

APP. 11-14-06  
Senate Info. 12-5-06

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Undergraduate Distance Education Review Form  
(Required for all courses taught by distance education for more than one-third of teaching contact hours.)

Existing and Special Topics Course

Course: EDUC 442 – School Law

Instructor(s) of Record: George R. Bieger

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Received

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~~Liberal Studies~~

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Step One: Proposer

A. Provide a brief narrative rationale for each of the items, A1- A5.

1. How is/are the instructor(s) qualified in the distance education delivery method as well as the discipline?

The instructor, Dr. Bieger, has taught School Law several times in the past 5 years. He has also received WebCT training and has taught other courses using WebCT, including GSR 615 which was taught 100% distance education using WebCT.

2. How will each objective in the course be met using distance education technologies?

Below are the objectives listed in the course syllabus, with a description of how each will be met using distance education technology.

Upon completion of this course, the student will:

- identify milestones in the history of law pertaining to the educational system

On-line reading materials and presentations will summarize the important milestones in the history of the law that pertains to education.

- analyze court case decisions and explain the basis for the decision rendered

Sample cases, law citations, and example citations will be from selected reports will be provided online. Students will submit cases analysis via WebCT in the form of a course paper.

- describe the legal procedures and steps guaranteed under due process

Due process will be defined in online readings and the course text. The legal procedures for guaranteeing due process will be depicted in an online PowerPoint presentation.

- apply legal principles to simulations and discussions of students rights and teacher rights

Scenarios involving student rights and teacher rights will be provided online and will be discussed in the WebCT Discussion Area and Chat Area. Simulations will be provided online and will form the basis of discussions and chats.

- analyze the law as it applies to freedom of speech and religion involving the school setting

Freedom of speech and religion, as pertinent to school settings, will be described in online readings and the course text. These topics will be discussed in the WebCT Discussion Area.

- describe and discuss the legal concept of search and seizure as it involves students in the public school

The legal concept of search and seizure, as it pertains to schools setting, will be described in online readings and the course text, and will be discussed in the WebCT Discussion Area.

- explain legal principles which pertain to racial segregation and its relationship to education

The legal principles pertaining to racial segregation of schools will be described in online readings and the course text, and will be discussed in the WebCT Discussion Area. In addition, there will be hyperlinks to sites that provide the full text as well as discussion of key decisions on this topic (e.g., *Plessy v. Ferguson*, *Brown v. The Topeka Kansas Board of Education*).

- explain the legal ramifications of discrimination of students with special needs

The legal principles pertaining to the treatment of students with special needs in schools will be described in online readings and the course text, and will be discussed in the WebCT Discussion Area. In addition, there will be hyperlinks to sites that provide the full text as well as discussion of key decisions on this topic (e.g., *PARC v. Commonwealth of PA*).

- explain the significance of academic freedom, tenure, terms of teacher employment, etc. and their impact on relevant court decisions

These terms (and other similar terms) will be defined and described in online readings and the course text. Relevant court cases and decisions pertaining to the application of these concepts will be summarized.

- explain various legal terms (such as *In Loco Parentis*) and how they are relevant to court decisions related to education

These terms will be defined and described in online readings and the course text. Relevant court cases and decisions pertaining to the application of these concepts will be summarized.

In addition to those materials that will be available in the course text, or provided online, various online resources will be used with hyperlinks provided via WebCT. Examples of such online resources include:

[FindLaw](#) reports Supreme Court cases from 1906 forward, searchable by case number, party name, citation and U.S. Reports volume number.

[USSC+](#) provides full coverage of Supreme Court leading decisions from 1793-1966. Searchable by full text, subject matter, docket number and includes a subject index.

[FedWorld](#) includes the text of Supreme Court Opinions from 1937-1975. Searchable by keyword and case name.

[Supreme Court Cases Concerning Free Speech](#)

[Additional Free Speech Cases](#)

[YCLP Law Library Page](#)

[Some Landmark Supreme Court Rulings](#)

[United States Government Education Headlines](#)

[The Freedom Forum](#)

[U.S. Supreme Court: Recent Decisions on Education](#)

U.S. Circuit Courts of Appeals: Recent Decisions on Education

State Material

3. How will instructor-student and student-student, if applicable, interaction take place?

Email will be used as the primary method for facilitating instructor-student interactions. Student-student interactions, as well as some instructor-student interactions, will be done using the Discussion Area (i.e., online bulletin board feature) of WebCT. In addition, there will be on-line, real-time chat sessions among individual students, or between the instructor and individuals or small groups of students. Finally, the instructor will hold telephone and online office hours (using the WebCT Chat feature).

