Syllabus
Advanced School Law – EDLD 638
University of Oregon
Winter 2015
Instructor: Shawn Swisher
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Class Dates:

1/9   Office Hours (contact by email 5-8 p.m.; Research and case-briefing time –
      Material will be emailed

1/10  9 a.m.-12 p.m. – Adobe Connect/ 12-4 p.m. small group discussion

1/23  Office Hours (contact by email 5-8 p.m.; Research and case-briefing time –
      Material will be emailed

1/24  9 a.m.-12 p.m. – Adobe Connect/ 12-4 p.m. small group discussion

2/6   Office Hours (contact by email) 5-8 p.m.; Research and case-briefing time –
      Material will be emailed

2/7   9 a.m.-12 p.m. – Adobe Connect/ 12-4 p.m. small group discussion

2/20  Office Hours (contact by email) 5-8 p.m.; Research and case-briefing time –
      Material will be emailed

2/21  9 a.m.-12 p.m. – Adobe Connect/ 12-4 p.m. small group discussion

Objective:

The object of this course is to provide an overview of important legal topics that the
administrator in the field should be familiar with. This in no way is intended to
make you an expert in school law. Rather, you should leave this course with the
ability to spot legal issues, make important real-time decisions, and know when to
call legal counsel for help.

Disclaimer:

I am a lawyer who works with school district, usually in the role of general counsel.
While I intend to share anecdotes along with legal facts and information, they are for
the purpose of giving you the important ability of identifying an issue when it arises
and the knowledge to know when to call for help. This class, and the material
presented in it, is not intended to be construed as legal advice. If you have a specific
situation where you require legal advice you need to consult with your district’s
legal counsel. Additionally, you should take care to protect yourself by not revealing
confidential employee, student or other information in this class, to me or your classmates.

**Format and Procedures:**

If you have not done so, you should read this syllabus thoroughly. Attention to detail is important, if not critical, in the law. An expectation for this course is that you will exercise adequate attention to detail. Timelines will not be extended except under the most dire of circumstances (as judged in my sole discretion), or a provable technology issue (which will require a high standard of proof). Despite these tight standards, I hope that you can relax, enjoy and get something meaningful from this class.

This class is a hybrid of self-study and online participation. There is no assigned textbook for this course. You’ll find the major topics for each week of class below. Included with those topics are Statutes, Regulations, and cases. You are expected find and read each of those. Some of the cases and other readings will be provided for you periodically by email. You should seek out the regulations (OAR at the Oregon Department of Education web page or at the Secretary of State web page: [http://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx](http://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx) and you should seek out the Statutes (ORS) cited at the State of Oregon Legislative web page: [http://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx](http://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

You will note that there are several cases cited and discussed in this class. You will need to turn in three (3) case briefs (See handout for how to write a case-brief). **The case briefs are due to me via email by Feb. 25, 2015.** I recommend briefing the cases before we discuss them in our Adobe Connect meeting sessions. This way you’ll have an opportunity to refine them, if necessary based on the class discussion.

The Friday of each topic week is set aside for you to do research or write case briefs. I’ll be available that evening to answer questions via the email address provided on this syllabus. On the Saturday session, from 9 to 12, we will meet as a group on Adobe Connect to discuss the cases, questions you have, and other current legal topics (it’s a continuously evolving field so there is always something new, i.e. I may bring a new legal issue of the week to the discussion). Additionally, you will be broken into small groups for discussion on Saturday afternoons. Adobe Connect instructions will be emailed to you.

Your final product for this class is a summative outline of the course. You should use the topic outline as the basic structure of your outline, then fill it in with your own notes which summarize your understanding of the major issues and your basic understanding of the law. This will provide me with an opportunity to evaluate your understanding of the content. My recommendation is that is forms your own personal quick guide to school law issues which you can update throughout the remainder of your career. Remember, though, this is not a term paper or a dissertation. It is intended to be a summary, so it should be in outline format,
concise and efficient. For your reference, I will provide you with a brief example of what a legal outline should look like. The summative outline is due to me via email by March 13, 2015. This should give you ample time to seek feedback before the due date.

Topics:

Week 1 (Jan 9-10):

Introduction (including administrative structure of a district, sources of law, potential exposures to liability, etc.)

ORS 332.072 Legal status of school districts
ORS 332.075 Powers of board
OAR 581 Divisions 15, 21, 22, and 23
ORS 192.620 Public Meetings

Week 2 (Jan 23-24):

Student Rights and Discipline (4th Amendment, Due Process, 1st Amendment, privacy, etc.)

State v. M.A.D., (June 2010) can be found at: http://www.publications.ojd.state.or.us/docs/S057403.htm
Morse v. Frederick, 551 U.S. 393 (2007)
FERPA (Federal Education Rights and Privacy Act)

Week 3 (Feb. 6-7):

Employees and PECBA (Employees covered by PECBA, Collective Bargaining, ORS Chapter 342, TSPC, OGEC, etc.)

