COURSE SYLLABUS

Law PP 556.01E (Law Students) LEAD 620:001 (Ed Students)
SEMINAR ON THE LAW AND POLITICS OF EDUCATIONAL POLICY DEVELOPMENT
Spring Semester 2011
USD School of Law/School of Leadership and Education Sciences
Frank Kemerer and Scott Himselstein, Instructors

Nature of the Seminar
Educational policy development at the local and state level is a complex and convoluted process. To give a limited number of law students and graduate education students an inside look on how educational policy is formulated, the School of Law and the School of Leadership and Education Sciences are co-sponsoring this three-credit seminar. Key areas of law and policy – school funding and accountability, the growth of charter schools, use/misuse of electronic communication devices on and off campus, and race/class isolation – will provide the lens through which the realities of educational policy development are viewed. The program of study includes readings, cases, and deliberations with the instructors and speakers at on-campus sessions as well as in the Bay Area and Sacramento. Seminar session dates are listed on the accompanying course outline. The one-day Bay Area field trip will include discussions with educational policy researchers, commentators, and legal advocates at Stanford University, as well as union leaders at the California Teachers Association in Burlingame. The one-day Sacramento field trip will feature discussions with key elected and appointed policymakers. A grant secured by the instructors will pay student travel for off-campus field trips. Details are described below.

Course Objectives

- To learn the legal framework, the players, and the process for the development of education policy.
- To identify key interest groups involved in policy making including educational and legal think-tanks, research entities, and labor unions and to learn the means they use to leverage influence at both local and state levels.
- To examine key areas of current major public policy debate – school funding and accountability, the growth of charter schools, use/misuse of electronic communication devices by teachers and students, and remedying increasing racial and income isolation in the state’s educational institutions – as cases in point.
- To examine the role of major players in policy development at the state level (Governor, Legislature, State Board of Education, State Superintendent of Public Instruction, Senate Education Committee, Assembly Committee on Education).
- To examine the politics of policy development and implementation at the state bureaucratic level (e.g., California Department of Education, California Department of Finance).
- To conduct an in-depth analysis of a major educational public policy, legal event, or player through the writing of a research term paper of the student’s choice
- To broaden the scope of the seminar and to give students experience in oral presentation by having each present the findings of the student’s research paper to the seminar.
Materials


2. Course packet containing readings and edited cases. The course packet is available in the USD Bookstore.

3. Handouts distributed in class.

Field Trip Expense Reimbursement

Through a grant secure by the instructors, student travel expenses will be paid for the two field trips. The limits on expenditures are as follows:

- Airplane travel: $160 per round-trip ticket to the Bay Area (fly to San Jose and then fly back from San Francisco on Southwest). Same to Sacramento. Since the dates of travel are known in advance (see course outline), students are urged to make reservations early so that expenses can be kept low. The Bay Area field trip has been arranged so that students can depart very early on Thursday morning and arrive in the Bay Area in time for session beginning at 9 a.m. at Stanford. Same for the Thursday morning field trip to Sacramento.

- Meals are not included. Several rent cars will be needed for the Bay Area field trip, and reimbursement will be provided. Taxis eliminate the need for rent cars Sacramento.

After the two field trips, students must provide a receipt and boarding pass for the airfares for both trips. Submit these items no later than Friday, March 4 to Carmen Valencia in the School of Leadership and Education Sciences. Her office is Hill Hall 271. Her email address is cvalencia@sandiego.edu. Phone is (619) 260-8839.

Research Term Paper

This is a research paper course. Thus, the grading is based predominately on the writing of a research term paper. The paper is to be 20-25 pages in length exclusive of endnotes, double-spaced, and written in 12 point font. The purpose of the paper is to give each student the opportunity to delve deeply into an area of educational law and policy of interest to the student and to broaden the scope of the seminar by sharing the resulting information with fellow students through a class presentation. In the past, several students have gotten their papers published in respected law journals. The topic must relate to educational policy development from either a legal or social science perspective and must be approved by the instructors. Law students may wish to follow The Bluebook Uniform System of Citation. Education students may wish to follow the APA Style Manual. Either, however, will be acceptable.
The topics should be of interest to the student and be related to either the student’s work or academic study. For example, a law student might choose a topic that would extend that student’s knowledge in an area related to present or future law practice, while an education student might choose a topic that concerns an area of school administration or would be the first step toward a doctoral dissertation. In both cases, thought should be given to writing a paper intended for publication. Here are some suggested topics:

