

School Law Preparation of Mentor-Teachers: A Pedagogical Model

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Abstract

The growing trend in the United States public schools is to provide mentors for beginning teachers. This development, along with the subsequent professional development needs of mentor-teachers, has direct implications on schools of education in the United States. The burgeoning practice of utilising mentor-teachers may have relevance to schools of education in other countries, as well. Research on mentoring notes the practical value of having prepared mentors to assist beginning teachers in the duties of the classroom teacher. As supervisor, coach, and guide, mentors assume the responsibility of explaining to their protégés the procedural issues surrounding the professional role of the teacher. While most of their discussions focus on instructional concerns, issues of education law do arise. Mentor-teachers need a current understanding of education law to assist new teachers, most of whom have not received preparation in education law. This responsibility may require mentors to receive formal preparation in legal issues.

The purpose of this article is two-fold. First, it provides a brief literature review of the increasing need for mentor-teachers and the rationale for education law preparation in mentor-teacher programs. Secondly, it outlines a professional development program that provides mentors with a general knowledge of education law in preparation for their mentoring role. While the statutes and other laws found in the professional program directly relate to the United States, the pedagogical format of the program could serve as a model for the preparation of mentor-teachers in other countries. Within this structure, the appropriate laws of the particular country could be applied. Moreover, this article could be a resource for a comparative study of preparation programs for mentor-teachers of different schools of education as well as in different countries.

Beginning Teachers' Need For Mentors

The practice of assigning mentors to beginning teachers is increasing in public schools of the United States (American Association of Colleges of Teacher Education, 1995). Mentors play a critical role in the professional preparation of new teachers (Cordeiro & Smith-Sloan, 1995; Ganser & Koskela, 1997; Hadden, 1997; Hawkey, 1997; Kajs, Willman, & Alaniz, 1998). Mentors serve as confidants, counselors, coaches, guides, and supervisors to beginning teachers as they struggle with the common problems of the teaching profession (Cordeiro & Smith-Sloan, 1995; Gilstrap & Beattie, 1996; Hadden, 1997; Hawkey, 1997). Research has identified eight common problem areas of new teachers (Niebrand, Horn, and Holmes, 1992). They include classroom management, motivational techniques, student diversity, performance assessment, parental relations, teacher materials and classroom supplies, class organisation, and student dilemmas (Niebrand, Horn, and Holmes, 1992, p. 84). Effective mentoring relationships can provide beginning teachers with the necessary assistance and support to handle stressful situations, characteristic of turbulent environments (McShulskis, 1997; Nelson & Quick, 1997). Research shows that beginning teachers who participate in successful mentoring relationships experience increased satisfaction and competence in the teaching profession (Thomsen & Gustafson, 1997) and surpass non-mentored teachers in professional growth (Spuhler & Zetler, 1994).

Many of the eight common problem areas (Niebrand, Horn, and Holmes, 1992) have either direct or indirect legal implications and consequences of which beginning teachers may lack awareness or understanding. This would not be unusual since very few undergraduate teacher education programs provide a course in education law (Sullivan and Zirkel, 1998). In survey results of 221 higher education institutions, only 18 of them '...offered a discrete education law course on the undergraduate level' (Sullivan and Zirkel, 1998, p. 6). These findings are in stark contrast to the results of a survey of Education Law Association (ELA) membership in which 94 percent of the respondents believed '...that teacher education requirements should include an education law course' (Sullivan and Zirkel, 1998, p. 6).

Rationale For Education Law Preparation In Mentor-Teacher Programs

A comprehensive mentor-teacher preparation program should include an education law component for varied reasons. First, most mentor-teachers probably did not receive an education law course in their undergraduate teacher education program. Secondly, if they had completed a course in education law, this information may be outdated depending on the completion date of their teacher preparation program. Thirdly, while mentor-teachers serve in a supervisory role, the mentor selection process does not usually include the requirement of an administrator/supervisor certificate or a master's degree calling for a course in education law. Thus, most mentor-teachers probably have not taken an education law course. Lastly, school administrators may assume that the mentoring role includes providing guidance and explanation of legal issues in education to beginning teachers.

