

# Cover Sheet: Request 15195

## LAW 6XXX - Education law

### Info

Process	Course New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	7/24/2020 1:48:19 PM
Updated	7/26/2020 2:43:43 PM
Description of request	Proposal for permanent approval of education law

### Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Rachel Inman		7/26/2020
Syllabus - education law.pdf					7/24/2020
College	Approved	LAW - College of Law	Rachel Inman		7/26/2020
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			7/26/2020
No document changes					
Statewide Course Numbering System					
No document changes					
Office of the Registrar					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
College Notified					
No document changes					

## Course|New for request 15195

### Info

**Request:** LAW 6XXX - Education law  
**Description of request:** Proposal for permanent approval of education law  
**Submitter:** Krista Vaught kfields@law.ufl.edu  
**Created:** 7/24/2020 1:43:30 PM  
**Form version:** 1

### Responses

**Recommended Prefix** LAW  
**Course Level** 6  
**Course Number** XXX  
**Category of Instruction** Intermediate  
**Lab Code** None  
**Course Title** Education Law  
**Transcript Title** Education Law  
**Degree Type** Professional

**Delivery Method(s)** On-Campus  
**Co-Listing** No

**Effective Term** Earliest Available  
**Effective Year** 2020  
**Rotating Topic?** No  
**Repeatable Credit?** No

**Amount of Credit** 3

**S/U Only?** No

**Contact Type** Regularly Scheduled

**Weekly Contact Hours** 3

**Course Description** This course provides students with an introduction to law relating to public schools (K-

12), including the interplay of the U.S. Constitution, federal statutes, state, and local law.

It examines the right to a public education, the equitable distribution of public educational resources, equal education opportunity, desegregation, harassment, students' rights to expression, student disciplinary processes, search and seizure in public schools, religion in the schools, and more.

**Prerequisites** None

**Co-requisites** None

**Rationale and Placement in Curriculum** The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

**Course Objectives** After completing this course, students should be able to:

- correctly identify and analyze many legal issues relating to public K–12 education settings;
- analyze various statutes and cases in the public K–12 education context; and
- understand various policy issues related to public education and how to use policy to strengthen legal arguments.

**Course Textbook(s) and/or Other Assigned Reading** DEREK W. BLACK, EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM (SECOND EDITION 2016).

**Weekly Schedule of Topics** Education Law

pp. 1–16

Mandatory School Desegregation

pp. 17–34

Mandatory School Desegregation (cont.)  
pp. 35–60  
Mandatory School Desegregation (cont.)  
pp. 60–93  
Voluntary Desegregation  
pp. 93–113  
Voluntary Desegregation (cont.)  
pp. 113–126  
Voluntary Desegregation (cont.)  
pp. 126–148  
Limits of Federal Intervention  
pp. 149–168  
State Constitutional Rights  
pp. 169–184  
State Constitutional Rights (cont.)  
pp. 184–200  
State Constitutional Rights (cont.)  
pp. 200–227  
State Constitutional Rights (cont.) pp. 244–268  
State Constitutional Rights (cont.)  
pp. 268–282  
Student Sexual Harassment  
pp. 426–441  
Sexual Orientation Discrimination/Gender Identity  
Discrimination  
pp. 440–468  
Students with Disabilities  
pp. 469–493  
Students with Disabilities (cont.)  
pp. 493–513  
Students with Disabilities (cont.)  
pp. 513–517 &  
Andrew F. v.  
Douglas County,  
137 S. Ct. 988  
(2017).  
Students with Disabilities (cont.)  
pp. 517–534  
Students with Disabilities (cont.)  
pp. 534–546  
Procedural Due Process  
pp. 547–568  
Procedural Due Process (cont.)  
pp. 568–583  
Substantive Due Process; Due Process when  
Education is a Constitutional Right  
pp. 583–616  
Search and Seizure  
pp. 616–632  
Search and Seizure (cont.); Student Interrogation  
pp. 632–652  
The Supreme Court’s Student Speech Framework pp. 653–668  
The Supreme Court’s Student Speech Framework  
(cont.)  
pp. 668–691  
Authority to Restrict Student Speech that is Hurtful  
to Other Members of the School Community  
pp. 691–704  
School Authority Over Students’ Off-Campus  
Speech  
pp. 704–726  
School Authority Over Students’ Off-Campus

Speech (cont.); School Dress Codes  
pp. 726–751  
Every Student Succeeds Act; Standardized Testing  
pp. 951–1004  
(skim the ESSA)  
Charter Schools  
pp. 1053–1073  
Charter Schools (cont.)  
pp. 1073–1087  
Vouchers  
pp. 1087–1101  
School Prayer; Moments of Silence  
pp. 753–787  
Free Exercise of Religion in the Public Schools  
pp. 825–852  
Practice Exam Problems  
Handout

**Grading Scheme** 75% of your grade will be based on a final examination administered on Thursday, December 12, 2019, at 1:00 p.m. During the exam you may use any notes or outlines that you have prepared or helped prepare, but you will not be permitted to use the Internet or any other materials. I will distribute practice exam problems in November that we will go over on the last day of class.

