

Ph.D. Minor in Education Law

Why a minor?

Primarily, our interest in creating a minor is to formalize what we are already doing for students who have an interest in education law. Students have approached faculty in the Educational Leadership program and have asked to do a minor in school law. Because no minor exists, we have pushed the students to the following 3 options: 1) We tell them to take three courses at the law school; 2) We waive the three educational leadership courses in the minor and allow them to take school law courses; or 3) We suggest that they do an interdisciplinary minor in which at least one or two courses is a school law course. Option 1 has been problematic because the law school only offers 1 school law course and it is offered very infrequently. Options 2 and 3 have generally worked in the past, but the students would like their transcripts to say minor in education law. The School of Education offers similar minors that respond to the needs of students interested in a specific content area (e.g., College Pedagogy, International and Comparative Education, and Inquiry/Research Methodology minors).

Who would be attracted to this minor?

Students pursuing PhDs in School Psychology, Learning Sciences, Higher Education and Student Affairs, and Special Education have approached us about a minor. Many of the students feel that they need more legal training to do their future jobs effectively. For example, a school psychologist will need to have a firm grasp on special education law, abuse and neglect, harassment and bullying, and FERPA. These students feel a minor in school law will make them more marketable. Students from programs outside of the School of Education may also be interested such as those focused on education policy at SPEA.

Which 4 courses would make up the minor?

We propose that students would take A608 (Legal Perspectives on Education), A615 (Advanced School Law), and A675 (Leadership in Special Education), and one elective course (e.g., H520, H504, U553, C705, A720). The 12 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 taught by Dr. Janet Decker (assistant professor) or Dr. Suzanne Eckes (associate 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. Stephen Harper, Office of the General Counsel at Indiana University, has taught school law courses for us. Stephen is an attorney and former high school teacher.

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?

No. A608, A615 and A675 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.

How often are these courses offered?

A608 is offered at least 2-3 times per year. A615 is offered every other year. A675 is offered every spring.

How will the qualifying exam work?

It will follow the same format as the minor qualifying exam in Educational Policy. There will be a take-home 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 three 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, or sexual orientation?
- * 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: FERPA, copyright, the rights of ELL students, race-conscious student assignment plans, discipline, search/seizure, church/state issues, teacher contracts and evaluations.