Please note: I have posted on WebCampus a document titled *Expanded Information about EL 735 – The Law of Public Education, 2014 Fall Semester*. This document contains detailed information about the assignments, due dates, as well as the evaluation criteria. This information is vital for your participation in the class.

**Instructor Name:** William E. Sparkman, Ph.D.  
**Office Location:** William Raggio Building (WRB) 4054  
**Phone Number:** (775) 327-2255  
**Email Address:** sparkman@unr.edu  
**Office Hours:** 1:30 pm – 3:00 pm Tuesdays and Thursdays  
Other times by appointment

**Communication outside of class:** Contact me at sparkman@unr.edu. I check my e-mail regularly during the work week and occasionally during the weekend. In most cases, I will respond within 24 hours or less. I do not use social media for communication related to my classes. Feel free to call me at the office at 775-327-2255, but please leave a voice mail if I am not available. I will return your call in a timely manner if you speak slowly and distinctly with your name, phone number, and the best time to return your call. You are always welcomed to stop by the office, but I suggest you call or e-mail first to make sure I am available to visit with you.

**Catalog Description:** Examination of statutory and case law with special consideration given to litigation relating to teachers and students. Emphasis on due process requirements.

**Course Prerequisite:** There is no prerequisite for the course. However, graduate standing is assumed.

**Disclaimer:** This course is designed as an introduction to the topic of school law and is NOT intended to provide the student with legal advice. Students are responsible for obtaining such advice from their school attorney or from their own legal counsel. This course and any materials herein are intended for educational and informational purposes only.

**Required texts, course materials:**


You will be assigned other readings as appropriate during the semester. In most cases, these will be available online either through WebCampus, Web links, or PDF files.

**Class meeting time and location:** Thursdays, 4:00 p.m. – 6:45 p.m. WRB 2008
Conceptual Framework for the Educational Leadership Program: The conceptual framework of the Department of Educational Leadership focuses specifically on our program’s mission: “Developing leadership for quality education for all students.” As a cohesive community of scholar-practitioners, we recognize that strong instructional leadership is a key characteristic of effective schools. Our collaborative efforts focus on creating leaders with strong fundamental knowledge and skills that enable them to completely engage in reflective practices. As a department, we aim to develop future leaders who possess a love of learning, value democracy, and promote the learning of all students.

Course Goals: School leaders operate within the confines of a complex legal framework that governs and regulates the operation of school life both within the school environment and sometimes outside of traditional school hours or boundaries. This course provides you with an overview of legal issues which arise in the leadership of schools and school districts. The course is not designed to provide legal training or substitute for advice from legal counsel. It is intended to help you to (a) develop an understanding of school law so that you will be prepared to work on legal issues with lawyers and (b) to obtain sufficient knowledge to facilitate and engage in preventive law strategies. Successful education leaders take into account the current legal environment when analyzing problems and making decisions. They also endeavor to avoid litigation when more feasible alternatives exist. I want you to develop the capacity and disposition to use legal perspectives as one of the important filters for your decisions as a leader in the pursuit of the desired educational and social outcomes of your school and school district.

I have endeavored to align the goals of this course with the leadership standards, performance expectations, and codes of ethics that have been developed for school leaders. Based on these various documents, it strikes me that the basic message is that education leaders at all levels must:

- have a substantive understanding and current, working knowledge of the law in its many forms, and how it impacts the desired outcomes of educational systems in the United States;
- be able to apply that knowledge to the problems of practice focusing on student learning and safety, student rights and discipline, employee rights and administrator responsibilities, and the fiduciary responsibility to the public;
- have the ability to communicate to the public and policymakers about the law and its impact on student learning and other legitimate school goals; and
- develop the ability to advocate for and influence policies and policymakers in the service of children and families.

Learning outcomes: The following learning objectives are crucial for you to succeed in this course:

- Summarize the legal bases for the governance of public schools in the United States and describe the structural arrangement for the control of public schools within a federal system of government;
- Identify and summarize the sources of law that impact schools including constitutional provisions, court decisions, statutory enactments, administrative regulations, and local policies and practices;
- Describe the roles and functions of the state and federal courts in the United States;
• Demonstrate a sufficient grasp of legal terminology to read materials for the course and to be able to interpret legal requirements to those affected by the law or rules and regulations;
• Summarize the fundamental principles of federal and state constitutional law and explain how they have been developed and applied by the courts;
• Identify the major federal and state statutes impacting education;
• Demonstrate the ability to engage in reflective, critical analysis of various legal issues through reading and critiquing legal opinions;
• Apply the concepts and principles of law to selected, hypothetical problems of practice and assess the consequences of your decisions and actions;
• Articulate a rational and legal basis for your decisions and actions to relevant stakeholders; and
• Discuss and critique the implications of the judicial decisions for the leadership and management of schools.