Top things to know about collective bargaining
Just Cause and Weingarten Rights
Plans of Assistance
Mandatory reports (Child abuse, TSPC, other?)
Contract and employee management (Obtain a copy of your district's collective bargaining agreement and read it to prepare for this discussion)

Week 4 (Feb. 20-21):

Special Education, 504, and the ADA
Child Find
FAPE
IEP
Reasonable Accommodations
Discipline and the disabled student

Evaluation:

You will be evaluated based on your meaningful participation in course conversations, the submission of three (3) case briefs, and on your final summative outline as discussed in the format/procedures section above.

COURSE POLICIES
ATTENDANCE POLICY
Attendance is required to succeed in this course and master the course material. If a student does miss class, it is the student’s responsibility to get class notes, and handouts or other distributed materials. Contact the instructor in case of illness or emergencies that preclude completing assignments as scheduled or attending class sessions. Messages can be left on the instructor’s e-mail at any time of the day or night, prior to class. If no prior arrangements have been made before class time, the absence will be unexcused.

If you are unable to take a quiz or exam due to a personal and/or family emergency, you should contact your instructor or discussion leader as soon as possible. On a case-by-case basis, the instructor will determine whether the emergency qualifies as an excused absence.

ACADEMIC MISCONDUCT POLICY
All students are subject to the regulations stipulated in the UO Student Conduct Code (http://uodos.uoregon.edu/StudentConductandCommunityStandards/AcademicMischand/tabid/248/Default.aspx). This code represents a compilation of important regulations, policies and procedures pertaining to student life. It is intended to inform students of their rights and responsibilities during their association with this institution, and to provide general guidance for enforcing those regulations and policies essential to the educational and research missions of the University.

CONFLICT RESOLUTION
Several options, both informal and formal, are available to resolve conflicts for students who believe they have been subject to or have witnessed bias, unfairness, or other improper treatment. It is important to exhaust the administrative remedies available to you including discussing the conflict with the specific individual, contacting the Department Head, or within the College of Education, you can contact Joe Stevens, Associate Dean for Academic Affairs at 346-2445 or
stevensj@uoregon.edu or Surendra Subramani, Diversity Coordinator, at 346-1472 or surendra@uoregon.edu.

Outside the College you can contact:
UO Bias Response Team: 346-1139 or http://bias.uoregon.edu/whatb rt.htm
Conflict Resolution Services: 346-0617 or http://udos.uoregon.edu/SupportandEducation/ConflictResolutionServices/tabid/134/Default.aspx
Affirmative Action and Equal Opportunity: 346-3123 or http://aaeo.uoregon.edu

DIVERSITY
It is the policy of the University of Oregon to support and value diversity. To do so requires that we:
- Respect the dignity and essential worth of all individuals.
- Promote a culture of respect throughout the University community.
- Respect the privacy, property, and freedom of others.
- Reject bigotry, discrimination, violence, or intimidation of any kind.
- Practice personal and academic integrity and expect it from others.
- Promote the diversity of opinions, ideas and backgrounds, which is the lifeblood of the university.

DOCUMENTED DISABILITY
Appropriate accommodations will be provided for students with documented disabilities. If you have a documented disability and require accommodation, arrange to meet with the course instructor within the first two weeks of the term. The documentation of your disability must come in writing from the Disability services in the Office of Academic Advising and Student Services. Disabilities may include (but are not limited to) neurological impairment, orthopedic impairment, traumatic brain injury, visual impairment, chronic medical conditions, emotional/psychological disabilities, hearing impairment, and learning disabilities. For more information on Disability Services, please see http://ds.uoregon.edu/

EXPECTED ONLINE CLASSROOM BEHAVIOR
Classroom expectations include:
- Participating in class activities
- Respecting the diversity of cultures, opinions, viewpoints in the classroom
- Listening to fellow students, professors, and lecturers with respect
- Arrive on time, prepared for class
- Attending for the duration of class
- Not reading other materials, books, newspapers or using laptops for other activities
- Turn off cell phones and other electronic devices
- Racist, homophobic, sexist and other disrespectful comments will not be tolerated
GRIEVANCE
A student or group of students of the College of Education may appeal decisions or actions pertaining to admissions, programs, evaluation of performance and program retention and completion. Students who decide to file a grievance should follow the student grievance procedure, or alternative ways to file a grievance outlined in the Student Grievance Policy (http://education.uoregon.edu/feature.htm?id=399) or enter search: student grievance.

Inclement Weather
In the event the university operates on a curtailed schedule or closes, UO media relations will notify the Eugene-Springfield area radio and television stations as quickly as possible. In addition, a notice regarding the university's schedule will be posted on the UO main home page (in the "News" section) at http://www.uoregon.edu. Additional information is available at http://hr.uoregon.edu/policy/weather.html.

If an individual class must be canceled due to inclement weather, illness, or other reason, a notice will be posted via email. During periods of inclement weather, please check your email rather than contact department personnel. Due to unsafe travel conditions, departmental staff may be limited and unable to handle the volume of calls from you and others.
EMPL Adobe Connect System Requirements

EMPL uses Adobe Connect software for general presentations and learning modules. If possible, it is best to test your computer equipment and connection before a meeting by following the instructions below. **DO NOT USE SAFARI, CHROME, OR INTERNET EXPLORER (IE) AS YOUR WEB BROWSER; USE FIREFOX & ADD-IN APPLICATION.**

**Step 1:**

**Step 2:**
Test the Adobe Connect system by clicking on the URL provided below.

**Step 3:**
Open the following URL: http://empl.adobeconnect.com/edld638/
NOTE: You will need to sign-in using a guest name which is your FIRST and LAST name.

