NEW COURSE FORM

1.	General Information.						
a.	a. Submitted by the College of: Law Today's Date: May			ay 31, 2012			
b.	Department/Division: Law						
c.	Contact person name: Mary J.	Davis	Email:	mjo	lavis@uky.edu	Phone:	7-3198
d.	Requested Effective Date:	Semester follov	ving approval	OR	Specific T	erm/Year¹:	
2.	Designation and Description of I	Proposed Cours	e.				
a.	Prefix and Number: Law 911						
b.	Full Title: Education Law						
c.	Transcript Title (if full title is mor	e than 40 chara	cters): Educ	ation	Law		
d.	To be Cross-Listed ² with (Prefix a	nd Number):	N/A				
e.	Courses must be described by <u>at least one</u> of the meeting patterns below. Include number of actual contact hours for each meeting pattern type.						
	2 Lecture Lab	oratory ¹	Recitation	n	1 Discussio	<u> </u>	Indep. Study
	Clinical Col	loquium	Practicu	m	Rese	arch	Residency
	Seminar Stu	dio	Other – Ple	ease e	explain:		
f.	Identify a grading system:	Letter (A, B, C,	etc.) [Pa	ıss/Fail		
g.	Number of credits: 3						
h.	Is this course repeatable for add	tional credit?				YES [□ NO ⊠
	If YES: Maximum number of cr	edit hours:					
	If YES: Will this course allow m	ultiple registrat	ions during th	e sam	e semester?	YES [NO
i.	This course provides a comprehensive overview of the law as it impacts the American primary and secondary education system. Course topics include education as an individual right and a state duty; campus safety; student and teacher rights relating to expression, religion, and privacy; educational policide educational funding and accountability; and other topics as they timely emering the ongoing public debates over education policy and law. Students plant to take the Education Law Seminar are strongly recommended to take this course first. RECOMMENDED: Constitutional Law II (Law 822).			pics include y; student and cational policy abilities; ey timely emerge students planning			
j.	Prerequisites, if any: None						
k.	Will this course also be offered t	hrough Distance	e Learning?			YES ⁴	⊠ NO □

¹ Courses are typically made effective for the semester following approval. No course will be made effective until all approvals are received.

² The chair of the cross-listing department must sign off on the Signature Routing Log.

³ In general, undergraduate courses are developed on the principle that one semester hour of credit represents one hour of classroom meeting per week for a semester, exclusive of any laboratory meeting. Laboratory meeting, generally, represents at least two hours per week for a semester for one credit hour. (from SR 5.2.1)

⁴ You must *also* submit the Distance Learning Form in order for the proposed course to be considered for DL delivery.

NEW COURSE FORM

l.	Supplementary teaching component, if any: Community-Based Experience	Service Learning	ng 🔲 Both
3.	Will this course be taught off campus?	YES 🗌	NO 🖂
4.	Frequency of Course Offering.		
a.	Course will be offered (check all that apply):	Summer Su	
b.	Will the course be offered every year?	YES 🔀	NO 🗌
	If NO, explain:		
5.	Are facilities and personnel necessary for the proposed new course available?	YES 🔀	NO 🗌
	If NO, explain:	4 - 4	
6.	What enrollment (per section per semester) may reasonably be expected? 25		
7.	Anticipated Student Demand.		
a.	Will this course serve students primarily within the degree program?	YES 🔀	№ П
b.	Will it be of interest to a significant number of students outside the degree pgm?	YES 🗍	NO 🏻
	If YES, explain:		
8.	Check the category most applicable to this course:		
. ~:			
	Relatively New – Now Being Widely Established		
	Not Yet Found in Many (or Any) Other Universities		
9.	Course Relationship to Program(s).		,
a.	Is this course part of a proposed new program?	YES	NO 🖂
	If YES, name the proposed new program:		
b.	Will this course be a new requirement ⁵ for ANY program?	YES 🗌	NO 🗵
	If YES ⁵ , list affected programs:		
10.	Information to be Placed on Syllabus.		
	Is the course 400G or 500?	YES 🗌	NO 🖂
	If YES, the differentiation for undergraduate and graduate students must be include 10.b . You must include: (i) identification of additional assignments by the graduate establishment of different grading criteria in the course for graduate students. (See	e students; and/or (
b.	The syllabus, including course description, student learning outcomes, and glevel grading differentiation if applicable, from 10.a above) are attached.	rading policies (and	400G-/500-

 $^{^{\}rm 5}$ In order to change a program, a program change form must also be submitted.

