EDUCATION LAW

Mr. Canner
fall 1999

SYLLABUS


Other Readings: The readings assigned in the Casebook are supplemented by photocopied materials available in Student Services.

Class Meetings: This is a 3-credit course, with meetings scheduled for Tuesdays and Fridays from 8:35 a.m. - 9:50 a.m. Two make-up classes are pre-scheduled for Thursdays, 12:00 to 12:50 p.m., as indicated, infra.

Preparation and Attendance: Complete preparation, timely class arrival and attendance, and active participation are expected. Absences in excess of 20% may result in a course grade of 50, pursuant to Law School Rule 3-3-1.

Examination: A three-hour, closed book examination will be administered.

Contacting Mr. Canner: Workday telephone: (303)449-1142
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Chapter One: SCHOOLING AND THE STATE

Tuesday, August 24
Introduction to the course, purposes of education, and history of the common school.

[Read as background excerpts from Aristotle and from EDUCATION IN THE UNITED STATES: A DOCUMENTARY HISTORY (Supplemental Materials) and Casebook, pp. 1 - 9 (top right column)]

Friday, August 27
Compulsory Schooling – for whom and why?
Pierce v. Society of Sisters
Wisconsin v. Yoder

[Read Casebook, pp. 10 (bottom right column) - 20 (middle left column); 24 (right column) - 41 (end of right column)]
Tuesday, August 31
State Regulation of Nonpublic Schools
  Farrington v. Tokushige
  Meyer v. Nebraska
  Fellowship Baptist Church v. Benton

[Read Casebook, pp. 20 (middle left column) - 24 (top right column); 43 (bottom right column) - 56 (middle right column)]

Friday, September 3
State Regulation of Home Schooling
  Care and Protection of Charles
  Stephens v. Bongart
  State v. Massa

[Read Casebook, pp. 60 (middle right column) - 77 (middle right column)]

Chapter Two: SOCIALIZATION AND STUDENT AND TEACHER RIGHTS

Tuesday, September 7
Religious Socialization
  Abington School Dist. v. Schempp
  Lemon v. Kurtzman
  Wallace v. Jaffree

[Read Casebook, pp. 146 - 164]

Friday, September 10
  Agostini v. Felton
  Lee v. Weisman
  Mergens v. Westside

[Read Agostini and Lee (Supplemental Materials) and Casebook, pp. 282 - 289 (top right column); 296 (lower left column) - 299 (top left column)]

Tuesday, September 14
  Lamb’s Chapel v. Center Moriches Union Free School Dist.
  Edwards v. Aguillard

[Read Lamb’s Chapel (Supplemental Materials) and Casebook, pp. 167 (middle left column) - 181 (bottom right column)]

Friday, September 17
  Moral Socialization
  Smith v. Board of School Comm’rs
  Mozert v. Hawkins County Bd. of Educ.
Political Socialization
West Virginia State Board of Educ. v. Barnette

[Read Casebook, pp. 183 (right column) - 202 (bottom left column);
209 (bottom left column) - 216 (middle left column)]

Tuesday, September 21
Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico
Crosby v. Holsinger

[Read Casebook, pp. 216 (middle left column) - 233 (bottom right column);
239 (bottom right column) - 244 (middle right column)]

Friday, September 24 [no class]

Tuesday, September 28
Student Expression
Bethel School Dist. No. 403 v. Fraser

[Read Casebook, pp. 244 (middle right column) - 262 (top left column)]

Thursday, September 30 [“make-up” class, 12:00 to 12:50 p.m.]
Hazelwood School Dist. v. Kuhlmeier

Academic Freedom
Cary v. Board of Educ.
Ambach v. Norwick
Pickering v. Board of Educ.

[Read Casebook, pp. 262 (top left column) - 278 (bottom left column);
311 (middle left column) - 324 (bottom left column)]

Chapter Three: THE DISCIPLINARY PROCESS

Friday, October 1
Searching for Evidence of the Infraction
New Jersey v. T.L.O.

