

Develop a written report on the results of the compliance review. Use the following format. Part I - List each statute and your findings on the school district's compliance with the statute in the final report. Part II- List the evidence that you used to determine compliance with school law. Part III- develop an analysis of your experience with the availability, clarity, and ease of use of the policies. Part IV - List the areas where the district may be out of compliance with specific statutes and develop a written recommendation for what action that needs to be taken by the district to bring the district into compliance with applicable law rules and regulations.

Criteria for Grading Compliance Review Project written reports will be judged on the following criteria:

- **A** (96-100 points) speaks to all 4 elements: a) Completion of a chapter of Compliance Review, b).Evidence of Policies from District (District policies, Administrative policies, teacher manuals, student handbooks), c) Creation of a report concerning findings of review, and d) Analysis of policies that are out of compliance or missing and what action might be needed by the district, is well organized, has no spelling or grammatical errors, uses legal terms appropriately, cites sources appropriately, uses APA format, and is no more than 8 pages in length excluding the checklist.
- **B** (90-95 points) speaks to all 4 elements but does not meet the criteria in one other area.
- **C** (75-89 points) does not meet the criteria in 2 or more areas.
- **D** (64-74 points) does not meet the criteria in 2+ areas.
- **F** (63 points and below) has 3 or more of the following unacceptable characteristics : speaks only to 2-3 elements of the paper, is not well organized, does not use legal terms appropriately, is less than 3 pages in length, does not cite school policies or has 4 or more spelling or grammatical errors.

Signature Assignment Instructions: Students will conduct an action research project on ARS 13-3620 Child Abuse and neglect reporting and ARS 15-514 (A) and (B) Reports to Department of Education

Selected Court Cases:

Right of Judicial Review

Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1936) - Rules used by the US Supreme Court when considering constitutional questions.

San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973) Education is not a right guaranteed under the U.S. Constitution.

School Attendance:

Pierce v. Society of Sisters, 268 U.S. 510 (1925) - Right to attend private school.

Wisconsin v. Yoder, 406 U.S. 205 (1972) - The Amish Exception.

San Antonio Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973) Education is not a right guaranteed under the U.S. Constitution.

Plyler v. Doe, 457 U.S. 202 (1982) - Children of illegal aliens cannot be denied public education.

Martinez v. Bynum, 461 U.S. 321 (1983) - Residency requirements are constitutional.

Instructional Program:

Meyer v. Nebraska, 262 U.S. 390 (1923) - Law forbidding the teaching of foreign language below grade 8 is unconstitutional.

Keyishian v. Board of Regents, 385 U.S. 589 (1967) - Academic Freedom (university level)

Epperson v. State of Arkansas, 393 U.S. 97 (1968) - Law preventing the teaching of evolution is unconstitutional.

Lau v. Nichols, 414 U.S. 563 (1979) - Assistance for limited English speaking students.

Bd. Of Ed., Island Trees Union Free Sch. Dist. No. 26 v. Pico, 457 U.S. 853 (1982) –

The case addresses Censorship of library books.

Edwards v. Aguillard, 482 U.S. 578 (1987) - Law requiring balance of evolution/creation science is unconstitutional.

Separation of Church and State:

Everson v. Board of Education, 330 U.S. 1 (1947) - School district may spend tax funds to pay bus fare for parochial school students.

Bd. Of Ed. of Central School District No. 1 v. Allen, 392 U.S.236 (1968) -School district may loan textbooks to parochial school students.

Lemon v. Kurtzman, 403 U.S. 602 (1971) - Established Lemon Test to determine constitutionality of acts pertaining to establishment of religion.

Mueller v. Allen, 463 U.S. 388 (1983) - Tax deductions of certain costs for parents of parochial school students is constitutional.

Bd. Of Ed. Kiryas Joel Village Sch. Dist. v. Grumet, 62 U.S. 4665 (1994)- Law creating special school district as a religious enclave is unconstitutional.

Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993) - Denial of use of facilities by church because of film's religious subject may be unconstitutional.