NEW COURSE FORM

Signature Routing Log

General Information:

Course Prefix and Number:

Law 911--Education Law

Proposal Contact Person Name:

Mary J. Davis

Phone: 7-3198

Email: mjdavis@uky.edu

INSTRUCTIONS:

Identify the groups or individuals reviewing the proposal; note the date of approval; offer a contact person for each entry; and obtain signature of person authorized to report approval.

Internal College Approvals and Course Cross-listing Approvals:

Reviewing Group	Date Approved	Contact Person (name/phone/email)	Signature
COL Curriculum Committee	3.21.2012	Scott Bauries / 7-4228 / scott.bauries@uky.edu	Pon ma
COL Faculty	3.22.12	Mary Davis / 7-3198 / mjdavis@uky.edu	- ν
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External-to-College Approvals:

. Council	Date Approved	Signature	Approval of Revision ⁶
Undergraduate Council	N/A		
Graduate Council	N/A		
Health Care Colleges Council	N/A		
Senate Council Approval		University Senate Approval	

Comments:	
and Protessing and Pr	

⁶ Councils use this space to indicate approval of revisions made subsequent to that council's approval, if deemed necessary by the revising council.

University of Kentucky College of Law

Education Law Professor Scott R. Bauries

Welcome to Education Law. I feel very fortunate to have the opportunity to introduce you to this important and challenging area of the law. I am looking forward to getting to know each of you. This document outlines the policies that I will follow in teaching the course. Please carefully review this document prior to the first class meeting on Monday, January 11th, and use it for reference throughout the semester.

OFFICE HOURS

I will be in my office from early morning until mid-afternoon most days, and from early morning until late night on Tuesdays and Wednesdays (subject to change), if you wish to drop by and see me. I am also available by appointment if you want to be sure that I will be in my office when you come by.

CONTACT INFORMATION

Office Telephone: (859) 257-4228 Email: scott.bauries@uky.edu

Feel free to contact me with questions as you prepare for class, as you continue your study of education law throughout the academic year, and after you have moved on. You will receive a response much more quickly if you contact me by e-mail than you will if you contact me by telephone.

COURSE OVERVIEW

The course in Education Law focuses on the role of law and lawyers in the American education system. Our primary attention throughout the semester will be directed to public, K-12 education, but we will touch on topics unique to private and alternative schooling, as well as higher education, as we proceed through the course.

The practice of education law is difficult to define concisely. An "education lawyer" might work for any of a number of different client groups, ranging from individual students and teachers, to school systems, to higher education institutions, to labor unions, to insurance companies, to public finance authorities, to public interest groups. The practice area presents opportunities in both litigation and transactional work, as well as in the more "political" functions of the legal system, such as lobbying, advising, drafting legislation, and bringing constitutional "test" cases before the state and federal appellate courts. Many of you will one day perform one or more of these functions for educational entities, regardless of whether you set out to become "education lawyers."

COURSE TWEN PAGE

In the interest of saving trees and saving Kentucky taxpayers' money, instead of distributing hand-outs in class, I will post all materials on Westlaw's *The West Education Network* ("TWEN"). Some of your reading assignments will draw on materials not published in your Casebook. I will post these materials on our TWEN page as they become relevant. I will also post your assignment sheets periodically on TWEN. You should check TWEN frequently beginning very early in the semester.

During the semester, if I receive particularly interesting or salient questions or comments from students, whether in class or outside class, I will likely post these on our TWEN page and open a discussion of the topic. I may refer to these online discussions in class, so you should check the page and stay current with whatever is being discussed. The TWEN page will also contain links to certain information that you might find useful or interesting as you go through this course. If you are unable to access TWEN, please contact your Westlaw student representative as soon as possible.

