

Department of Educational Studies



EDST 552 (971) - School Law

Dr. Gerald Fallon

WMAX 110

July 27 - Aug 13, Monday - Friday, 8:00 - 10:30

Purpose

The education law issues of today are more diverse and complicated than ever before. Increasingly, those involved in education, whether as teachers, administrators or educational assistants, are facing new issues that are unique to the field. Participants will examine, discuss, and analyze education law issues, including those arising from student discipline, safe schools, negligence and liability, human rights, social justice, school staff rights and responsibilities, freedom of information, and special education.

Course Objectives

The objective of this course is to give participants a better understanding of federal and provincial legislations and the common law as they affect the administration and practice of education in British Columbia and in the rest of Canada. More specifically, participants will be introduced to the fundamentals of the discipline of law and, while the objective is not to introduce convert educators into lawyers, it is expected that the course will enable participants to:

- Demonstrate a working knowledge of basic legal concepts;
- Demonstrate a working knowledge of the basic tools of legal research;
- Demonstrate the ability to analyze, synthesize, and extract the appropriate principles of law from legal cases, and evaluate their significance and implication for educators; and
- Demonstrate communication and research skills appropriate to the graduate level.

It is hoped that the cumulative effect of the achievement of these objectives will enable participants to view the educational system from a legal perspective and to analyze educational policies and practices, and the laws that affect them, through an alternative set of critical lenses.

Format

Instruction will consist of a combination of lectures by the instructor and guest speakers, participant presentation of cases, and small and large group discussions of legal issues and of assigned materials. As a community of learners, you will be expected to share your personal, professional, and collaborative queries, explorations, and expertise through group discussions and projects. Participants will also need to have recourse to both the Law Library and the Faculty of Education Library, and other sources, including the Internet, for the purpose of researching and preparing their seminar presentations and final papers.



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Assessment

Assessment will involve the following methods:

- **A CASE BRIEF** of an educational case selected by the instructor (Team work – 2 members). The brief should be 2-3 double-spaced typewritten pages and will be worth 25 percent of the final grade. Further particulars of the requirements of this assignment will be explained during the first class. The first assignment will be due at the end of the first week, July 31st at 16:00.
- **A CASE PRESENTATION** (Team Work – 2 members) worth 35 percent of the final grade. Each participant will be required to lead a seminar (approx. 30 to 40 minutes) based on the assigned case or cases (depending on the case topic and class size), relevant to the day's discussions. It is expected that case presentations will provide an analysis, which will extend beyond the readings/preparation assigned to class members in general. Indeed, secondary sources materials and comments, and additional group discussion questions or exercises should augment case presentations. Participants will be free to choose the format of their presentation (i.e. lecture, small groups, debate, role-play, etc.). Discussion among presenters of cases sharing similar issues and topics will be strongly encouraged. Summary handouts, limited to 2 – 4 pages, should be provided for each member of the class. Participants may select their own cases from the list provided by the instructor.
- **A FINAL PAPER** worth 40 percent of the final grade (Team work of 2 members). This paper may take the form of either a case study or a review essay. Participants choosing the case study format can choose one critical legal issue in education (a list of critical legal issues in education will be provided) or create a hypothetical fact situation involving several legal issues relating to the course. They will identify and apply relevant legal principles from statute and case law in order to suggest an appropriate legal solution. Participants choosing a review essay will choose a conceptual topic related to the content of the course. They will be expected to identify the legal issues involved in their topic and identify and explain the legal principles that relate to these issues. Regardless of which format participants choose, they will be expected to state the implications of their paper for educational policy and practice, and make recommendations, where appropriate, for reform of the law and/or educational policy. The suggested length for this paper is approximately 15 double-spaced typewritten pages. The paper is due on August 21st, 2015 by 16:00.

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Common criteria for all assignments

All assignments should be double-spaced using Times or Times New Roman, 12-point font. Conventions of written English language usage should be followed. All submissions should be checked for spelling and grammar and proofread. APA style should be used for all citations, quotes and reference lists. Guidelines for APA style can be found at <http://www.library.ubc.ca/pubs/apastyle.html>. Papers should be well organized, with an introduction and conclusion, and use headings and subheadings as appropriate. Assignments should be submitted as e-mailed attachments unless otherwise arranged with the instructor. Please keep a copy of all submitted assignments.

Continuous Class Work

Course participants are expected to attend all classes, to come well prepared, and to participate in all class discussions and activities. Preparation for class includes critically reading the required readings and preparing notes prior to class. Critical reading means paying attention to the meanings of words and phrases, the author's purpose, and how authors build their argument. It also means paying attention to how you respond emotionally and cognitively to the readings—how do you feel after reading them? What do you agree with and why? What do you disagree with and why? What passages stand out for you and why? Quality contributions in the class are more important than quantity. Contributions to the class community include respectfully offering your own views; listening respectfully and reflecting upon the views of others; drawing others into the discussion; asking questions for clarification; responding to any conflicts in a mature fashion; having patience with ambiguity and confusion; communicating any concerns about the course to the instructor.

Policy Regarding Late Assignments and Class Absenteeism

All assignments are due on or before the date stated in the course outline. If you cannot meet a deadline, notify the instructor in advance and explain why you are unable to meet the deadline. Negotiate an appropriate revised due date. Classes are designed to provide opportunities for students to learn through interaction with the instructor and other students, and possibly with guest speakers. When classes are missed this learning is irreplaceable, therefore attendance and participation are important in order to optimize the course experience. Students are asked to notify the instructor in advance if they are unable to attend a particular class. Students who miss a class may be asked to complete an additional assignment to demonstrate proficiency with the content missed. Students who miss two or more classes may be asked to withdraw from the course.

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Email and Phone Calls

If you do not get a return email within 24 hours, please email again. I check emails and phone messages from Monday to Friday and respond quickly.

Disability and Accommodation

If you have an impairment that requires accommodation in this course, please speak to me or provide me with documentation and recommendations from the Disability Resources Centre.

Policy Regarding Academic Misconduct

The integrity of academic work depends on the honesty of all those who work in this environment and the observance of accepted conventions such as acknowledging the work of others through careful citation of all sources used in your work. Plagiarism -including self-plagiarism - and other forms of academic misconduct are treated as serious offences at UBC, whether committed by faculty, staff or students. You should be aware of the sections of the University Calendar that address academic integrity (<http://students.ubc.ca/calendar/>) and plagiarism (<http://www.vpacademic.ubc.ca/integrity/policies.htm/>). The UBC library also has a useful web-based Plagiarism Resource Centre that explains what plagiarism is and how to avoid it (www.library.ubc.ca/home/plagiarism/). If you have questions or concerns about any of 5 these policies or conventions in relation to how they apply to the work you do in this course, please discuss them with the instructor.