- Expressive association: the legality of combining free speech and the right of association to control membership in student organizations
- How acceptable are California colleges and universities to recognize non-a-g curriculum requirements related to career technical education for student admissions (the multiple pathways movement)?
- Privacy issues raised by the use of individualized student data tracking systems in public education
- Conflict among social scientists on the benefits of racially integrated schools
- What legal issues are emerging from the expanding use of general tax credits that enable families to enroll their children in private religious and nonreligious schools?
- What does research show regarding the effectiveness of California charter schools?
- How successful have proxies for race been in student school assignment?
- Interest group tactics
- The relationship between California teacher unions and teacher professional development
- Effectiveness of online learning (or virtual schools) in comparison with traditional classroom instruction
- Public versus private benefits of postsecondary education: What percentage of the costs should students bear?
- What strategies can public and private postsecondary institutions employ to control student misuse of their own electronic communication devices on and off campus?

As noted in the accompanying outline, dates are set during the semester for students to submit choice of topic and a three-paged detailed outline, an initial draft of the paper, and the final draft. The instructors will interact with the students during each stage of the paper’s construction. The final paper will be graded in the context of the grading systems of the student’s respective school.

During the last several seminar sessions, each student will deliver a 20-minute presentation on the substance of the term paper, followed by 15 minutes of class interaction. Prior to the presentation, the speaker will provide each seminar participant with a three-page outline of the major points covered in the paper. Use of PowerPoint is encouraged during the presentation to help illustrate the points being made. To facilitate student presentations, the instructors will offer an opportunity for those interested to talk about how to make effective presentation.
Evaluation

Course evaluation will be based on the following:

30%: The quality of the student’s presentation to the class, including the three-page accompanying handout.

70%: The quality of the final research term paper both in terms of depth of the research and the quality of writing.

Attendance Policy

Since participation in this seminar is integral to the learning process for all students, it is imperative that students attend every class, including the sessions held in the Bay Area and in Sacramento. The instructors will circulate an attendance sheet at the beginning of each seminar for each student to sign. This will be the official attendance record. If a student is late to class or needs to leave class early, please inform Prof. Kemerer in advance. In the rare instance when a student has to miss an entire class, please inform Prof. Kemerer in advance to obtain clearance. The student has the obligation to make up any work that was missed and to ask a colleague to collect any materials that were distributed in the missed class. If a student misses more than one class session under these conditions, the student’s grade will be reduced by one grade level (e.g., an A to an A-). A written notice will be sent to the student, with a copy to the appropriate administrator in the law or education school. A student who misses more than two class sessions will be dropped from the course. The same is true of a student who misses either of the two field trips, given their centrality to the purpose of the seminar.

Contacting Prof. Kemerer

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About the Instructors

Frank Kemerer teaches education law in both the USD School of Law and School of Leadership and Education Sciences (SOLES) as a Professor-in-Residence. He also is associate director of the Center for Education Policy and Law. He is the author or coauthor of eleven books including the legal textbook Constitutional Rights and Student Life (West Publishing Co.1979), The Educator’s Guide to Texas School Law (University of Texas Press, seventh edition 2010), and California School Law (Stanford University Press, second edition 2009). His 1991 biography of federal judge William Wayne Justice was reprinted in 2008 in paperback with an extended
epilogue. The original book was designated a *Scribes* Book Award finalist by the American Society of Legal Writers. Prof. Kemerer has authored several books on school choice. He has served as a private school director, a research associate at the Center for Educational Research at Stanford, a professor and university administrator in the State University of New York, and as Regents Professor at the University of North Texas in Denton. He received all his degrees from Stanford University including a Ph.D. in educational administration and policy analysis with a law minor from Stanford Law School.

Scott Himselstein is Director of the Center for Education Policy and Law (CEPAL) at USD. Prior to this position, he was Deputy and then Acting Secretary of Education for the Governor’s Office of the Secretary of Education. In that capacity, he was responsible for overseeing the day-to-day operations for the office including the development of a 66.1 billion dollar education budget, policy and legal analysis of over 400 education-related bills, and serving as the Governor’s chief advisor for k-12 and higher education. Until his appointment by Governor Schwarzenegger he was the Chairman and CEO of the National Even Start Association, a 250 million dollar congressionally funded family literacy initiative. Mr. Himelstein has serves as the President of the William D. Lynch Foundation for Children, a private philanthropic foundation that focuses its resources toward literacy and other educational issues. He was appointed by the San Diego City Schools Superintendent to chair San Diego Reads, a communitywide initiative that raised over 4 million dollars to provide 1.5 million books in San Diego school classrooms. Mr. Himselstein received his bachelor’s degree from the University of San Diego.