**Step 4:**
Select the “Meeting” tab in the upper left hand section of the screen and run through the “Audio Setup Wizard”

**Required Equipment**

- Computer or mobile device (with installed application)
- Wired (Ethernet) High speed internet connection (7 MBPS or greater)
- Headset (headphones or ear buds)
- Adobe Connect 9 Add-In App
- Microphone

**Suggested Equipment**

- Webcam
- Headset with built-in microphone

**Adobe Connect 9 Add-In App**

- These installers install the Adobe Connect Add-in for Windows, Mac, and Linux. The Add-In app will reduce Adobe Connect connection and hardware errors.
- If using Firefox on Mac OS, you must right-click on the appropriate add-in link below and select "Save Page As" to download the add-in.

Windows

- 1.4GHz Intel Pentium 4 or faster processor (or equivalent) for Microsoft Windows XP, Windows 7 or Windows 8; 2GHz Pentium 4 or faster processor (or equivalent) for Windows Vista
- Windows XP, Windows Vista, Windows 7, Windows 8
- 512MB of RAM (1GB recommended) for Windows XP, Windows 7 or Windows 8; 1GB of RAM (2GB recommended) for Windows Vista
- Microsoft Internet Explorer 7, 8, 9, 10; Mozilla Firefox; Google Chrome
- Adobe Flash Player 10.3

Mac OSX

- 1.83GHz Intel Core Duo or faster processor
- 512MB of RAM (1GB recommended)
- Mac OS X, 10.5, 10.6, 10.7.4, 10.8
- No Adobe Connect Add-in support for Mac OS X 10.5 (Leopard). Users on Leopard can attend meetings in the browser.
- Mozilla Firefox; Apple Safari; Google Chrome
- Adobe Flash Player 10.3

Linux

- Ubuntu 10.04, 11.04; Red Hat Enterprise Linux 6; OpenSuSE 11.3
- No Add-in support for Linux. Users on Linux can attend meetings in the browser.
- Mozilla Firefox
- Adobe Flash Player 10.3

Mobile

- Apple supported devices: iPhone 5, iPhone 4S, iPad with Retina display, iPad 3, iPad 2, iPad mini, and iPod touch (4th & 5th generations)
- Apple supported OS versions summary: iOS 5 and higher
- Android supported devices: HTC EVO 4G, Motorola Atrix, Motorola Xoom, Samsung Galaxy Tab 2 10.1, Samsung Galaxy Tab 2 7.0, Samsung Galaxy Tab 10.1, Samsung Galaxy SII/SIII, Nexus 7 tablet
- Android supported OS versions summary: 2.3.4 and higher

Network

- 7 MBPS (megabits per second) or greater high-speed connection. To test your internet connection speed please visit http://www.speedtest.net or http://www.bandwidthplace.com/
- Wired connection (Ethernet to device)
- DO NOT USE SAFARI, CHROME, OR INTERNET EXPLORER (IE) AS YOUR WEB BROWSER.
How to write a case-brief

This is a brief introduction to case-briefing. You will be using the FIRAC (Facts, Issue, Rule, Analysis, Conclusion) method. A brief should be limited to about one page. It is a condensed summary of a court case. You should write it in an outline format that looks substantially as follows (I’ve included what belongs in each section):

Facts: These should be only relevant facts that the court relied on to make its decision. Watch out for “red herrings”, i.e. facts the court discusses, but don’t really have any bearing on the decision. For instance, let’s say the case is about murder and the facts are “John Doe drove up in his red Ferrari and bludgeoned the victim to death with a bat because he wanted him dead for the insurance.” The court looks determines it was murder because John Doe swung the bat causing the victim’s death. In this scenario, the fact that John Doe drove up in a red Ferrari is not relevant. It just happened to catch the interest of the judges deciding the case. They are human after all, not machines.

Issue: This is the question the court is being asked to answer. Sometimes, the court spells it out. Other times you have to ferret it out based on the holding (the decision of the court). In our example, the court might be asking, “Does a person commit murder when the swing a bat at an individual and cause the individual’s death?”

Rule: This is the rule that the court applies in its analysis. It is also usually the answer to the question posed by the issue. This is helpful as it gives us an indication as to how the court would rule in the future based on similar facts. In our example case, the rule might be that murder is the killing of another human with intent to do so.

Analysis: This is a condensed summary of how the court applied the facts to the rule. In our example case, the court may say that Doe killed the victim and he had the intent to do so (because he wanted the insurance).

Conclusion: This is the decision of the court. In our example, the court determined that Doe did the necessary actions to constitute murder. Therefore the court below correctly convicted him (Note that when we read cases we almost always are reading an appeal from a trial court. Trial courts decide facts, while appeals courts decide law.)