4. How will student achievement be evaluated?

Student performance will be evaluated in several ways:

- periodic quizzes administered on-line using WebCT
- a final examination administered using WebCT
- a series of course papers will be submitted via WebCT
- class participation, based on the quantity and quality of participation in the Chat and Discussion Areas

5. How will academic honesty for tests and assignments be addressed?

The WebCT portal for the course will provide a copy of the IUP policy on Academic Integrity. All students will be required to sign a statement indicating that they have read, understand, and will comply with the policies stated in that document. All quizzes and tests will require a secure login with password for access. All papers will be subjected to analysis using Turnitin<sup>®</sup> web-based anti-plagiarism service.

- B. Submit to the department or its curriculum committee the responses to items A1-A5, the current official syllabus of record, along with the instructor developed online version of the syllabus, and the sample lesson. This lesson should clearly demonstrate how the distance education instructional format adequately assists students to meet a course objective(s) using online or distance technology. It should relate to one concrete topic area indicated on the syllabus.

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**Step Two: Departmental/Dean Approval**

Recommendation:  Positive (The objectives of this course can be met via distance education)

Negative

  
Signature of Department Designer

11-7-06  
Date

Endorsed:

  
Signature of College Dean

11-10-06  
Date

Forward form and supporting materials to Liberal Studies Office for consideration by the University-wide Undergraduate Curriculum Committee. Dual-level courses also require review by the University-wide Graduate Committee for graduate-level section.

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**Step Three: University-wide Undergraduate Curriculum Committee Approval**

Recommendation:  Positive (The objectives of this course can be met via distance education)  
 Negative

Gail S. Schriest      11/14/06  
Signature of Committee Co-Chair      Date

Forward form and supporting materials to the Provost within 30 calendar days after received by committee.

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**Step Four: Provost Approval**

Approved as distance education course       Rejected as distance education course

C. J. Summers      12/24/06 (Rec. 12/4/06)  
Signature of Provost      Date

Forward form and supporting materials to Associate Provost.

# **SAMPLE LESSON**

## ***Religion in Public Schools***

## Religion in Public Schools – Lecture Notes

The issue of the appropriate relationship between religion and the state has been one of the most controversial in American legal history. The experience of the nation's founders, both with attempts to interfere with the free exercise of religion and with state control of religion, prompted a desire to address the issue of religion in the very first amendment to the Constitution in an attempt to erect what President Thomas Jefferson called a "wall of separation between Church and State."

### Objectives

*After reading this chapter you will be able to:*

- Explain how challenges under the Establishment Clause are evaluated.
- Distinguish between permissible and impermissible prayer in the schools and at school-sponsored activities.
- Discuss the principles that apply to religious expression in the school.
- Explain the limits which can be placed on religious displays, the observation of religious holidays, the distribution of religious material, and the wearing of religious attire and symbols by students and teachers.
- Elaborate on the appropriate use of religious materials in the curriculum.
- Describe the conditions under which students may be released from school to receive religious instruction.

### Text Assignment

Read Chapter 11 of the course text.

### Other Assignments

View the PowerPoint presentation on *Religion in Public Schools* on WebCT.

### Discussion

Visit the following sites to read about three cases. After reading these cases, choose at one and "You Be the Judge!" Make an entry on the WebCT Discussion Area and render a decision, based on your readings and your understanding of the First Amendment and various decisions based on that amendment. Remember to cite precedent appropriately.

*Bauchman v. West High School*

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=10th&navby=case&no=954084>

*Fleischfresser v. Directors of School Dist. 20*, 15 F.3d 680 (7th Cir. 1994)

[fleischfresser.pdf](#)

*Doe v. Porter*

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=6th&navby=case&no=04a0171p>

## Religion in Public Schools

The issue of the appropriate relationship between religion and the state has been one of the most controversial in American legal history. The experience of the nation's founders both with attempts to interfere with the free exercise of religion and with state control of religion prompted a desire to address the issue of religion in the very first amendment to the Constitution in an attempt to erect what President Thomas Jefferson called a "wall of separation between Church and State."

## The "Wall of Separation"

Maintaining the wall of separation without being "hostile to religion" has been the challenge faced by government officials and public school teachers and administrators. Often they find their actions challenged in the courts, and a number have reached the U.S. Supreme Court. This chapter examines how the courts have interpreted the First Amendment within the public school environment in relation to some of the most contested church-state issues.

The first amendment to the U.S. Constitution says, in part:

*The congress shall make no law ... respecting an establishment of religion, or prohibiting the free exercise thereof; ...*

## The Two Clauses

The First Amendment to the U.S. Constitution guarantees religious freedom in two separate and distinct clauses that are often in tension with one another. The first, the Establishment Clause, prohibits the establishment of religion by the government, while the other, the Free Exercise Clause, prevents the government from infringing on an individual's free exercise of religion.