READING ASSIGNMENTS

I will assign readings for this course out of the required text, and occasionally from materials posted in the **Course Materials** section of the TWEN site. I will also periodically post assignment sheets in the **Course Materials** section of the TWEN site. These assignment sheets will usually reflect about two weeks' worth of reading material. During each class, I will post on the front board your readings for the next class.

Your first set of readings is posted both on TWEN and in the 2L and 3L "Class Assignments" bulletin boards on the first floor of the Law Building. I will post each subsequent assignment sheet only on TWEN.

CLASS ATTENDANCE

Under American Bar Association and UK College of Law standards, class attendance is required. The material covered in this course, like that in all law courses, requires close reading and active analysis. Many of the analytical skills that you will learn in this course cannot be learned effectively without guided practice. Failure to attend classes and actively participate will leave you at a substantial disadvantage relative to your classmates.

American Bar Association accreditation standards and College of Law policies prohibit the College from awarding course credit to a student who misses 25% of class meetings (whether excused or not). For this course, that means if you miss 11 or more class meetings, I cannot award you credit. I will record attendance each day. To make this process less disruptive, I will distribute a sign-in sheet at the beginning of each class. You are responsible for signing this sheet each and every day, as it will be my only record of your attendance. I will review my records periodically and take appropriate action with any student whose attendance (or whose tardiness) becomes a cause for my concern. Habitual unexcused absences (including excessive tardiness) will result in a lowering of the final grade.

CLASS PARTICIPATION

I expect each of you to be thoroughly prepared for each and every class and to participate meaningfully in class discussions. I also expect each of you to have *carefully* read all of the assigned reading and completed any assigned problems for each and every class. I will **randomly** call on students each day to engage in in-depth dialogue with me and the rest of the class. You must be prepared each day to participate in such dialogue. **Participation on one day does not excuse participation on the next day.**

If circumstances beyond your control prevent you from being prepared on any particular day, you must notify me in writing before that class begins (a simple handwritten note on a piece of scrap paper will do). Unprepared students who have not notified me in advance in writing may be asked to leave the classroom. Habitual unpreparedness will result in a lowering of the final grade.

REQUIRED TEXT

1. STUART BIEGEL, EDUCATION AND THE LAW (2d ed. 2009). ISBN No. 978-0-314-19108-3.

EXAMINATION AND GRADING

- The final examination is currently scheduled for Tuesday, April 27, 2010 from 1:30, P.M. to 4:30, P.M. The exam format has not yet been determined, but the exam may consist of constructed response questions, essay questions, and/or practical tasks such as drafting. The exam will count for 100% of your final grade (unless the grade must be lowered for bad attendance or unpreparedness).
- The College of Law requires that grades assigned in a particular class distribute such that the mean (average) grade, on a four-point scale, falls between 2.9 and 3.1.
- Grading of student exams is done "blindly" at the College of Law. This means that, when
 I grade and rank order your exam relative to your classmates' exams, I will not know your
 identity. Any class participation or absence-related grade adjustments will be entered by
 my assistant without disclosure of your exam number to me.

DISABILITY SERVICES

If you have a disability that requires accommodation, please see Dean Michael as early in the semester as possible to request the appropriate accommodation(s).

LAPTOP AND INTERNET USE IN CLASS

I do not permit the use of laptops or other electronic devices by students in this class. Using a laptop for note-taking in law classes prepares you better to be a court reporter than a lawyer. Laptop use also has a strong potential to distract other students. Accordingly, I ask you to live without them for three hours a week, and I appreciate your cooperation and understanding.

<u>Exception</u>: If you have a disability or a temporary medical issue that requires you to use a laptop or other electronic device for note-taking, please see Dean Michael prior to the first relevant class to request this accommodation. If such an accommodation is granted, I will certainly honor it.

A FINAL NOTE

I have a special affinity for this course because I practiced education law in the private sector prior to entering academia. I also spent six years as a teacher and administrator in both public and private schools in Florida. I look forward to meeting each of you and introducing you to this challenging and rewarding field of practice, and my door is open to each of you both throughout the semester and afterwards should you want to discuss any education law related topic.