Unique class procedures/structures: To achieve the goals of the course and to maximize your attainment of the learning outcomes, you will engage in the following intellectual exercises: reading enough cases to develop a feel for what the rules of law actually mean in practice, practicing applying relevant legal principles to hypothetical problems common in the schools, and participating in activities designed to allow you to communicate your decisions to relevant stakeholders based on a reasonable course of action grounded in established legal principles and honed in case law. I will employ a variety of instructional strategies including, but not limited to lectures with limited power point presentations, group discussion, role playing, outside reading, and other in-class activities. Class sessions may feature, among other things, discussions, case recitations, some cooperative learning activities, and guest speakers. My goal is to provide you numerous opportunities to engage actively in critical thinking and deep learning about the material covered as well as the application of legal theory to problems of practice.

Current Events: Some class sessions may begin with a brief (5-10 minutes) current events segment focusing on legal issues impacting schools and school districts. You are encouraged to share with me in advance of a class session any public situations about which you are aware and which may be appropriate for discussion as opposed to sensitive circumstances in which confidentiality and privacy interests must be respected.

Nongraded assignments:

1. Student Information sheet (Nongraded). Below you will find a request for basic information about your preferred e-mail and telephone contact, employment, academic /licensure program, and career objectives. Please complete the form electronically in the same bulleted format using the font Times New Roman, 12 points. Save it as a Word document with the file name in the following format: Last name, First Initial (exp. Sparkman, W.). Return the student information sheet to me, sparkman@unr.edu, from your preferred e-mail address no later than Tuesday, September 2, 2014 by 3:00 p.m. Make sure that your e-mail address is linked to WebCampus and MyNevada and that it is correct. I will use this information to get to know you, and to have necessary contact information if the need arises. I will not share this information with anyone.

File: EL 735 Syllabus 2014 Fall Semester
Folder: EL 735 The Law of Public Education
Student Information Sheet

- Course: EL 735
- Semester: Fall 2014
- Name:
- Preferred E-mail address (make sure this is linked to WebCampus and MyNevada)
- Preferred telephone contact and any limitations:
- Employer:
- Position:
- Identify the degree program and licensure program in which you are enrolled, if applicable:
- If you are not in a degree licensure program, what motivated you to take this course?
- What are your short-term and long-term career objectives?

2. Education Law Survey (Nongraded). During the first week of the course, I will ask you to complete an Education Law Survey, which is designed to be an initial assessment of your prior knowledge of school law as well as the level of interest you have in select legal issues. The survey is conducted using Survey Monkey and the link is https://www.surveymonkey.com/s/unr_educationlaw

The link also can be found on WebCampus. This is a non-graded assignment and will be done on-line. It is due by Thursday, September 4, 2014. This information should be useful in determining whether there are topics we should emphasize more or less depending on the prior knowledge and interest you bring to the class. This survey instrument was designed by Professor David Schimmel and Matthew Militello and used in a study of more than 1,300 K-12 teachers in 17 states. I have received permission from the authors to use the survey in this class. See, Schimmel, D., & Militello, M. (2007). Legal literacy for teachers: A neglected responsibility. Harvard Education Review, (77)3, 257-284.

Graded Assignments: I have posted on WebCampus a separate document, Expanded Information about EL 735 – The Law of Public Education, 2014 Fall Semester, which contains detailed information about the assignments, due dates, and the evaluation criteria. This information is vital for your participation in the class.

1. Using Legal Databases including Nevada statutes and administrative regulations (25 points: 10 points each for WestLaw and LexisNexis; 5 points for Nevada statute and regulations). The University Libraries provides access to the two major legal databases: WestLaw and LexisNexis® Academic. This will make our access to legal opinions and other reference materials much easier. I have prepared a LexisNexis® Academic – A user’s guide as well as a LexisNexis® Academic Assignment 1, and a WestLaw Information and Practice Assignment, which are available on WebCampus. In addition, I have prepared a document explaining how to access the Nevada Revised Statutes and the Nevada Administrative Code.