Procedural Due Process
Board of Regents v. Roth
Perry v. Sindermann

[Read Casebook, pp. 333 - 357 (middle left column)]

Tuesday, October 5
Suspension and Expulsion
Goss v. Lopez
Board of Curators v. Horowitz

Implementing Due Process Safeguards
Family Educational Rights and Privacy Act, 20 U.S.C. secs. 1232g
34 C.F.R. Part 99

[Read Casebook, pp. 359 - 379 (bottom left column)]

Chapter Four: EDUCATIONAL GOVERNANCE AND THE LAW

Friday, October 8
Governance; Choice; Reform

Educational Malpractice
Peter W. v. San Francisco Unified School Dist.

[Read Casebook, pp. 383 - 389 (top left column);
424 (bottom left column) - 434 (middle right column);
438 (bottom right column) - 441 (middle left column);
446 (top left column) - 450 (bottom right column), 458 (right column) - 467]

Chapter Five: EQUAL EDUCATIONAL OPPORTUNITY AND RACE

Tuesday, October 12
The American Dilemma: “First Generation” Issues
Brown v. Board of Educ. (Brown I)
Brown v. Board of Educ. (Brown II)

[Read Casebook, pp. 469 - 479 (bottom left column)]

Friday, October 15
Green v. County School Bd.
Keyes v. School Dist. No 1

[Read Casebook, pp. 479 (bottom left column) - 513 (middle left column)]

Tuesday, October 19 [no class]

Friday, October 22
Washington v. Seattle School Dist. No. 1
Milliken v. Bradley

[Read Casebook, pp. 513 (middle left column) - 529 (bottom right column)]
Tuesday, October 26
“Second Generation” Problems
Lemon v. Bossier Parish School Bd.
Hobson v. Hansen
Larry P. v. Riles

[Read Casebook, pp. 562 (bottom left column) - 573 (top right column);
577 (bottom left column) - 586 (top left column);
587 (bottom left column) - 589 (top right column)]

Thursday, October 28  [“make-up” class, 12:00 to 12:50 p.m.]
Unitary Status
Jacksonville Branch, NAACP v. Duval County School Bd.
Board of Educ. v. Dowell
Freeman v. Pitts

[Read Casebook, pp. 536 (middle left column) - 548 (bottom right column) and        Pitts
(Supplemental Materials)]

Chapter Six:  EQUAL EDUCATIONAL OPPORTUNITY AND SCHOOL FINANCE

Friday, October 29
Interdistrict Inequalities
Serrano v. Priest

[Read Casebook, pp. 591 - 606 (bottom right column)]

Tuesday, November 2
San Antonio Indep. School Dist. v Rodriguez

[Read Casebook, pp. 606 (bottom right column) - 623 (middle left column)]

Friday, November 5
Plyler v. Doe

[Read Casebook, pp. 626 (middle left column) - 642 (middle left column)]

Tuesday, November 9
Robinson v. Cahill

[Read Casebook, pp. 642 (middle left column) - 645 (bottom right column)]

Friday, November 12
Intradistrict Inequalities; Free Public Education
Hobson v. Hansen
Kadrmas v. Dickinson Public Schools
Chapter Seven: EQUAL EDUCATIONAL OPPORTUNITY AND EXCELLENCE: THE EVOLVING FEDERAL ROLE

Tuesday, November 16
Limited-English-Proficient Students
  Lau v. Nichols
  Casteneda v. Pickard

[Read Casebook, pp. 673 - 677 (left column); 793 (bottom left column) - 802 (middle right column)]

Friday, November 19
Students with Disabilities
  Mills v. Board of Educ.
  Southeastern Community College v. Davis
  Board of Educ. v. Rowley

[Read Casebook, pp. 714 (middle right column) - 734 (middle left column)]

Tuesday, November 23
  Honig v. Doe
  Martinez v. School Bd.

Educational Equity for Girls
  Force v. Pierce City R-VI School Dist.

[Read Casebook, pp. 734 (middle left column) - 743 (top right column); 760 (middle left column) - 764 (middle left column); 768 (middle right column) - 770 (bottom right column); 774 (bottom right column) - 780 (bottom right column)]

Wednesday, December 1  [last class meeting]
  Mississippi Univ. for Women v. Hogan

[Read Casebook, pp. 781 (bottom right column) - 793 (middle left column)]