Bd. Of Ed. Westside Community Schools v. Mergens, 496 U.S. 226 (1990) - Students have the right to organize religious groups in public schools.

Good News Club v. Milford Central Sch. Dist., 533 U.S. 98 (2001)- School district denial to use school facilities after hours violated the 1st Amendment.

Lee v. Weisman, 505 U.S. 577 (1992) - Prayer at high school graduation.

West Virginia State Bd. of Ed. v. Barnette, 319 U.S.624 (1943) - Compelling students to recite the pledge of allegiance violates the 1st Amendment.

McCollum v. Bd. of Ed., 333 U.S. 203 (1948) - Release time for religious instruction, in school during school hours, is unconstitutional.

Zorach v. Clauson, 343 U.S. 306 (1952) - Release time for religious instruction, off school property during school hours, is constitutional.

Sch. Dist. of Abington Township v. Schempp/Murray v. Curlet, 374 U.S. 203 (1963)-Prayer and Bible readings at the beginning of each school day is unconstitutional.

Santa Fe Independent School District v. Doe, 530 U.S. 290 (2000)-Prayer before football games.

Widmar v. Vincent, 454 U.S. 263 (1981) - Univ. of Missouri violated 1st Amendment by refusing to allow religious groups access to its public facilities.

Wallace v. Jaffree, 472 U.S. 38 (1985) - Moment of silence unconstitutional if an effort to return prayer to schools.

Stone v. Graham, 449 U.S. 39 (1980) - State statute requiring the posting of the Ten Commandments in each classroom is unconstitutional.

Witters v. Wash. Dept. of Services for the Blind, 474 U.S. 481(1986)-Use of state vocational rehabilitation funds to assist blind student to study ministerial work is constitutional.

Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993)-Use of public funds to pay for interpreter for a deaf student transferring from a public school to a Roman Catholic high school does not violate the Constitutional.

Mueller v. Allen, 463 U.S. 388 (1983)- Tax credits for student attending private schools is constitutional.

Mitchell v. Helms, 000 U.S. 98-1648 (2000) -Use of federal funds to purchase materials for sectarian school is constitutional

Zelman v. Simmons-Harris, 000 U.S. 00-1751 (2002) -School voucher plan in Ohio constitutional

Student Rights

Tinker v. Des Moines Indep. Comm. School Dist., 393 U.S. 503 (1969)- Student freedom of speech.

Goss v. Lopez, 419 U.S. 565 (1975)- Suspension requires procedural due process.

Ingraham v. Wright, 430 U.S. 651 (1977)- The use of corporal punishment does not violate 8th Amendment

Bd. of Ed. v. McCluskey, (1982)- School board has authority to expel a student.

New Jersey v. T.L.O., 469 U.S. 325 (1985) - Student search is constitutional if reasonable and not excessively intrusive.

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986) - Lewd/indecent speech is not protected.

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)- School may regulate content of school sponsored newspaper.

Vernonia School District 47J v. Acton, 515 U.S. 646 (1995) - Drug policy of random urinalysis of athletes is constitutional.

Bd. of Ed. of Indep. Sch. Dist. No. 92 of Pottawatomie v. Earls, 000 U.S. 01-332 (2002)- Required drug testing of all participations in extracurricular activities is constitutional.

School Finance

San Antonio School Indep. District v. Rodriguez, 411 U.S. 1 (1973) - State school finance system resulting in revenue disparities based on wealth of district does not violate the 14th Amendment.

Pappason v. Allain, 478 U.S. 265 (1986) - Disparities in state distribution of particular fund may violate the Equal Protection Clause. Review applicable State Supreme Court decisions (i.e., *Arizona Roosevelt v. Bishop*).

Teacher Employment / Teacher Rights

Beilan v. Bd. of Public Ed., Sch. Dist. Of Philadelphia, 357 U.S. 399 (1958) - Failure of teacher to answer questions by the superintendent concerning loyalty may be insubordination.