I designed these activities as tools for helping you learn to navigate these two robust databases. Please come to class on Thursday, September 4, 2014 prepared to discuss your answers to the questions posed in the assignments and to talk about your
experiences using these databases. At this class session, you will be expected to submit your written responses to the questions posed in the assignments.

2. **Case presentations (40 points).** I will assign cases during the first class session. Your case presentations will follow the dates contained in the class schedule, but I ask for your flexibility if we get behind the week’s reading assignments on occasion. The number of cases you will be assigned obviously depends on the enrollment in the class. During the course of the semester, I may elect to add or delete certain cases for review based on how we are progressing with the material or if new cases are reported that are relevant. I will give sufficient notice so you can make the adjustment. Also, I have included several cases that may or may not be mentioned in the textbook. Some of the cases are discussed in the text, but not abstracted. Some are relatively new court decisions that the authors were not able to include. You will need to use WestLaw or LexisNexis to access the cases.

2. **Interviews with two school administrators (20 points).** Printed copy due in class on Thursday, September 18, 2014, at which time we will discuss your findings.

3. **Movie reaction and critique (15 points).** Printed copy due in class on Thursday, October 16, 2014. See the instructions in the Schedule of Classes for Week 7 – Thursday, October 9, 2014.

4. **Four Assessments (100 points – 25 points each).** There will be four assessments spread over the course of the semester. The assessments will continue to be posted on WebCampus and will follow an “open book/open note” format, but are not collaborative in nature. An example of the legal scenarios is posted on WebCampus. We will discuss how you should approach these assessments during our class sessions.

**Summary of assignments and point values:**

- Student information sheet: Non-graded
- Education law survey: Non-graded
- Using legal databases and assignments: 25 points
- Case presentations: 40 points
- Interviews with school administrators: 20 points
- Movie reaction and critique: 15 points
- 4 assessments (fact-based legal scenarios): 100 points

**Total:** 200 points
Class Schedule and Units

Note: This is an abbreviated class schedule with the topics included. A separate and detailed class schedule will be distributed in class and made available on WebCampus. It will contain the following information: instructional unit, assigned readings, topics, and required cases.

Week 1 – Thursday, August 28, 2014
- Unit 1: Understanding education law

Week 2 - Thursday, September 4, 2014
- Unit 1: Understanding education law (continue, if necessary)
- Unit 2: State authority over education

Week 3 - Thursday, September 11, 2014
- Unit 2: State authority over education (continued)

Week 4 - Thursday, September 18, 2014
- Unit 2: State authority over education (continue, if necessary)
- Unit 3: School’s control of student conduct (Part I) - Student freedom of expression in different contexts.
- Assessment 1 – Units 1 and 2

Week 5 - Thursday, September 25, 2014
- Unit 3: School’s control of student conduct (Part I) - Student freedom of expression in different contexts (continue, if necessary)
- Unit 3: School’s control of student conduct (Part 2) – Student discipline.

Week 6 – Thursday, October 2, 2014
- Unit 3: School’s control of student conduct (Part 2) – Student discipline (continue, if necessary). All previous reading assignments are relevant.
- Unit 4 – Introduction to Equity in Education. Our initial focus will be on race and will cover gender equity and students with special needs later in the semester.

Week 7 – Thursday, October 9, 2014 – WCSD Fall Break (Oct. 6-10, 2014)
- Note: There will be no class meeting, but there will be an assignment required.

Week 8 - Thursday, October 16, 2014
- Debrief video critiques dealing with the desegregation of the public schools in the United States or Supreme Court Justice Thurgood Marshall.
- Unit 5: School Employees (Part I) – Hiring, Discipline and Due Process.
- Assessment 2 – Unit 3 and Unit 4 (Part 1)
Week 9 – Thursday, October 23, 2014
- Unit 5: School Employees (Part I) – Hiring, Discipline and Due Process (continued).
- A guest speaker has been invited, but has not yet confirmed. I will provide more information later.