--SRB

Education Law—Bauries Spring 2010

Biegel Casebook—Course Topical Outline

1. Introduction to Education Rights

- a. Casebook: pp. 1-11; 416-425.
 - i. Problem 1.

2. Campus Safety and Privacy

- a. Negligence:
 - i. Casebook: pp. 12-28.
 - ii. Problem 2.
 - iii. Problem 3.
- b. Safe Schools:
 - i. Casebook: pp. 29-45.
 - ii. Problem 4.
- c. Negligence in Higher Education:
 - i. Casebook: pp. 46-70.
 - ii. Problem 5.
 - iii. Problem 6.
- d. Search and Seizure Law in Schools:
 - i. Casebook: pp. 71-95.
 - ii. Problem 7.
 - iii. Problem 8.
- e. Student Privacy Rights:
 - i. Casebook: pp. 95-117.
 - ii. Problem 9.

3. Student Freedom of Expression

- a. Basic Rules:
 - i. Casebook: pp. 118-135.
 - ii. Problem 10.
- b. Doctrinal Developments:
 - i. Casebook: pp. 135-157.
 - ii. Problem 11.
- c. New Directions:
 - i. Casebook: pp. 157-169.
 - ii. Problem 12.
- d. LGBT Issues:
 - i. Casebook: pp. 169-186.
 - ii. Problem 13.
- e. Student Expression and Higher Education:
 - i. Casebook: pp. 186-204.
 - ii. Problem 14.
- f. Hate Speech and Higher Education:
 - i. Casebook: pp. 204-225.
 - ii. Problem 15.

4. Threats and Harassment

- a. In General:
 - i. Casebook: pp. 226-249.
 - ii. Problem 16.
- b. "True Threats" and Higher Education:
 - i. Casebook: pp. 249-260.
 - ii. Problem 17.
- c. First Amendment Issues and Threats in K-12:

- i. Casebook: pp. 261-278.
- ii. Problem 18.
- d. Peer-to-Peer Sexual Harassment:
 - i. Casebook: pp. 278-290.
 - ii. Problem 19.
 - iii. Problem 20.
- e. Harassment of LGBT Individuals:
 - i. Casebook: pp. 290-302.
 - ii. Problem 21.

5. Equal Educational Opportunity

- a. Fourteenth Amendment Equal Protection:
 - i. Casebook: pp. 303-317.
- b. Affirmative Action:
 - i. Casebook: pp. 317-337.
 - ii. Problem 22.
 - iii. Problem 23.
- c. Desegregation:
 - i. Casebook: pp. 337-356.
 - ii. Problem 24.
 - iii. Case Study: pp. 356-363.
- d. Tracking, Ability Grouping, and Standardized Testing:
 - i. Casebook: pp. 363-382.
 - ii. Problem 25.
- e. Athletics and Equality:
 - i. Casebook: pp. 382-396.
 - ii. Problem 26.
 - iii. Problem 27.
- f. Gender Equality in School:
 - i. Casebook: pp. 396-416.
 - ii. Problem 28.

6. Educational Quality and the Law

- a. Defining Educational Quality:
 - i. Casebook: pp. 426-439.
- b. Educational Adequacy Litigation:
 - i. Casebook: pp. 439-449.
 - ii. Problem 29.
- c. Fundamental Rights to Education:
 - i. Casebook: pp. 449-461.
 - ii. Problem 30.
 - iii. Problem 31.
- d. No Child Left Behind:
 - i. Casebook: pp. 461-482.
 - ii. Problem 32.
- e. School Choice and Privatization:
 - i. Casebook: pp. 482-504.
 - ii. Problem 33.
 - iii. Problem 34.

7. Special Needs Students

- a. English Learners:
 - i. Casebook: pp. 505-526.
 - ii. Problem 35.
- b. English Learners, Equality, and Adequacy:
 - i. Casebook: pp. 526-549.

- ii. Problem 36.
- c. IDEA:
 - i. Casebook: pp. 549-572.
 - ii. Problem 37.
- d. Disabled Students and Equality:
 - i. Casebook: pp. 572-596.
- e. Disabled Students and Higher Education:
 - i. Casebook: pp. 596-621.