Pickering v. Bd. of Education, 391 U.S. 563 (1968) - Teachers have constitutional right to speak freely on matters of public concern.

Mt. Healthy City Sch. Dist. Bd. of Ed. v. Doyle, 429 U.S. 274 (1977) - Evidence must show that exercise of a constitutional right was the motivating factor in decision not to rehire.

Givhan v. Western Line Consolidated Sch. Dist., 439 U.S. 410 (1979)- Freedom of speech is guaranteed to teacher in private communication with employer.

Ambach v. Norwich, 441 U.S. 68 (1979) -State statute requiring teachers to be citizens or be in the process of becoming naturalized citizens is constitutional.

Harrarh Indep. Sch. Dist. V. Martin, 440 U.S. 194 (1979) -Failure to acquire continuing education credits sufficient reason for terminations

Connick v. Myers, 461 U.S. 138 (1983)-Speech concerning matters of private or personal interest and not as a citizen on matters of concern is not protected by the 1st Amendment.

Waters v. Churchill, 511 U.S. 661 (1994)- If employee's speech inhibits operations, causes inefficient or ineffective operations then speech may be curtailed.

Milkovich v. Lorain Journal C., 497 U.S. 1 (1990)- Newspaper article accusing coach of being a liar is not entitled to separate constitutional privilege for opinion.

Teacher Dismissal

Wieman v. Updegraff, 344 U.S. 183 (1952) - Vagueness of loyalty oath offends due process.

Connell v. Higginbotham, 403 U.S. 207 (1971) Disclaimer provisions of loyalty oath are unconstitutional.

Bd. of Regents of State Colleges v. Roth, 408 U.S. 564 (1972) - Procedural due process is not required if teacher is not deprived of a constitutional right.

Perry v. Sindermann, 408 U.S. 593 (1972)-Teacher with de facto tenure is entitled to a hearing before termination.

Cleveland Bd. of Ed. v. LaFleur, 414 U.S. 632 (1974) - Mandatory leave and arbitrary cutoff dates for pregnant teachers violate due process.

Hortonville Joint Sch. Dist. No. 1 v. Hortonville Ed. Assoc., 426 U.S. 482 (1976) - Impartiality of governing board in teacher dismissal proceeding.

Cleveland Bd. of Ed. v. Loudermill, 470 U.S.532 (1985) - Public employee with a property interest is entitled to predetermination hearing prior to dismissal.

Desegregation

Plessy v. Ferguson, 163 U.S. 537 (1896)-"Separate but equal" based on race is constitutional.

Gong Lum v. Rice, 275 U.S. 78 (1927) -Chinese student has no right to an education in a "white only" public school if a "colored" school is available to her.

Brown v. Board of Education, 347 U.S. 483 (1954) - Separate but equal facilities are inherently unequal.

Brown v Board of Education, 349 U.S. 294 (1955)-Desegregation shall proceed with "all deliberate speed."

Griffin v. County Sch. Bd. of Prince Edwards County, 377 U.S. (1964)-State closing of public schools and contributing to the support of private segregated schools is unconstitutional.

Green v. County Sch. Bd. of New Kent County, Virginia, 391 U.S. 430 (1968) -State must institute affirmative action where "freedom of choice" fails to create a unitary system.

Alexander v. Holmes County Bd. of Ed., 396 U.S. 19 (1969) -Dual school systems are to be terminated at once and **unitary** systems are to begin immediately.

Swann v. Chralotte-Macklenburg Bd. of Ed., 402 U.S. 1 (1971)-Busing to overcome segregation acceptable alternative where De Jure segregation has existed.

Missouri v. Jenkins, 495 U.S. 33 (1990) - Federal court can require school district to levy taxes in excess of state statutory limits in order to fund desegregation remedies.

Bd. Of Ed. of Oklahoma City Public Sch, Indep Sch. Dist. No. 89 v. Dowell, 498 U.S. 237 (1991)-Federal control over previously De Jure segregated district is limited to time necessary to remedy the effects of past intentional discrimination.

