Education Law – 596-1

Summer 2025 – May 20 – July 24, 2025

Professor Joshua Aaron Jones,
B. Mus. Educ., JD/M. Educ. L., LL. M

SYLLABUS

CALIFORNIA WESTERN
SCHOOL OF LAW / San Diego

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This syllabus is subject to change, for example if a class is cancelled for illness or emergency. For the most up-to-date information, please reference the Canvas course.

I. Logistics

A. Professor Contact

jjones@cwsl.edu
(619) 525-1445

Faculty/Admin Building - Office 419

B. Course Title and Number

Education Law – 596-1

C. Credit Hours

3 hours

D. Day/Time

Tuesday/Thursday - 2:20 pm – 4:20 pm

E. Final Paper Due

5:00 pm, August 7, 2025

F. Learning Spaces

Classroom: 2F
Zoom
Canvas

G. Co- and Pre-requisites

Pre-requisites: none

Co-requisites:

Course 240-0, Legal Scholarship Training Seminar
(Vavasour – online asynchronous, but you must register)

H. Text

KEVIN WELNER, ROBERT KIM, AND STUART BIEGEL, *EDUCATION AND THE LAW* (West Academic Publishing, 6th ed. 2024).

Other Recommended Readings:

KERN ALEXANDER AND M. DAVID ALEXANDER, *AMERICAN PUBLIC SCHOOL LAW* (West Academic Publishing, 9th ed. 2019).

DEREK W. BLACK, SCHOOLHOUSE BURNING: THE ASSAULT ON AMERICAN DEMOCRACY (Public Affairs 2022).

FRANK KEMERER AND PETER SANSOM, CALIFORNIA SCHOOL LAW (Stanford Law Books, 3d ed. 2013).

Peter Wright, Wrightslaw.com

BYU Education & Law Journal

The Journal of Law and Education

The Chronicle of Higher Education

II. Course Description

Education law concerns the governance and operation of compulsory school systems in the United States, as well as post-secondary institutions (i.e. higher education or college). The robust topic touches many areas of law including civil rights, employment law, real estate, torts, contracts, administrative process, and government and public policy. This course offers students a foundation from which they may go on to learn about or practice in specialty areas of education. The course also introduces students to this common, yet infrequently heralded, practice area. Students must complete a paper for this course that, if satisfactory and the student chooses, will satisfy the upper level "scholarly writing" requirement. If you intend the paper to serve as your scholarly writing requirement, you must also register for Legal Scholarship Training Seminar.

III. Learning Outcomes

Students who complete Education Law will have the knowledge and skills to:

A. Understand and discuss the inception of compulsory public education in the United States.

B. Understand and discuss the state/federal duality of public education.

C. Understand and discuss education governance and finance in California.

D. Identify current problems in education governance and finance in California.

E. Identify and discuss current problems in curriculum development and politicization of the classroom.

F. Understand and explain the frameworks that protect unique learners such as the ADA, Section 504, IDEA, California special education law, and other non-discrimination laws.

G. Understand and explain teachers' rights and obligations as educators and employees.

H. Understand and explain the administrative processes for resolving student and teacher complaints or disputes, including special education "due process."

I. Identify potential employment opportunities in education law.

J. Envision, Outline, Draft, and Edit a scholarly paper on an education law topic of the student's choosing.

IV. Assignments and Grading

Assignment	Deadline	Value	Points
Identify Paper Topic	June 15, 2025	10%	100
Outline Paper	July 6, 2025	10%	100
Draft of Paper	July 21, 2025	20%	200
Final Paper	August 7, 2025	50%	500
Quiz 1	June 20, 2025	5%	50
Quiz 2	July 20, 2025	5%	50
TOTAL		100%	1000

Late Policy

Every credit/no-credit assignment is due on the date and at the time specified on the syllabus. You must complete every assignment and submit it on time. I do not grant extensions for credit/no-credit assignments, but you are welcome to explain any factors, such as illness or religious holiday observance, which might excuse a late submission.

For major graded assignments, the late penalty is 5%-point value per 24-hour period late, beginning 6 minutes after the assignment is due.

For example:

> Let's say that your assignment is worth 20 points and is due 6/13 at 5pm. If you submit it on 6/13 at 5:06 pm, your maximum score can only be 19/20 points. If you submit it on 6/14 at 5:06 pm, your maximum score can only be 18/20 points.