John Adams took this to mean that government shall never meddle in religion. Thomas Jefferson explained that the intent was to create a "wall of separation" between church and state.

Nevertheless, early schools were religiously based.

- Pilgrim schools
- Harvard University

A large number of cases have come before the courts that deal with various aspects of religion. The one principle that seems consistent across all court rulings is that the state must be "neutral" toward religion.

## According to former Supreme Court Justice Hugo Black:

Neither a state or the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. No tax, in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.

## When is "entanglement" allowed?

- The majority of church-state cases in education have involved the "establishment" clause, although recently, a few more have dealt with the "free exercise" clause.
- Prior to 1970, in measuring whether or not a state had violated the "establishment" clause, the Supreme Court used a two-part test to determine whether or not the state was neutral. This test required that:
  - > the purpose of the state's action not be to aid one or all religions
  - > the primary effect of the state action be one that neither advances nor inhibits religion



## Lemon Test

- In 1970, the court added a third "prong" to the test: the state must not foster "an excessive government entanglement with religion".
- This "three pronged" test is also known as the Lemon test since it came from the case of *Lemon v. Kurtzman* (1971).

## The Three "Prongs"

- the purpose of the state's action not be to aid one or all religions
- the primary effect of the state action be one that neither advances nor inhibits religion
- the state must not foster "an excessive government entanglement with religion".

Recently, the Lemon test has been viewed less as a precedent and more as a guideline, yet the court has not developed an alternative. Justice Scalia is the most critical of the Lemon test, but so far has not swayed the majority of the court.

## Free Exercise Clause

With regard to the "free exercise" clause, the court has distinguished between the freedom of individual *beliefs*, which are absolute, and the freedom of individual *conduct* which is not. The general interpretation has been that the "free exercise" clause protects an individual from governmental compulsion, but it does not permit an individual to dictate the conduct of governmental policies.

## Free Exercise Cases

- In 1984, the U.S. Congress passed the *Equal Access Act* which prohibited any school that received federal money from denying access to school facilities for secondary school students for religious purposes when those facilities are available for other non-curricular activities.
- This arose in response to several cases, including one in Williamsport, PA, in which schools prohibited a religious group from using its facilities when other non-religious groups were allowed such access. The court, in a challenge to the constitutionality of that law, ruled that the law was constitutional and that denial of facilities was a violation of the "free exercise" clause of the 1st amendment.
- The court (in 1991) defined a *limited open forum* as existing when a school grants an opportunity for non-curriculum related groups to meet on school property during non-instructional time. When such a *limited open forum* exists, the school may not deny access to religious groups. In ruling that the *Equal Access Act* was constitutional, the court used the Lemon test to arrive at its decision.

## Release Time

Many different schemes have been devised by various religious groups for using public schools to support teaching religion. A common practice was to set aside some time for the practice of religion. This practice, which was widespread, went on unchallenged until 1948 when a suit was brought by *McCollum v. Board of Education of New York City*. The Supreme Court ruled that tax money could not be used to support any or all religions.

■ The City of New York then devised another plan which would release students from school to attend religious services off of the school grounds. Participation was optional, the school was neutral, and teachers did no more than release students when requested by parents. When this plan too was challenged (*Zorach v. Board of Education*) it was upheld as permissible by the court.

■ In 1990, a federal district court cited the *Zorach* case in ruling on the *Doe v. Shenandoah School Board* case in which members of a religious organization came into the school and offered bags of candy to students to entice them to attend services during release time. The court ruled that the release time program was fine, but only so long as the religious organization's members did not enter the school.

## Prayer and Bible Reading

Prior to 1962, many states and schools required each day to begin with a prayer and recitation of bible verses. This practice was contested in a series of challenges, the most famous of which was brought by Madelaine Murray, which argued that the practice was unconstitutional even though children who did not wish to participate could be excused from the room. The court ruled that the practice was, indeed, unconstitutional. The court pointed out that the study of the bible as a literary text, or in classes on culture, civilization, or history was appropriate, but as a religious exercise it was unconstitutional.

## Silent Meditation

Some schools tried to get around the prohibition on school prayer by setting aside time for "silent meditation". This was ruled unconstitutional on the grounds that it served no secular purpose and was clearly an attempt to use school time for prayer. Similar rulings have prohibited prayers at other functions such as graduation ceremonies and sports events.