8. Education and the Establishment Clause

- a. Purpose, Effects, and Endorsement:
 - i. Casebook: pp. 622-644.
 - ii. Problem 38.
 - iii. Problem 69.
- b. Coercion:
 - i. Casebook: pp. 654-674.
- c. Neutrality:
 - i. Casebook: pp. 674-694.
 - ii. Problem 40.

9. Education and the Free Exercise Clause

- a. Self-Determination Rights:
 - i. Casebook: pp. 695-720.
 - ii. Problem 41.
- b. Campus Forums:
 - i. Casebook: pp. 720-745.
- c. The Right to Receive Instruction:
 - i. Casebook: pp. 745-763.
 - ii. Problem 42.
 - iii. Problem 43.
- d. The Right NOT to Receive Instruction:
 - i. Casebook: pp. 763-785.
 - ii. Problem 44.
 - iii. Problem 45.
 - iv. Problem 46.
- e. Internet Filtering:
 - i. Casebook: pp. 791-808.
 - ii. Problem 47.
 - iii. Problem 48.

10. The Rights of Educators (Chapter 11)

- a. Tenure and Job Security:
 - i. Casebook: pp. 906-926.
 - ii. Problem 54.
- b. Speech Rights and Academic Freedom:
 - i. Casebook: pp. 927-941; 960-971.
 - ii. Problem 55.

Distance Learning Form

This form must accompany <u>every</u> submission of a new/change course form that requests distance learning delivery. This form may be required when changing a course already approved for DL delivery. All fields are required!

<u>Introduction/Definition</u>: For the purposes of the Commission on Colleges Southern Association of Colleges and Schools accreditation review, *distance learning* is defined as a formal educational process in which the majority of the instruction (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place. Instruction may be synchronous or asynchronous. A distance learning (DL) course may employ correspondence study, or audio, video, or computer technologies.

A number of specific requirements are listed for DL courses. The department proposing the change in delivery method is responsible for ensuring that the requirements below are satisfied at the individual course level. It is the responsibility of the instructor to have read and understood the university-level assurances regarding an equivalent experience for students utilizing DL (available at http://www.uky.edu/Faculty/Senate/forms.htm).

	Course Number and Prefix: LAW 900 Date: May 31, 2012
	Instructor Name: Scott R. Bauries Instructor Email: scott.bauries@uky.edu
	Check the method below that best reflects how the majority of course of the course content will be delivered. Internet/Web-based Interactive Video Hybrid Hybrid
	Curriculum and Instruction
1	How does this course provide for timely and appropriate interaction between students and faculty and among students? Does the course syllabus conform to University Senate Syllabus Guidelines, specifically the Distance Learning Considerations?
- The state of the	The interaction between faculty and students occurs through asynchronous discussion boards. Each day of the class, the instructor posts a number of problems that coordinate with case and statutory readings in the assigned casebook, and the students are assigned "lead" roles for one or more of these problems. Each student is required to post a substantive, analytical response to each problem or to any student's prior response to the problem. Yes, the syllabus conforms to all relevant guidelines, including the Distance Learning considerations.
2	How do you ensure that the experience for a DL student is comparable to that of a classroom-based student's experience? Aspects to explore: textbooks, course goals, assessment of student learning outcomes, etc.
LL CONTRACTOR OF THE PARTY OF T	Please see above for the instructional approach, which is very similar to the use of the Langdellian Socratic Dialogue method that prevails in physical law school classrooms, with the main difference being that the discussion is asynchronous in the online format. This distinction actually enhances the learning experience in a problem-based course, such as this one, as it provides more time for reflection and research (both individual and collaborative) before students respond to instructor inquiries. Grading is identical to that in the physical law school classroom (a high-stakes summative exam at the end of the semester), save that a portion of the course grade is based on a holistic assessment of each student's contributions to the discussion board.
3	How is the integrity of student work ensured? Please speak to aspects such as password-protected course portals, proctors for exams at interactive video sites; academic offense policy; etc.
	We maintain an honor code here at the College of Law, and I expect all of my students to respect and abide by it. The law is a self-regulating profession, and the honor code models that self-regulation. Exams are taken individually, and outside help is prohibited, but I do not proctor the students. Violations of the honor code are handled by the College Honor Council, which has the authority to recommend appropriate sanctions, up to and