Professors may, at their discretion, permit short deadline extensions for a variety of reasons, on an individual basis, typically involving documented illness, medical emergencies, or family emergencies. I will only consider extension requests made before the deadline.

If you need an extension, you should contact me as early as possible. Absent the most extreme circumstances, such as a medical emergency during which you are unconscious, I will not grant an extension requested less than twenty-four hours before the deadline.

V. Professor and School Policies

A. Academic Support

The Academic Achievement Team at CWSL offers academic support programs and resources to help students succeed. Services include one-on-one advising, academic skills workshops, and law school study resources. The Academic Achievement program staff assist law students with improving study skills, learning strategies, and time management. Students who have general advising questions or who want to schedule an advising appointment are encouraged to email Carly Sassi, Associate Director of Academic Achievement at (619) 525-1680 or Kate Bolus, Director of Academic Achievement at (619) 515 -1578. More information can be found at the program's website.

B. Plagiarism

You must understand and follow the definition of plagiarism, which appears in our Academic Policies, Appendix A. The Academic Policies are online, in the Student Handbook. *See* https://www.cwsl.edu/student-life/campus-resources/student-services/student-handbook

Under these rules, all written work must be your own. The sole exceptions are when we peer-edit in class or during office hours and when I provide feedback on your written work.

You may not have anyone else – including parents, significant others, friends, etc. -- help you write, proofread, or otherwise revise any written assignment for this class.

Unlike Legal Skills, you may look at other students' work in this class. As a seminar course, we should be sharing our topics and ideas. Doing so might inspire you but should not lead to plagiarism.

You may not seek, request, or otherwise offer the kinds of improper assistance described and prohibited herein (and in the provisions of our Academic Policies listed above).

You may receive assistance with your research – but not your writing -- from our law library staff, including our excellent research librarians, or Westlaw or LexisNexis representatives. You may also and, indeed, are encouraged to, orally discuss cases, concepts, and arguments freely with students in your own section.

Under the Honor Code, you must report any known violations of these policies.

WHEN IN DOUBT, ASK ME!!

C. Attendance

The American Bar Association standards include a formula for calculating the proportional amount of work for one credit hour.

> American Bar Association (ABA) Standard 310 for accrediting law schools requires (per term for each unit per class): (a) 750 minutes of "classroom or direct faculty instruction" and (b) 1,800 total minutes of "out-of-class student work." This is a 3-unit class without a final exam, so the ABA Standard requires for this class 2,250 total minutes of "classroom or direct faculty instruction" and 5,400 total minutes of "out-of-class student work." California Western School of Law (CWSL) meets the ABA Standard requiring 2,250 total minutes of "classroom or direct faculty instruction" for this class by providing 10 weeks of at least 240 minutes of class time per week (which, for this 3-unit class, equals at least 2,400 minutes of classroom instruction). CWSL meets the ABA Standard requiring 5,400 minutes of total "out-of-class student work" for this class by requiring 10 weeks of at least 555 minutes of out-of-class student work per week, which includes (but is not limited to) preparing for classes and researching and drafting papers and assignments (which, for this 3-unit class, equals at least 5,550 minutes of "out-of-class student work").

Attendance is mandatory, and I must take attendance for each class session for each class session. For online or asynchronous class sessions viewed on Panopto, I will confirm when you joined our class sessions, how long you were present in each class session, and when you left our class sessions. Additionally, the ABA standards and our Academic Policies require that students attend at least 80% of the regularly scheduled class sessions, or the registrar will automatically withdraw the student from the course. (Academic Policies, at Sections 4.01 and 4.02.) As a result, for this course, which meets twice per week, students may miss no more than **four** class sessions before the registrar will automatically withdraw students from the course.

I record all class session and make the recordings available soon after each class, in case you were not able to attend in person. You must watch the recording for any class you miss. Viewing a class recording does not automatically count as 'attending' class for purposes of the attendance policy and does not cure any absence from that class (see Academic Policies, at Section 4.05), except as specified in Academic Policies 4.01 and 4.02.

If I must miss a class, for example to attend a conference or for illness, I may record an asynchronous lecture, and I will post those on Canvas. I will upload them to Panopto, and Panopto will "record" your attendance only if you watch the entire asynchronous class.

Although our attendance policies allow you **four** absences before the registrar may withdraw you, don't miss class. The work we do sometimes involves in-class activities. Those activities cannot easily be made up or replicated by simply acquiring class notes from another student. You must attend class, prepared to participate.