Missouri v. Jenkins, 515 U.S. 70 (1995) - Intradistrict de jure segregation does not justify interdistrict remedies.

Diversity of Student Population

Grutter v. Bollinger, 000 U.S. 02-241 (2003) - The view of student body diversity is a compelling state interest.

Gratz v. Bollinger, 000 U.S. 02-516 (2003) - The view of student body diversity may violate the Constitution.

**Selected Web access to course materials and resources
Resource**

Access

U.S. Courts www.findlaw.com

This site gives access to: United States Constitution
Federal statutes
U.S. Supreme Court Decisions
U.S. Courts of Appeal Decisions
U.S. District Courts Decisions

State of Arizona www.az.gov

This Site give you access to the following:
Enabling Act of 1910
Arizona Constitution
Arizona Revised Statutes
Arizona Administrative Code

Arizona Attorney General Opinions www.ag.state.az.us

Opinions issued by the Arizona Attorney

Arizona Auditor General Audits/ Investigations www.auditorgen.state.az.us

Audits and Investigations conducted by the Arizona Auditor

Arizona Department of Education www.ade.az.gov

This site is a comprehensive resource for State Board of Education and the State Department of Education

Arizona Supreme Court www.supreme.state.az.us

Arizona Supreme Court decisions
Arizona Courts of Appeal decisions.
Arizona Court of Appeals, Division One
Arizona Court of Appeals, Division Two

LEGAL CITATIONS (Source: West Publishing Company)

Citations for judicial opinions are in the form of numbers and abbreviations following the name of the case. The symbols refer to where the opinion is to be found. Reports of opinions are found in books known as case reports which are most generally located in law libraries or specialized locations. All case citations use the same basic format.

Example of a U.S. Supreme Court opinion:

<i>Tinker v. Des Moines Independent School District</i> , 393 U.S. 503 (1969)				
393	U.S.	503	(1969)	
Volume	Case	Page	Year	
	Reporter			of Decision

This case can be found on page 503 in case report books known as *United States Reports* (always abbreviated "U.S." in citations).

Lower federal court decisions use the same information as the Supreme Court citations but give the abbreviated name of the circuit or district in parentheses before the date, i.e.

<i>Jones v. Jones</i> , 345 F.2d 66 (2d Cir. 1981)					
345	F.2d	66	(2d Cir.		1981)
Volume	Federal Reporter		Page	Second Circuit	Year

second series	federal circuit court of appeals	of decision
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Sources for **federal court decisions** include:

Abbreviation	Title	Courts reported	Publisher
U.S.	<i>United States Reports</i>	Supreme Court	U.S. Government
S.Ct.	<i>Supreme Court Reporter</i>	Supreme Court	West Publishing Co.
L.Ed.2d	<i>Lawyers' Edition</i> , second series	Supreme Court	Lawyers' Cooperative
F.2d	<i>Federal Reporter</i> , second series	Circuits Courts	West Publishing Co.
F.Supp.	<i>Federal Supplement</i>	District Courts	West Publishing Co.

Citations for state cases use the same format as federal citations. State cases have their own case reporters. The most available source of state appellate court decisions is from privately published regional reporters.

Regional Reporters for state court opinions (published by West Publishing Co.)

Abbreviations	Title	States
A.2d	<i>Atlantic Reporter</i> , second series	Connecticut, Delaware, District of Columbia, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont.
N.E.2d	<i>North Eastern Reporter</i> , second series	Illinois, Indiana, Massachusetts, New York, Ohio
N.W.2d	<i>North Western Reporter</i> , second series	Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin.
P.2d	<i>Pacific Reporter</i> , second series	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming.
S.E.2d	<i>South Eastern Reporter</i> , second series	Georgia, North Carolina, South Carolina, Virginia, West Virginia.
S.W.2d	<i>South Western Reporter</i> , second series	Arkansas, Kentucky, Missouri, Tennessee, Texas.
So.2d	<i>Southern Reporter</i> , second series	Alabama, Florida, Louisiana, Mississippi.