Week 10 – Thursday, October 30, 2014
- Unit 5: School Employees (Part 2) – Constitutional rights of public employees

Week 11 – Thursday, November 6, 2014
- Unit 5: School Employees (Part 3) – Federal antidiscrimination laws and public sector collective bargaining

Week 12 – Thursday, November 13, 2014
- Resume Unit 4: Equity in Education (Part 2) – Gender Equity and Racial and Sexual Harassment
- Assessment 3 – Unit 5

Week 13 - Thursday, November 20, 2014
- Unit 4: Equity in Education (Part 3) – Students with Special Needs.

Week 14 – Thursday, November 27, 2014
- No Class – Thanksgiving

Week 15 – Thursday, December 4, 2014
- Unit 6: Liability and Student Privacy Rights

Week 16 – Thursday, December 11, 2014
- Final Week begins Thursday, December 11, 2014.
- Class meeting time according to official University schedule: 5:00 p.m. – 7:00 p.m.
- Assessment 4 – Unit 4 (Parts 2 and 3) and Unit 6

Grading scale:

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<thead>
<tr>
<th>Grade</th>
<th>Percentage Range</th>
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<tbody>
<tr>
<td>A</td>
<td>93-100%</td>
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<tr>
<td>A-</td>
<td>90-92.99</td>
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<tr>
<td>B+</td>
<td>87-89.99</td>
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<tr>
<td>B</td>
<td>83-86.99</td>
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<tr>
<td>B-</td>
<td>80-82.99</td>
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<tr>
<td>C+</td>
<td>77-79.99</td>
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<tr>
<td>C</td>
<td>73.76-79.99</td>
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<tr>
<td>C-</td>
<td>70-72.99</td>
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<tr>
<td>D+</td>
<td>67-69.99</td>
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<td>D</td>
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<tr>
<td>D-</td>
<td>60-62.99</td>
</tr>
<tr>
<td>F</td>
<td>Below 60</td>
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</tbody>
</table>

Late work: I discourage late work. If there are serious issues that make it impossible for you to complete an assignment on time, please talk with me in advance or afterwards in the case of an emergency.

Course Outline and Calendar – Depending on how we progress through the course materials, the class schedule of topics may require some adjustment if necessary. However, the due dates for the legal database activities, school administrator interviews, and the critique of the required movie are fixed.

File: EL 735 Syllabus 2014 Fall Semester
Folder: EL 735 The Law of Public Education
Other Relevant Information and Class Policies

Academic Integrity: All students are expected to demonstrate the highest standards of academic honesty and conduct. Cheating, plagiarism, fraudulently obtaining grades, among other things, constitutes academic dishonesty according to the UNR Student Conduct Regulations and Policies. Academic dishonesty will not be tolerated and penalties can include canceling a student's enrollment without a grade, giving an F for the course or for the assignment. For more details consult the UNR General Course Catalog 2014-15 at http://catalog.unr.edu/

Copyright: As members of the University Community, we are expected to follow the requirements of federal copyright law (17 U.S.C.A §§ 101-810) with particular attention to the fair use doctrine (17 U.S.C. A. § 107). http://www.unr.edu/administrative-manual/6000-6999-curricula-teaching-research/instruction-research-procedures/6505-use-of-copyrighted-materials-for-educational-purposes

Disability Services: Any student with a disability needing academic adjustments or accommodations is requested to speak with me or the Disability Resource Center (Thompson Building, Suite 100; 775-784-6000) as soon as possible to arrange for appropriate accommodations. http://www.unr.edu/drc/student-information

Audio and video recording of class: Surreptitious or covert video-taping of class or unauthorized audio recording of class is prohibited by state law [NRS 396.970] and by Board of Regents policy [Title 4, Chapter 1, Section 21]. This class may be videotaped or audio recorded only with the written permission of the instructor. In order to accommodate students with disabilities, some students may have been given permission to record class lectures and discussions. Therefore, students should understand that their comments during class may be recorded.

http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-396.html#NRS396Sec970


Academic Success Services: Your student fees cover usage of the following centers:

- Math Center located in William Raggio Building 1003 (784-4433). http://www.unr.edu/math-center
- Tutoring Center located in Thompson Building 101M (784-680). http://www.unr.edu/tutoring-center
- University Writing Center located in Mackay Science 108 (784-6030). http://www.unr.edu/writing-center

