**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**

**EDUCATION LAW – FALL 2019**

Professor Jason P. Nance

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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 statues 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.aa.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.

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| --- | --- |
| 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 |
| 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 & *Endrew 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. 691–705 |
| School Authority Over Students’ Off-Campus Speech | pp. 705–727 |
| School Authority Over Students’ Off-Campus Speech (cont.); School Dress Codes | pp. 727–752 |
| 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 |
| Establishment Clause Limits on Funding of Private Religious Education | pp. 800–825 |
| Free Exercise of Religion in the Public Schools | pp. 825–852 |
| Equal Access: The Public School as Public Forum | pp. 852–882 |
| Practice Exam Problems | Handout |