

**Advanced Education Law
HIED 86521
Kent State University
Fall 2011**

**Dr. Stephen B. Thomas, Professor
Higher Education Administration & Student Personnel
College of Education, Health, & Human Services
Kent State University**

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**Dr. Jarrod Tudor, Ph.D., J.D., LL.M., M.B.A.
Assistant Professor of Justice Studies
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Course Information

Advanced Education Law

Instructors

Dr. Stephen B. Thomas

Higher Education Administration

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Office Hours: M, T, W—8 a.m.-10 a.m., or by appointment

Dr. Jarrod Tudor

Justice Studies

Office: 113 Bowman Hall, Kent Campus

Mailbox: 113 Bowman Hall, Office G

Phone: (330) 931-5015

E-mail: jtudor@kent.edu

Office Hours: 1 p.m.-5 p.m. Thursday; all day Friday unless in a meeting

Course Time and Place

8:00 a.m. to 1 p.m., Saturdays (see schedule below)

Room 207, White Hall, Kent Campus, Kent, Ohio

Course Description

Selected principles of constitutional, statutory, case, and common law affecting the administration of K-12 schools, colleges, and universities are studied.

Guidance is provided to assist each student to research, write, and publish in the area of education law. Individual as well as group direction is provided.

Instructional Methods

The course will consist of illustrated lectures and discussions and will be supplemented by the use of Vista, as well as possible additional media. In addition, much of the course will be individualized, with one-on-one discussions in addition to small and large group discussions, as needed.

Class Requirements

Secondary Source Summaries (Thomas)	25 points
Legal Memo (Tudor)	100 points
Statutory & Constitutional Law Summaries (Thomas)	25 points
Conference Proposal/Class Presentation (Thomas)	75 points
Case Summaries (Thomas)	125 points
Paper (Thomas)	<u>250 points</u>
Total	600 points

Grade Scale

- A 564-600
- A- 540-563
- B+ 522-539
- B 504-521
- B- 480-503
- C+ 462-479
- C 420-461 (grade required to receive graduate credit)
- C- 402-419
- D+ 384-401
- D 360-383
- F below 360

Secondary Source Summaries

Much like a review of literature, prepare a 5-10 page summary of what other authors and researchers have said about your topic. This activity helps identify relevant cases, applicable statutes, and related interpretations, criticisms, and opinions. It will help you determine if what you have in mind will make a contribution to the literature (and thereby increase the likelihood of being published) or is simply redundant. Bring to class on October 8.

Legal Research Memo

Students will prepare a research memo to answer a directed legal question from Dr. Tudor which will be handed out at the end of the third session (i.e., following the computerized legal research session). Students will be expected to use the totality of their research skills in completing the assignment. The maximum page length is five pages which includes four pages for the formal answer to the question, and a one page description as to how the student went about his or her research. This assignment should be double-spaced, with 1-inch margins, and a 12-point font. E-mail or place in mail box of Dr. Tudor by October 22.

Statutory and Constitutional Law Summaries

Prepare a 5-10 page summary of relevant statutory and constitutional law on your topic. For many topics, be sure to check if there are Section 1983 and/or 11th Amendment issues, in addition to any directly applicable laws. E-mail or place in mail box of Dr. Thomas by October 22.

Case Summaries

Research a topic regarding either K-12 or higher education law, or employment law (depending on your current or projected employment). Prepare brief summaries of appeals court, including the United States Supreme Court, cases within your selected area (focus on most recent cases). Include an average of 1-2 cases per page. The paper should be 10-20 pages in length (20 cases in total), single-spaced, with 1" inch margins all around. Sources include LEXIS-NEXIS (<http://web.lexis-nexis.com/universe>) and West's Education Law Reporter (recent editions are shelved in the library reference area; older copies are on the 6th floor

of the KSU library), among others. Bring a hard copy to class or put the summaries in my mail box in 401. E-mail or place in mail box of Dr. Thomas by November 5.

Conference Proposal/Class Presentation

Prepare a 10-page handout as if to present at a law conference (e.g., Education Law Association). This handout may include information from your other summaries. Also include a cover letter to the editor identifying your topic and explaining why the topic is relevant and should be included as a part of the national meeting. This paper is due November 19. Also, you are responsible for presenting the paper on December 10. Bring a handout for each class member; be prepared to speak for approximately 20-25 minutes (no longer). Presentation grades will be based on content, speaking ability, use of technology (where appropriate), and wow factor (i.e., teaching/presentation technique and creativity).

Term Paper

The term paper should be 18-20 double spaced pages; 1" margins all around with no larger than a 12 font. Your topic must be of interest to professionals within either K-12 or higher education settings. E-mail or place in mail box of Dr. Thomas by December 10.

Plagiarism

Plagiarism is a serious ethical violation. Any attribution of another's work as one's own without appropriate credit is considered plagiarism. This applies whether information is obtained from print, presentation, or electronic sources. Moreover, it is a violation of university policy to submit a paper in two courses for credit without the knowledge and approval of the professor.

Late Penalty on Written Work

There is a 5% reduction in points for each business day (or partial day) an assignment (e.g., legal memo, article summaries) is overdue, regardless of reason. This will be true whether your computer crashes, your dog eats the paper, you left your paper at home, you have not been feeling well, etc. Exceptions will be made only under the most severe of conditions (e.g., death in immediate family; your own death, etc.). Accordingly, plan ahead and do not procrastinate. It is your responsibility to submit papers on time.

Students with Disabilities

Students with disabilities must be provided reasonable accommodations to ensure their equal access to course content. If you have a documented disability and require accommodations, first verify your eligibility for accommodations through Student Accessibility Services. Call 330-672-3391 or visit www.registrars.kent.edu/disability/ or the ground floor of the DeWeese Center for more information. [See University policy 3342-3-18.] If eligible for accommodations, see me at the beginning of the semester to make arrangements for necessary classroom adjustments.

Text

Robert C. Berring & Elizabeth A. Edinger, Finding the Law, 12th ed. Thomson/West: St. Paul, MN (2005), ISBN 0-314-14579-6.

Class Schedule

September 3: Drs. Thomas & Tudor

8:00-9:30: Introduction to the Class; Topic Selection: Dr. Thomas

9:30-1:00: Research: Dr. Tudor

- Primary Sources

- Secondary Sources

- Components of a judicial opinion

- Citation mechanics

- Areas of law adjacent to education law

- Topic discovery strategies

- Book research v. computerized research; costs; new avenues for research

September 10: Dr. Tudor

- *We will meet on the 1st floor of the KSU library!

- Book Research

 - Using secondary sources first

 - Case law

 - Shepardizing cases

 - Statutes, including legislative history

 - State and federal constitutional law

 - Administrative law

 - Introduction to the Bluebook; part 1

September 24: Dr. Tudor

- Computerized Research

 - Case law

 - Shepardizing cases

 - Statutes, including legislative history

 - State and federal constitutional law

 - Administrative law

 - Introduction to the Bluebook; part 2

October 8: Dr. Thomas

Topic Due

Secondary Sources Summaries Due

Discussions Regarding Key Issues on Each Selected Topic

Discussions Regarding Writing Style and Organization

October 22: Dr. Thomas
Statutory & Constitutional Summaries Due
Legal Memo Due
Individual Meetings

November 5: Dr. Thomas
Case Law Summaries Due
Individual Meetings

November 19: Dr. Thomas
Individual Meetings
Conference Proposal Due

December 10: Dr. Thomas
Term Paper Due
Presentations