D. Non-Discrimination Policy

California Western School of Law does not discriminate on the basis of age; ancestry; citizenship status; color; creed; disability or medical condition; gender; pregnancy, childbirth or related medical conditions; gender identity or expression; marital, military or parental status; national origin; race; religion; sexual orientation, or any other basis prohibited by law in the interviewing and employment of students and graduates.

Participation in our Career and Professional Development programs is restricted to those employers who agree to comply with this policy.

I will treat all students with respect and dignity, no matter the diversity they bring, including political views. You must treat me with the same respect and dignity, and you

must treat your classmates (your colleagues) the same.

E. Disability Support

As noted above, California Western School of Law does not discriminate against persons with disabilities and strives for full compliance with the American with Disabilities Act. YOU MUST REQUEST ACCOMMODATIONS FOR YOUR DISABILITIES. To do so, visit the Disability Support website. In fairness to all students, we cannot offer accommodations that Disability Support Services have not approved. You should request accommodations with this form.

On a personal note, my practice of 16 years included representing students with disabilities, from pre-k through graduate schools. Often, law students who know they need assistance wait to ask for accommodations, for fear that professors will view them differently or in hopes of proving themselves. If you are aware of past learning needs, do not delay in asking for accommodations. We are here to support all students.

F. Title IX – Sexual Harassment or Discrimination

As noted above, California Western School of Law does not discriminate against persons based on sex, gender, or sexual orientation. CWSL has adopted an extensive Title IX policy. Please review it thoroughly and note that I am considered a mandatory reporter.

G. Title VI and Discrimination

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs or activities that receive Federal financial assistance.

Programs and activities that receive Federal financial assistance from the United States Department of Education must operate in a non- discriminatory manner. These may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing, and employment, if it affects those who are intended to benefit from the Federal funds. For more information:
http://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html

H. Artificial Intelligence

Artificial Intelligence has been with law has been with us since publishers gathered cases into reporter systems. In those early days, the AI wasn't digital, but the reporters created a system that no human could possibly manage alone. Today, AI is ubiquitous – GPS driving directions, Siri, Alexa, etc. When we reference "AI" in legal writing, we mean large language model generative AI.

LLM Gen AI can be very helpful. You can use it to jumpstart your research (just like Google or Wikipedia) or to reword an awkward sentence that you created. However, AI is not intelligent. Some LLM Gen AI systems cannot provide citations, or worse, the systems often "hallucinate," providing completely false information or citations.

I do not forbid students from using LLM Gen AI. However, I urge you to use it cautiously. NEVER assume that a platform has provided you accurate material. Realize that the writing will never be better than average because LLM Gen AI writes based on the probability of the next word. The algorithms simply prioritize a probable order of words – they do not make intelligent selections, as impressive the results may seem.

Can LLM Gen AI increase your productivity? Probably.
Will it produce accurate work? Maybe

Will it be amazing writing? No.

Just like any tools or paralegals, YOU are responsible for the work that goes out the door. You must supervise and double-check everything for accuracy. Use LLM Gen AI at your own risk.

For every assignment, you must provide the following certification, indicating whether you used AI in any way:

AI Certification

I certify that I did/did not (circle one) use artificial intelligence while working on this assignment. If I did use AI, I did so in the following ways:

Date(s): <include all dates>
Prompt(s): <attach prompt history>
Reasons I used AI:
Accuracy of the AI Output:

Name: _____

VI. Content Warning

As you are surely aware, we live in challenging times. War, climate change, racial injustice, homelessness, homophobia and transphobia, the pandemic – all of us have experienced some sort of adversity to arrive at CWSL. No one experience should be valued or diminished. We all bring diversity to the table.

Lawyers are the best hope of solving the worlds woes. In law school, we must discuss such difficult topics, even when they are upsetting to some of us. You may find that a professor takes an obtuse position on an issue that seems out of character or rude. Please know that is not what's happening. If we are to teach you to represent clients in matters and positions with which, perhaps, you don't personally agree, professors must play Devil's advocate in the classroom. That is how we challenge you to be sure of the law and steady in your argument.

It may seem that we won't cover controversial topics in Education Law, but in fact, we will through our hypotheticals. Education Law is a broad topic that includes multicultural issues, current events, and controversial topics.