These centers support your classroom learning. It is your responsibility to take advantage of their services. Keep in mind that seeking help outside of class is the sign of a responsible and successful student.
Student Absences: By NSHE policy in Title 4 Chapter 20 A, Students - Section 3, paragraph 1, there are no official absences from any university class. It is the personal responsibility of the student to consult with the instructor regarding absence from class. http://system.nevada.edu/tasks/sites/Nshe/assets/File/BoardOfRegents/Handbook/T4CH20GeneralPoliciesRegulatingStudentsandStudentGovernment(1).pdf

Religious Holy Days: It is the policy of NSHE (Title 4 Chapter 20 A. Students - Section 3, paragraph 2) to be sensitive to the religious obligations of its students. Any student missing classes, quizzes, examinations, or any other class or lab work because of observance of religious holy days should, whenever possible, be given an opportunity during that semester to make up the missed work. The make-up will apply to the religious holy day absence only. It shall be the responsibility of the student to notify the instructor in advance in writing, if the student intends to participate in a religious holy day which does not fall on state holidays or periods of class recess. This policy shall not apply in the event that administering the assignment at an alternate time would impose an undue hardship on the instructor or the institution which could not reasonably have been avoided. http://system.nevada.edu/tasks/sites/Nshe/assets/File/BoardOfRegents/Handbook/T4CH20GeneralPoliciesRegulatingStudentsandStudentGovernment(1).pdf

Review of students’ work for accreditation and program evaluation: As is true for all of the work you do for all of your classes, your instructor and others may review your work while evaluating the quality of courses and programs. However, your work cannot be used for any research projects without written approval from the UNR Office of Human Research Protection.

Class attendance and punctuality: This is a traditional campus-based class requiring face-to-face meetings of the students and instructor to promote a participative learning environment. You must be on time and stay through the conclusion of class, if at all possible, so we can minimize the disruptions to the class. I realize that you have competing obligations that may impact your attendance and punctuality. Remember that parking can become a challenge so take that into consideration when coming to class. If you are absent, you do not need to contact me as I will assume that there was a good reason. It is your responsibility to get any materials you missed from a colleague. Please talk to me if you know in advance that you will be absent so we can discuss any work that may be missed.

Class participation: I expect you to come to class prepared and to participate willingly and judiciously in class activities. I am more interested in the quality of your comments than in the quantity. I reserve the right to talk with you personally if there are any issues with your participation. Some of the quality indicators that I will be looking for include your ability to: (a) demonstrate critical thinking, (b) support your comments with relevant and accurate information, (c) reflect on the consequences of your ideas, (d) disagree constructively, and (e) demonstrate active listening when others are talking.

Professional behavior: This course is part of a professional program for work in Educational Leadership. The nature of such work necessitates a high degree of integrity and ethical behavior by practitioners and scholars alike. We are expected to demonstrate the highest standards of
academic honesty and conduct. We are expected to cooperate with one another to contribute to
group discussions and projects, and to represent one’s work fairly and honestly.

Please do not become distracted with your personal technology in class. Use the vibrate mode on
your cell phone if you need to be connected to your work or family. If you receive an incoming
message that requires your immediate attention, you may leave the class without explanation. If
you are involved in a crisis situation and need to be available via your cell phone, please let me
know before class begins. You may use your laptops in class for notes or to access or verify
information. My purpose here is to have you maintain your focus on class discussions or other
learning activities.

**Oral and Written Communication Skills:** The effectiveness of educational leaders is often
dependent upon their ability to express ideas clearly and accurately. My assessment of your oral
presentations will include attention delivery, clarity, content, graphics (if relevant), preparation,
and your ability to respond to questions. My assessment of your written assignments will
include, among other things, attention to clarity, grammar, spelling, punctuation, syntax, and, of
course, substantive content. *The Publication Manual of the American Psychological Association*
(6th Ed.) is the standard for style and it includes a section on references to legal materials *(see,
Appendix 7.1).* There you will be advised to consult the latest edition of *The Bluebook: A
Uniform System of Citation (Bluebook; 19th ed., 2010).* Students are encouraged to develop and
refine word processing skills as a tool for effective writing.

**Feedback encouraged:** I welcome your feedback at any time about the course goals and
learning outcomes as well as your thoughts about whether we are making progress in achieving
them with the various assignments. Such constructive feedback will help me make necessary
adjustments that can enhance your learning, and improve the course.