Case Study Format

CASE:

San Antonio Independent School District v. Rodriguez, 411 US 1 (1973)

Basic Facts

This case filed in U.S. District Court in Texas as ***Rodriguez v. San Antonio Independent School District***. The U.S. District Court held for Rodriguez (Plaintiff) stating that (1) the Texas statute violated the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, (2) "wealth" is a suspect" classification and "education a fundamental right" requiring the School District (Defendant) to demonstrate a compelling state interest for the assessment system, , and (3) the school district had failed to show such a compelling interest or even a rational basis for the system and invalidated the state's funding procedures.

The School District supplemented state funds received to support schools with an ad valorem tax on property within the district. Rodriguez, a Mexican-American and parent of children attending the district schools, filed

suit, alleging that the reliance on the tax base within a district favored the more affluent districts over the poorer districts in violation of the Equal Protection Clause of the Fourteenth Amendment.

The School District appealed to the U.S. Supreme Court. (The School District became the Plaintiff upon appeal to the U. S. Supreme Court and Rodriguez became the Defendant)

Legal Issues before the Supreme Court

Does a state need to demonstrate only a rational basis for adopting an assessment system if no suspect classification or fundamental right is implicated?

Decision of the US Supreme Court:

Wealth is not a suspect classification. The taxation system has not been shown to discriminate against any definable class of "poor" people.

Education, while one of the most important services performed by the state, is NOT a fundamental right under the US Constitution.

The funding system in Texas does not violate the 14th Amendment of the U.S. Constitution. The Court reversed the decision of the US District Court ruling in favor of the School District.

The Court stated that such cases are best by a state court applying the state constitutional requirements.

Reasons given by the Court:

1. So long as no suspect classification or fundamental right is implicated, a state needs only establish a rational basis for the implementation of a tax assessment system to fund public schools.
2. The tax system (although not perfect) cannot be said to "bear no rational relationship to a legitimate state purpose," which is all the Constitution requires.

Implications:

This decision by the U.S. Supreme Court forced virtually all school finance cases back to the individual states. While the Supreme Court is unwilling (as indicated by this case) to interfere with states' attempts to deal with local fiscal and educational problems, the states can determine on the basis of their individual constitutions the validity of the prescribed taxing system. The determination by state courts will generally be based on the constitutional provision establishing the public education system.

The Texas Supreme Court in a subsequent case found the system used did in fact violate the Texas state Constitution.

Arizona's school funding system is similar to that of Texas. Local taxation is the method used by local districts to supplement state allocated financing of the public schools. The assessed valuation in Arizona school districts also varies significantly so that there are "poor" districts and "wealthy" districts. Arizona's base funding for public schools is controlled by an equalization formula found to be constitutional under the State's Constitution.

Arizona's constitution states that the legislature will provide for a "general and uniform" system of public education. The Arizona state courts' definition of these terms (as seen in recent court decisions – Roosevelt Elementary School District v. Bishop)* establishes the basis for determining constitutionality of the funding method for public education in Arizona. Local school districts will be financially affected by the determinations made in the Arizona courts and subsequent legislative responses to court decisions.

*Roosevelt Elementary School District v. Bishop questioned the legality of Arizona's statutes for funding school construction costs. The Arizona Supreme Court found the statute violated the state constitution's requirement for a "general and uniform" system and required the legislature to change the statute. This action resulted in the "Students First" statute requiring the state to fund all public school construction costs.

Enabling Act of 1910

Selected provision

Section 20:

Fourth. [P]rovision shall be made for the establishment and maintenance of a system of public schools which shall be open to all children of said State and free from sectarian control; and that said schools shall always be conducted in English.

Arizona Constitution Article 11, Section 1

Section 1. A. The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include:

1. Kindergarten schools.
2. Common schools.
3. High schools.
4. Normal schools.
5. Industrial schools.
6. Universities, which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate state institutions of such character.

B. The legislature shall also enact such laws as shall provide for the education and care of pupils who are hearing and vision impaired.