In my class, I pledge to:

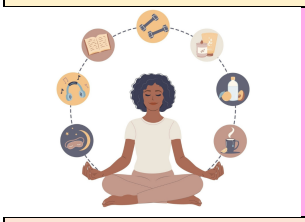
- Approach delicate topics with respect and courtesy.
- Affirm the diversity that you bring to the classroom.
- Empathize with the adversity you have faced.
- Diffuse uncivil discourse.
- Include multicultural awareness.
- Acknowledge multi-political viewpoints.
- Be available for support if you experience any sort of discrimination on campus.
- Demand that you show the same level of respect towards your colleagues and to me.

VII. Class Session Assignments and Readings

Class Session	Topic	Reading	Assignment Due
	Module 1: **FOUNDATIONS**		
1 Tuesday May 20	Historical & Legal Perspectives; Compulsory Attendance	Chapter 1, pp. 1-16; CA Truancy Statute	Introduce yourself by video, see Canvas assignment; include why you chose this course.
2 Thursday May 22	Federal Government & Education; Local School Governance; California Education Governance & Finance	Materials in Canvas Module	Check current events and class notes schedule

Class Session	Topic	Reading	Assignment Due
3 Tuesday May 27	Educational Quality; School Accountability: Every Student Succeeds Act	Chapters VIII and IX, pp. 671 – 782, 783 – 812	Check current events and class notes schedule
	Module 2: **SCHOOLS AND THE CONSTITUTION**		
4 Thursday May 29	Privacy Law in Education, Including 4th Amendment	Chapter VI, pp. 409 - 490	Check current events and class notes schedule
5 Tuesday June 3	Freedom of Expression in K-12 Schools	Chapter III, pp. 103 - 181	Research Possible Paper Topic – Turn in brainstorming list via Canvas before class
6 Thursday June 5	Freedom of Expression in k-12 Schools, part II	Chapter III, pp. 182 - 212	Check current events and class notes schedule
7 Tuesday June 10	Freedom of Expression in Colleges and Universities ("post-secondary" institutions)	Chapter IV, pp. 213 - 304	Check current events and class notes schedule
8 Thursday June 12	Religion in K-12 Public Schools	Chapter XII, pp. 979 - 1018	Check current events and class notes schedule

Class Session	Topic	Reading	Assignment Due
9 Tuesday June 17	Religion in K-12 Public Schools, Part II	Chapter XII, pp. 1019 - 1082	Check current events and class notes schedule
10 Thursday June 19	Campus Safety, Discipline, and Due Process	Chapter II, pp. 17 - 102	Paper topics due – turn-in via Canvas – Sunday, June 15 at midnight Quiz 1 by Friday, June 20 at 5:00 pm
11 Tuesday June 24	Combating Threatening Behavior, Peer Harassment, and Peer Mistreatment	Chapter V, pp. 305 - 408	Check current events and class notes schedule



Are you taking care of yourself?

Module 3: **EDUCATIONAL EQUALITY**			
12 Tuesday July 1	One-on-One Meetings		We will discuss your paper topic and brainstorm outlining.

Class Session	Topic	Reading	Assignment Due
13 Thursday July 3	One-on-One Meetings		We will discuss your paper topic and brainstorm outlining. Outline for Paper – turn in via Canvas by midnight, July 6
14 Tuesday July 8	The Right to Equal Educational Opportunity	Chapter VII, pp. 491 – 547	Check current events and class notes schedule Last day to change paper topic is July 10 by the end of class.
15 Thursday July 10	The Right to Equal Educational Opportunity, Part II	Chapter VII, pp. 548 - 670	Last day to change paper topic; but if you change the topic, you must provide a new outline on this day. Speak with me after class.
16 Tuesday July 15	Students with Disabilities	Chapter XI, pp. 881 – 978	Check current events and class notes schedule

Class Session	Topic	Reading	Assignment Due
17 Thursday July 17	Other Unique Learners	Materials on Canvas	Check current events and class notes schedule Quiz 2 by Sunday, July 20, 5 pm
Module 4: WRAP-UP			
18 Tuesday July 22	One-on-One Meetings		Rough Draft of Paper – turn in via Canvas for discussion at meeting
19 Thursday July 24	One-on-One Meetings		Rough Draft of Paper – turn in via Canvas for discussion at meeting
20 Tuesday July 29	Topics we didn't cover and writing workshop		
NO CLASS Thursday July 31	Follow Friday schedule		
August 7			Paper due August 7, 2025 at 5:00 pm, via Canvas