New York University
Robert F. Wagner Graduate School of Public Service
Law for the Education Policymaker
(PADM-GP 2486), Section: 001
Spring 2015
**DRAFT**

Time: Wednesdays, 4:55 p.m.-6:35 p.m.  Location: 194 Mercer
Instructor: Natasha Wilson
Email: nmw3@nyu.edu
Office Hours: W, 7:15-8:15 p.m. (and by appointment), Puck Building, Room 3071

COURSE DESCRIPTION

Law and regulation are integral components of public policymaking at all levels (i.e. local, state, and federal), due to the various ways law and regulation intersect and shape political discourse throughout the United States. This intersection is particularly evident in the area of education policy. This seminar course examines fundamental concepts of law and the nature of powers vested in administrative agencies through an education lens to guide understanding of law and regulation on a specific area of public policymaking.

Over the course of a semester, we will examine foundations of law and regulation (e.g., analyzing court opinions, searching administrative statutes and code, examining precedential case law in the area of regulation) using current issues in education policy to focus our learning. Additionally, students will use case study analyses in education to explore and analyze critical problems and challenges faced by policymakers who work in a political and regulatory landscape that is ever-changing.

Learning Objectives:
- Understand how to search for court opinions, statutory law, and administrative law using legal databases (e.g., Westlaw, Lexis Nexis);
- Understand how to do basic legal citations and use them in professional writing;
- Acquire knowledge foundation about administrative and regulatory law in the U.S.;
- Acquire knowledge foundation about current issues in regulation and education policy.

Course Requirements/Assignments/Expectations:

Class preparation and participation are essential for this course. Students are expected to read required texts in advance and be prepared to participate in class discussions. There is both a speaking and listening component to participation: sharing your ideas and reflecting on/responding to the ideas of others. For the last six class
sessions, we will use regulatory policy and law to examine, analyze, and provide solutions for a particular educational policy conundrum, and students will be expected to speak insightfully and analytically during case study class sessions. In addition to class participation, students will be required to write two policy memos and a final paper. More detailed instructions of all assignments will be posted on NYU Classes. Please refer to Wagner School Academic Code for information about academic honesty (https://wagner.nyu.edu/students/policies/academic-code) and to the following link for information on Grading Guidelines (https://wagner.nyu.edu/admissions/gradingGuidelines.pdf).

Late assignments will lose one letter grade for each day they are late (which begins immediately after the posting deadline). There is a 10% grade deduction per day that an assignment is late. If you are facing some kind of serious and urgent situation that could delay turning in the assignment, contact me as soon as possible to discuss other arrangements.

COURSE REQUIREMENTS

There are three course requirements. Each accounts for a percentage of your grade:

- **Policy Memo**– (4 page maximum, double spaced) x 2 30% (15 points each)
- **Final Paper** – (10 page maximum, double spaced) 50% (50 points)
  - Policy/Law/Regulation Identification Paragraph (2 pts.)
  - Proposed Outline (2 pts.)
  - Proposed Literature Review (2 pts.)
  - Final Paper (44 pts.)
- Class Participation 20% (20 points)

---

1) **Policy Memos** (30%) – Due on **March 4th** and **April 15th**. In these two case analyses (4-page maximum, double spaced), you will be given a policy “problem” that potentially impacts intended reforms of an education-oriented group, association, or organization. You will be expected to analyze their issue(s) and provide a response based upon course readings and discussion using proper legal citations. You will receive policy memo prompts on February 4th and March 15th.

2) **Final Paper** (50%). Students will write one policy research paper (10 page maximum, excluding references) that includes analysis of an education policy, legislation, law, or regulation of your choosing (that has not been a focus of a class session). This paper is intended to be a programmatic evaluation, whereby students have the opportunity to examine the historical context of the policy, analyze how and why this policy (or law, regulation, or piece of legislation) was proposed, adopted, and implemented, and also analyze the challenges, benefits,
and consequences to actors who were targeted and have been impacted by the policy. Relevant literature, data, and class discussion and readings should be used to support your analysis. To facilitate the paper writing process, the following benchmarks have been established:

1) **Policy identification**: Students are to submit a paragraph on March 12th that describes the policy, legal opinion, or legislation they want to examine and briefly explains: A) the specific problem that this policy, legal opinion, or legislation is intended to address, B) the rationale for choosing this policy, legal opinion, or piece of legislation, and C) how this policy, legal opinion, or legislation impacts a particular group, organization, or population subset.

2) **Outline** – An outline (1-page maximum) that provides a guide for what topics will be covered in the final paper is due on April 2nd. *It is assumed that the organization of the final paper may deviate from the proposed outline.*

3) **Literature review**: An annotated bibliography providing the literature that will be used to investigate the policy is due April 2nd. The intent is to provide an opportunity for students to show progress. *It is assumed that this initial review of the literature will be incomplete.*

4) **Final papers** are due by May 7th.

All papers should be double-spaced, have 1-inch margins, and use Times New Roman, 12 pt. font.

All assignments should be submitted on NYU Classes one hour before class begins on the day they are due. If not, they will be considered one day late (Instructions for posting will be provided.)

3) **Class Participation** (20%). Class participation includes active participation in class discussion and during in-class case studies.