## Other Issues

The courts:

- Prohibited the posting of the Ten Commandments.
- Allowed the use of tax money to purchase textbooks for children in parochial schools
- Allowed the use of tax money to transport children to parochial schools
- Allowed the use of tax money for standardized testing of parochial school students
- Prohibited the use of tax money to reimburse parochial school teachers for expenses incurred in preparing tests
- Allowed the use of tax supported diagnostic and therapeutic services for parochial school students
- Allowed the use of state tax credits or state tax deductions for parents who send their children to parochial schools.

**EDUC 442**

**Syllabus**

**Course Description**

Required of all teacher certification students. Includes an overview of legal principles that apply to special areas of education. Must be taken prior to student teaching.

**Course Objectives**

All students completing School Law (EDUC 442) will be able to:

- identify milestones in the history of law pertaining to the educational system
- analyze court case decisions and explain the basis for the decision rendered
- describe the legal procedures and steps guaranteed under due process
- apply legal principles to simulations and discussions of students rights and teacher rights
- analyze the law as it applies to freedom of speech and religion involving the school setting
- describe and discuss the legal concept of search and seizure as it involves students in the public school
- explain legal principles which pertain to racial segregation and its relationship to education
- explain the legal ramifications of discrimination of students with special needs
- explain the significance of academic freedom, tenure, terms of teacher employment, etc. and their impact on relevant court decisions
- explain various legal terms (such as *In Loco Parentis*) and how they are relevant to court decisions related to education

**Required Readings**

The following is the required course text.

Underwood, J. & Webb, L.D. (2006). *School Law for Teachers: Concepts and Applications*. Upper Saddle River, NJ: Pearson, Prentice-Hall.

In addition to the text required for this course, there will be a variety of required readings assigned and posted on the class web site.

## Course Outline

The following topics will be covered in this course (although not necessarily in the order listed).

1. The Legal Framework for Public Schools in the United States
2. Employment and Tenure of Educational Professionals
3. Teacher Rights
4. Teacher Discipline
5. Legal Responsibilities of Teachers
6. Negligence and Defamation in Educational Settings
7. Students' Rights
8. The Education of Students With Special Needs
9. Student Discipline and Due Process
10. Discrimination and Harassment in the School Environment
11. Religion in the Schools

## Evaluation

Students will be evaluated on their understanding of the course content through five short answer tests, completion of a course paper, and through their participation in the on-line discussions and chat.

## Tests

The first test will be on the First Amendment, the second test will cover the Fourth Amendment. Test #3 will cover the Eighth Amendment and the fourth test will cover the Fourteenth Amendment. The fifth test, which will take place during the scheduled final examination period, will cover Collective Bargaining and related topics. Sample quiz questions will be provided prior to the first quiz. Students will take all tests via WebCT during the time frame specified for each test. Each test will be worth 20 points for a total of 100 points.

## Paper

The course paper will involve the summary, analysis, and discussion of a federal or state court decision that is relevant to schools or education. The course paper will be worth 50 points.

### Participation

Students are expected to engage in on-going class discussions using the WebCT Discussion Area. In addition, students are expected to participate in two, on-line, real-time chat sessions. Participation in these discussions and chats is critical and represents a portion of the acquired general knowledge. This participation will be evaluated and given a point total of 50 points.

### Grading

Grades will be assigned according to the University Grading Scale (see the IUP Undergraduate Catalog).

The following grading scale will be used to determine course grades.

|                     |   |   |
|---------------------|---|---|
| 180-200 points      | – | A |
| 160-179 points      | – | B |
| 140-159 points      | – | C |
| 120-139 points      | – | D |
| 119 or fewer points | – | F |

### **Additional Resources**

Black's Law Dictionary There are many legal abbreviations. If in doubt about a legal abbreviation, Black's Law Dictionary has a table of citations and other legal abbreviations. A copy of Black's Law Dictionary is located at the Reference Desk in the Library.

#### *Internet sites for Supreme Court cases*

FindLaw reports Supreme Court cases from 1906 forward, searchable by case number, party name, citation and U.S. Reports volume number.

USSC+ provides full coverage of Supreme Court leading decisions from 1793-1966. Searchable by full text, subject matter, docket number and includes a subject index.

FedWorld includes the text of Supreme Court Opinions from 1937-1975. Searchable by keyword and case name.

#### Supreme Court Cases Concerning Free Speech

#### Additional Free Speech Cases

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[The Freedom Forum](#)

[U.S. Supreme Court: Recent Decisions on Education](#)

[U.S. Circuit Courts of Appeals: Recent Decisions on Education](#)

[State Material](#)

*Sites for Important State Statutes*

[New York State law pertaining to Education - New York Court of Appeals](#)

[California law pertaining to Education - California Education Code](#)

[State Statutes Dealing with Education](#)