Distance Learning Form

This form must accompany <u>every</u> submission of a new/change course form that requests distance learning delivery. This form may be required when changing a course already approved for DL delivery. **All fields are required!**

	including expulsion.
4.	Will offering this course via DL result in at least 25% or at least 50%* (based on total credit hours required for
	completion) of a degree program being offered via any form of DL, as defined above?
	No.
	If yes, which percentage, and which program(s)?
	*As a general rule, if approval of a course for DL delivery results in 50% or more of a program being delivered through DL, the effective date of the course's DL delivery will be six months from the date of approval.
5.	How are students taking the course via DL assured of equivalent access to student services, similar to that of a
	student taking the class in a traditional classroom setting?
	This course is but one of many in the law school curriculum, and it is the only one offered entirely over
	Distance Learning, so the students in the class have the same access to these services as all other law
	students, and on the same terms.
	Library and Learning Resources
6.	How do course requirements ensure that students make appropriate use of learning resources?
	Some of the class problems require the students to conduct independent legal research, which requires them to use library facilities and other resources, such as Westlaw.
7.	Please explain specifically how access is provided to laboratories, facilities, and equipment appropriate to the
/ '	course or program.
	Students have access to the Law Library during its normal operating hours, and Westlaw and other electronic resources are available over the Internet.
	Student Services
8.	How are students informed of procedures for resolving technical complaints? Does the syllabus list the entities available to offer technical help with the delivery and/or receipt of the course, such as the Information Technology Customer Service Center (http://www.uky.edu/UKIT/ ?
	We have our own IT staff here at the College of Law, and the syllabus directs students to that office in the event of technical problems with hardware. Technical support for Internet-based resources, such as Westlaw, is available for free from the vendor.
9.	Will the course be delivered via services available through the Academic Technology Group (ATG) and Distance Learning Programs (DLP)?
	Yes
	No 🖂
	If no, explain how students enrolled in DL courses are able to use the technology employed, as well as how students will be provided with assistance in using said technology.
	Law students are generally proficient with Westlaw, the primary course delivery system, before the end of their first semester of study, so no additional training is necessary for rising second- and third-year students.

Distance Learning Form

This form must accompany <u>every</u> submission of a new/change course form that requests distance learning delivery. This form may be required when changing a course already approved for DL delivery. **All fields are required!**

10.	Does the syllabus contain all the required components, below?		
İ	□ In	structor's virtual office hours, if any.	
	□ TI	ne technological requirements for the course.	
	□ C	ontact information for Information Technology Customer Service Center:	
	C		
	C		
		/eb Address for Distance Learning Programs: http://www.uky.edu/DistanceLearning	
	□ P	rocedure for resolving technical complaints.	
	□ P	referred method for reaching instructor, e.g. email, phone, text message.	
	□ N	laximum timeframe for responding to student communications.	
		anguage pertaining academic accommodations:	
	("If you have a documented disability that requires academic accommodations in this course,	
		please make your request to the University Disability Resource Center. The Center will require	
		current disability documentation. When accommodations are approved, the Center will provide	
		me with a Letter of Accommodation which details the recommended accommodations. Contact	
		the Disability Resource Center, Jake Karnes, Director at 859-257-2754 or ikarnes@email.uky.edu ."	
'		nformation on Distance Learning Library Services	
	(Carla Cantagallo, DL Librarian	
	(Web: http://libraries.uky.edu/DLLS	
	,	Phone: 859 257-0500, ext. 2171	
	(Email: carla@.uky.edu	
		DL Interlibrary Loan Service: http://libraries.uky.edu/page.php?lweb_id=253	
11.	I, the inst	ructor of record, have read and understood all of the university-level statements regarding DL.	
	Instructo	r Name: Scott R. Bauries Instructor Signature:	