

## **Ed.D. Minor/Ed.S. Cognate<sup>1</sup> in Education Law**

### **Why an Ed.D. minor in Education Law?**

In 2012, a Ph.D. minor in education law was approved by policy council. Within the last year, we have had several Ed.D. students approach about the possibility of an education law minor.

### **Who would be attracted to this minor?**

A variety of current Ed.D. students have approached us about the minor. These students have expressed that they need more legal training to prepare them for their future professions. These students expressed that a minor in school law will help them become more legally literate and will make them more marketable. For example, an IST Ed.D. student might have an interest in learning more about laws related to technology in schools (e.g., social media and the First Amendment/sexting and the Fourth Amendment). The Ed.D. minor in Education Law is particularly convenient for the IST Ed.D. students because our Education Law courses are online. Literacy, Culture and Language Ed.D. students are likely to have an interest in the statutory and case law affecting literacy and language (e.g., Civil Rights Act of 1964, *Lau v. Nichols*, *Board of Educ. v. Pico*, Equal Educational Opportunities Act, *Castañeda v. Pickard*). Curriculum and Instruction Ed.D. students may have an interest in connecting legal research to their dissertation studies (e.g., Common Core policies, teacher expression, academic freedom). School Psychology Ed.D. students might be interested in understanding the complicated maze of federal and state statutes, regulations, and court precedent affecting students with disabilities. Higher education Ed.D. students may benefit from a legal perspective about the many laws affecting post-secondary institutions (e.g., affirmative action and Title IX). Many Ed.D. students research topics that relate to education law and would benefit from more training on how to conduct legal research (e.g., locating statutes & court cases, understanding legal citations & legal terminology).

For the above-stated reasons, Ed.S. students would also be interested in the Ed.S. Education Law cognate (which is often referred to as an Ed.S. minor in the School of Education 2014-16 Bulletin). For example, Mental Health/Counseling and School Psychology Ed.S. students would benefit from increasing their legal literacy surrounding a variety of laws relevant to their futures including laws surrounding confidentiality, bullying/harassment, student records (e.g., FERPA), employees' duties to warn and to report child abuse and neglect, and disability rights. Moreover, Special Education Ed.S. students would benefit from the Education Law cognate for these same reasons.

### **Which 3 courses would make up the minor?**

We propose that with advisor approval, students would choose three of the following five education law courses for the Ed.D. minor: A608 (Legal Perspectives on Education), A615 (Advanced School Law), A675 (Leadership in Special Education), A670 (Topical Seminar in Ed Lead (e.g., Employment Law in Education), and A710 (Legal Research). The 9 credit hours of course work required for this minor cannot duplicate those taken in the major field.

### **Who would teach these courses?**

These courses will be primarily taught by Dr. Janet Decker (assistant professor) or Dr. Suzanne Eckes (professor). Both faculty members have both a J.D. and Ph.D. They both taught in K-12 schools and practiced law prior to joining the faculty at IU. We have several other qualified adjuncts who fill our 24 sections of law offered every year.

### **How many students would we expect to select this minor?**

It is difficult to predict the exact numbers but it is likely that we get about 5-7 students per year.

### **Are any of these courses new?**

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<sup>1</sup> The minor/cognate will be referred to as a minor in the remainder of this proposal.

No. A608, A615, A675, A710, and A670 have been offered by faculty in educational leadership for several years. Additionally, no new sections would need to be created. The students pursuing the minor would take one of the existing sections. Also, A670 was added to this year's schedule to accommodate our growing number of students in the online education law certificate program.

#### **How often are these courses offered?**

A608 is offered six times per year. A615 is offered every spring and every other summer. A675 is offered every fall. A670 is offered every spring. A710 is offered every summer. All of these courses are offered online.

#### **How will the qualifying exam work?**

There will be no qualifying exam

#### **How will this minor benefit students?**

School districts confront legal issues on a daily basis and research demonstrates that school personnel are often misinformed about the law (Schimmel & Militello, 2007). When teachers are uninformed about legal issues, they waste time dealing with issues that could have often been prevented. Additionally, school districts and institutions of higher education spend thousands of dollars each year in litigation that sometimes could be avoided. Within the five possible Ed.D. Education Law minor courses, students will gain new knowledge about relevant issues in education law including how to recognize and protect students' and employees' rights. A few examples include:

##### Student Expression Rights

- \* Does a student have a First Amendment right to wear a shirt to school that say "Homosexuality is Shameful?"
- \* Does a student have a First Amendment right post critical and hurtful commentary about other teachers and students on Facebook?
- \* Does the First Amendment allow a male student to wear a dress to prom?

##### Teachers' Substantive Rights

- \* Can a teacher be fired for a picture on the internet with a beer in hand?
- \* Can a teacher be critical in a public setting about school district policy?
- \* Can a teacher be fired for choosing to read Harry Potter in class?

##### Special Education Law

- \* Do discipline policies differ for students receiving services under IDEA?
- \* What do school personnel need to know and understand about RTI requirements?
- \* Can parents unilaterally move their children from a public school to a private school and require the public school district to pay for the placement?
- \* What are the recent policies concerning restraint and seclusion?

##### Higher Education Law

- \*To increase diversity, can universities have race-conscious student admissions policies in light of *Grutter v. Bollinger*, *Gratz v. Bollinger*, and *Fisher v. University of Texas*?
- \*Must online learning be accessible to all students with disabilities under ADA?
- \*What are the recent developments regarding intellectual property, confidentiality, and social media?

##### Harassment/Bullying

- \* Can school officials be liable for failing to address harassment under Title IX?
- \* Can students receiving services under IDEA sue the school district for denying a student a Free, Appropriate Public Education when that student is severely harassed in the classrooms?

\* What are our ethical responsibilities in making students from marginalized groups (e.g., LGBT students, Students with Disabilities) feel safe in a harassment free environment?

#### Employment Discrimination

\* What happens when a teacher's contract is not renewed and the teacher believes it relates to race, national origin, age, gender, pregnancy, disability, sexual orientation, or gender identity?

\* What due process rights must be afforded to school personnel who are dismissed?

\* How does state law govern this area of law?

In addition to these topics, there are several others that will be addressed: ESSA, McKinney Vento, FERPA, copyright, technology issues, the rights of EL students, race-conscious student assignment plans, discipline, search/seizure, church/state issues, teacher contracts and evaluations.