“A” Level Participation
- Absent no more than once during the semester. Sends email ahead of time to tell me you will miss class.
- Regularly participates in class discussion.
- Comments are clear, succinct, and relevant to the current conversation.
- Takes risks in answering difficult questions or offering unpopular ideas.
- Is prepared for class, as evidenced by:
  - Applying ideas from the readings to the discussion
  - Challenging or extending ideas in the readings
  - Integrating or contrasting ideas from current readings with previous readings
“B” Level Participation
- Absent no more than twice. May not send email to me ahead of time.
- Participates occasionally.
- Comments are sometimes unclear, long-winded or not relevant to discussion.
- Answers questions but rarely takes risks.
- Is less prepared for class (see above).

“C” Level Participation
- Absent no more than three times. Doesn’t email professor ahead of time.
- Offers input rarely.
- Is unprepared for class.

**Required Reading:** Required readings are listed for each session (See text and readings after each session heading). You are expected to read all required readings prior to attending class. Most readings are posted on NYU Classes, but a number are in the course packet, available at Unique Copy Center. Finally, this syllabus is a “living” document, which means that reading assignments may change due to classroom discussion, so be sure to check NYU Classes regularly for announcements, reminders, readings, assignments, etc.

**Textbook:**


Other required readings are placed on NYU Classes or in the Course Packet, available at Unique Copy Center.
Session Readings (**Readings to be done before each class session.**)

**Session 1. Introduction to law and Brown v. Board of Education as foundation for education policy**

**Readings for Session 1 (January 28, 2014): (**Read Brown before other readings.**)**


**Session 2. Challenges with Brown implementation**

**Readings for Session 2 (February 4, 2014): (Ungraded case brief due)**


**Session 3. Introduction to administrative law and legal citation**

**Readings for Session 3 (February 11, 2014):**

Session 4. Civil rights and education policy after Brown: Title 1
Readings for Session 4 (February 18, 2014):


Session 5. Civil rights and education policy after Brown: Students with disabilities and the U.S. Department of Education
Readings for Session 5 (February 25, 2014):


Session 6. Policy challenges with U.S. DOE’s implementation of IDEA.
Readings for Session 6 (March 4, 2014): (Memo #1 due)


Session 7. Department of Health and Human Services and education policy
Readings for Session 7 (March 11, 2014): (Final Paper-Policy Identification Paragraph due)


Session 8. Challenges with Head Start as educational and health policy.

Readings for Session 8 (March 25, 2014):


Session 9. Overview of No Child Left Behind

Readings for Session 9 (April 1, 2014): (Final Paper-Outline and Literature Review due)


Session 10. Accountability and No Child Left Behind

Readings for Session 10 (April 8, 2014):


Session 11. Finance, reforms, and outcomes and No Child Left Behind

Readings for Session 11 (April 15, 2014): (Memo #2 due)


Session 12. The “unfulfilled” mandated of No Child Left Behind and the introduction of the Race to the Top initiative

Readings for Session 12 (April 22, 2014):


**Session 13. Educational reform and NYC Department of Education**

**Readings for Session 13 (April 29, 2014):**


**Session 14. What is the future of education policy in NYC?**

**Readings for Session 14 (May 6, 2014): (Final Paper due)**


### Course Outline by Session:

<table>
<thead>
<tr>
<th>Session 1</th>
<th>Session 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Introduction to the legal system (overview of federal constitution/amendments, foundations of statutory and case law, state law) - Overview of legal citation (Statutes, Case Law) - Brown v. Board of Education - How to “brief” a case</td>
<td>- Skill Application: Examining the “life cycle” of a legal proceeding (from initial filing to a judicial opinion) - Brown v. Board of Education II - <strong>Submit case brief for Brown II</strong> (ungraded)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Session 3</th>
<th>Session 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Introduction to regulatory and administrative law - Overview of legal citation (Municipal/State/Federal regulations)</td>
<td>- Skill application: Examining the “life cycle” of a regulatory law (from grant of rulemaking authority to regulatory action) - Title I, Elementary and Secondary Education Act</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Session 5</th>
<th>Session 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Regulations and Policy Overview: Individuals with Disabilities Education Act</td>
<td>- Case Study: IDEA - <strong>Memo #1 due</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Session 7</th>
<th>Session 8</th>
</tr>
</thead>
</table>
- **Final Paper (Policy Identification Paragraph due)** |

<table>
<thead>
<tr>
<th>Session 9</th>
<th>Session 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Regulations and Policy Overview: Department of Education (No Child Left Behind) (NCLB) - <strong>Final Paper (Outline and Literature Review due)</strong></td>
<td>- Case Study: U.S. Department of Education: NCLB and Race to the Top (RTTP) - <strong>Memo #2 due</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Session 11</th>
<th>Session 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Case Study: U.S. Department of Education - Department of Education (cont’d.) (NCLB and RTTP)</td>
<td>- <strong>Department of Education (cont’d) (NCLB and RTTP) – Memo #2 due</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Session 13</th>
<th>Session 14</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Regulations and Policy Overview: New York City Department of Education</td>
<td>- Case Study: New York City Department of Education (Current State of Affairs) - <strong>Final Paper due</strong></td>
</tr>
</tbody>
</table>