**Instructor(s)** Jason Nance

**Attendance & Make-up** Yes

**Accommodations** Yes

**UF Grading Policies for assigning Grade Points** Yes

**Course Evaluation Policy** Yes

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW  
EDUCATION LAW – FALL 2019**

Professor Jason P. Nance  
Office Location: Holland Hall 264D  
Office Phone: (352) 273-0992  
Email: nance@law.ufl.edu  
Office hours: Mondays from 4:00–5:00 pm and Fridays from 2:00–4:00 pm or by appointment.

**MEETING TIME AND LOCATION**

Tuesday, Wednesday, and Thursday from 10:30–11:25 am in Holland Hall 284

**REQUIRED TEXTS**

DEREK W. BLACK, EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM (SECOND EDITION 2016).

**COURSE OBJECTIVES**

This course provides students with an introduction to law relating to public schools (K-12), including the interplay of the U.S. Constitution, federal statutes, state, and local law. It examines the right to a public education, the equitable distribution of public educational resources, equal education opportunity, desegregation, harassment, students' rights to expression, student disciplinary processes, search and seizure in public schools, religion in the schools, educating students with disabilities, federal reform, accountability, and testing.

**LEARNING OUTCOMES**

After completing this course, students should be able to:

- correctly identify and analyze many legal issues relating to public K–12 education settings;
- analyze various statutes and cases in the public K–12 education context; and
- understand various policy issues related to public education and how to use policy to strengthen legal arguments.

**CANVAS**

I will use Canvas to post documents related to this course.

## **CLASS PARTICIPATION**

Twenty-five percent (25%) of your final grade will be based on your class participation. Each day I expect that you will have read the assigned materials and that you will be prepared to discuss those materials. There will be several case studies and problems that we will evaluate together. The expectation is that you will be prepared to meaningfully participate in each of those case studies and problems.

## **OFFICE HOURS**

My office hours are on Mondays from 4:00–5:00 pm and Fridays from 2:00–4:00 pm. You may also schedule an appointment to meet with me at another time that is convenient to you. If you want to plan ahead, you may make an appointment during my office hours and therefore have priority over those who drop in. I will have extended office hours during reading days and the exam period.

## **COMMON COURTESY**

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to deduct points from your final grade if you engage in behavior that disrupts the learning environment for your classmates.

## **CLASS ATTENDANCE POLICY**

Attendance in class is required by both the ABA and the Law School. I will pass around an attendance sheet at the beginning of each class period. If you miss more than six classes, your grade for the semester may be adversely affected. If you have a medical reason for missing class, you should contact me before or soon after class for your absence to be excused. Students who miss class for religious holidays must contact me beforehand by email to be excused from class. I will consider it a violation of the honor code if you have someone else sign you in and you are not present, and I reserve the right to lower your final grade.

## **EVALUATION**

75% of your grade will be based on a final examination administered on Thursday, December 12, 2019, at 1:00 p.m. During the exam you may use any notes or outlines that you have prepared or helped prepare, but you will not be permitted to use the Internet or any other materials. I will distribute practice exam problems in November that we will go over on the last day of class.

## **INFORMATION ON UF LAW GRADING POLICIES**

The Levin College of Law's mean and mandatory distributions are posted on the College's website, and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

### **ACADEMIC HONESTY**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

### **POLICY RELATED TO MAKE-UP EXAMS**

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form>

### **STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

### **ONLINE COURSE EVALUATION PROCESS**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation

period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.ua.ufl.edu/public-results/>.

### **COURSE WORKLOAD AND CLASS PREPARATION**

Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.

### **TOPICAL OUTLINE OF SUBJECTS TO BE COVERED (TENATIVE)**

All assignments are in DEREK W. BLACK, EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM (SECOND EDITION 2016).

The sections below generally represent what I will attempt to cover during a class period, but they are only estimates. We may move faster or slower depending on how the classes progress. At some point after the end of each class, I will inform you of the reading I will attempt to cover during the next class. Nevertheless, you can anticipate what the next class period's reading assignment will be from the below chart if you wish to read ahead.

TOPIC	READING
Introduction to Education Law	pp. 1–16
Mandatory School Desegregation	pp. 17–34
Mandatory School Desegregation (cont.)	pp. 35–60
Mandatory School Desegregation (cont.)	pp. 60–93
Voluntary Desegregation	pp. 93–113
Voluntary Desegregation (cont.)	pp. 113–126
Voluntary Desegregation (cont.)	pp. 126–148
Limits of Federal Intervention	pp. 149–168
State Constitutional Rights	pp. 169–184
State Constitutional Rights (cont.)	pp. 184–200
State Constitutional Rights (cont.)	pp. 200–227
State Constitutional Rights (cont.)	pp. 244–268



State Constitutional Rights (cont.)	pp. 268–282
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Students with Disabilities (cont.)	pp. 493–513
Students with Disabilities (cont.)	pp. 513–517 & <i>Andrew F. v. Douglas County</i> , 137 S. Ct. 988 (2017).
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