NORTHERN ARIZONA UNIVERSITY
POLICY STATEMENTS

SAFE ENVIRONMENT POLICY

NAU's Safe Working and Learning Environment Policy seeks to prohibit discrimination and promote the safety of all individuals within the university. The goal of this policy is to prevent the occurrence of discrimination on the basis of sex, race, color, age, national origin, religion, sexual orientation, disability, or veteran status and to prevent sexual harassment, sexual assault or retaliation by anyone at this university.

You may obtain a copy of this policy from the college dean's office or from the NAU's Affirmative Action website <http://www4.nau.edu/diversity/swale.htm>. If you have concerns about this policy, it is important that you contact the departmental chair, dean's office, the Office of Student Life (928-523-5181), or NAU's Office of Affirmative Action (928-523-3312).

STUDENTS WITH DISABILITIES

If you have a documented disability, you can arrange for accommodations by contacting the office of Disability Support Services (DSS) at 928-523-8773 (voice), 928-523-6906 (TTY). In order for your individual needs to be met, you are required to provide DSS with disability related documentation and are encouraged to provide it at least eight weeks prior to the time you wish to receive accommodations. You must register with DSS each semester you are enrolled at NAU and wish to use accommodations.

Faculty is not authorized to provide a student with disability related accommodations without prior approval from DSS. Students who have registered with DSS are encouraged to notify their instructors a minimum of two weeks in advance to ensure accommodations. Otherwise, the provision of accommodations may be delayed.

Concerns or questions regarding disability related accommodations can be brought to the attention of DSS or the Affirmative Action Office. For more information, visit the DSS website at <http://www2.nau.edu/dss/>.

INSTITUTIONAL REVIEW BOARD

Any study involving observation of or interaction with human subjects that originates at NAU—including a course project, report, or research paper—must be reviewed and approved by the Institutional Review Board (IRB) for the protection of human subjects in research and research-related activities.

The IRB meets monthly. Proposals must be submitted for review at least fifteen working days before the monthly meeting. You should consult with your course instructor early in the course to ascertain if your project needs to be reviewed by the IRB and/or to secure information or appropriate forms and procedures for the IRB review. Your instructor and department chair or college dean must sign the application for approval by the IRB. The IRB categorizes projects into three levels depending on the nature of the project: exempt from further review, expedited review, or full board review. If the IRB certifies that a project is exempt from further review, you need not resubmit the project for continuing IRB review as long as there are no modifications in the exempted procedures.

A copy of the IRB Policy and Procedures Manual is available in each department's administrative office and each college dean's office or on their website:

<http://www4.nau.edu/ovp/regulatorycompliance/irb/index.htm>.

If you have questions, contact Melanie Birck, Office of Grant and Contract Services, at 928-523-8288.

ACADEMIC INTEGRITY

The university takes an extremely serious view of violations of academic integrity. As members of the academic community, NAU's administration, faculty, staff and students are dedicated to promoting an atmosphere of honesty and are committed to maintaining the academic integrity essential to the education process. Inherent in this commitment is the belief that academic dishonesty in all forms violates the basic principles of integrity and impedes learning. Students are therefore responsible for conducting themselves in an academically honest manner.

Individual students and faculty members are responsible for identifying instances of academic dishonesty. Faculty members then recommend penalties to the department chair or college dean in keeping with the severity of the violation. The complete policy on academic integrity is in Appendix G of NAU's Student Handbook <http://www4.nau.edu/stulife/handbookdishonesty.htm>.

ACADEMIC CONTACT HOUR POLICY

The Arizona Board of Regents Academic Contact Hour Policy (ABOR Handbook, 2-206, Academic Credit) states: "an hour of work is the equivalent of 50 minutes of class time...at least 15 contact hours of recitation, lecture, discussion, testing or evaluation, seminar, or colloquium as well as a minimum of 30 hours of student homework is required for each unit of credit."

The reasonable interpretation of this policy is that for every credit hour, a student should expect, on average, to do a minimum of two additional hours of work per week; e.g., preparation, homework, studying.