Education law preparation will serve two major purposes. First, mentor-teachers will be better prepared to counsel and guide the beginning teacher in matters of education law. Without this legal knowledge, mentor-teachers may lack the awareness of a problem or the

answer to a dilemma, or may lack the confidence to try to handle a critical issue (Hawkey, 1997). Secondly, this preparation can meet mentor-teachers' professional and personal growth needs as part of their lifelong learning development (Chickering, 1994; Collinson, Sherrill, and Hohenbrink, 1994).

Education Law Preparation In A Mentor-Teacher Program

The mentor-teacher professional development program should offer an education law component to mentors so they can assist beginning teachers in their rights and responsibilities as well as those of students. The preparation should incorporate relevant topics of education law (e.g., special education and tort liability) and pedagogical practices (e.g., discussion, group work, and legal research) [Sullivan & Zirkel, 1998]. This professional program can take the form of a staff development workshop or college/university course, depending on the expectations and needs of the participants, the sponsoring organisation (e.g., school district), and the institution offering the instruction (e.g., university).

The following framework provides an outline of a model program, consisting of a fifteen-hour workshop, the equivalency of a one semester-credit-hour (SCH) university course in general knowledge of education law. The workshop or course consists of five, three-hour blocks of instruction. The structure of each block includes the learning objectives, and the lesson plan, linkage/extension, rationale, and scenario that support each objective. A short explanation of the components is provided as follows:

- Learning Objective: The knowledge/skill or ability/attitude students are expected to acquire during the class session.
- Lesson Plan: The subject matter/demonstration/interaction provided to meet learning objectives.
- Linkage/Extension: The subject matter/demonstration/interaction presented is linked and extended to other topic(s) in education law.
- Rationale: The purpose of the subject matter/demonstration/interaction in the preparation of mentor-teachers is provided.
- Scenario: The brief example/scenario/situation demonstrates the rationale.

Block One: Introduction to the Legal System

1. Learning Objective: Participants will understand the concepts and organisation of the criminal and civil systems.
 - Lesson Plan: To meet this objective, the use of scenarios that illustrate, among other things, that in the criminal system the parties are the government against the person accused of violating a criminal law, and in the civil system the parties are a moving party bringing suit for a breach of contract or other civil duty against the defending party best conveys the subject matter. The use of scenarios will facilitate the introduction to, and comparison of, terminology, burdens of proof, and rights of parties.

- Linkage/Extension: This objective links to almost all of the topics discussed in this model because it is fundamental to the characterisation of fact situations that are presented for analysis.
 - Rationale: This objective begins the understanding of the structure of the legal system.
 - Scenario: A physically beats up B. A is charged with committing the crime of assault. B files suit against A for money to compensate B for his medical expenses, loss of earnings, and pain and suffering. Is it necessary for B to ‘press charges’ for A to be prosecuted in the criminal system? What role does B play, if any, in the criminal prosecution? Can there be both a criminal prosecution and a civil action brought against A arising from the same occurrence? In the civil action, is the assault characterised as a tort or breach of contract? Is it possible for A to be acquitted in the criminal prosecution, but found liable in the civil action? If so, what are the elements of each system that could cause such a result?
2. Learning Objective: Participants will understand the relationship between federal and state governments in the United States, which is organised as a federation of sovereign states. Participants also will become knowledgeable of the sources of law that impact on education law (e.g., constitutions, statutes, judicial opinions, administrative regulations, and local district policies).
- Lesson Plan: To meet this objective, the subject matter is best conveyed by a general discussion of federalism, including a discussion of (1) how the United States (U.S.) Constitution grants powers to the federal government; (2) how the first ten amendments to the U.S. Constitution, referred to as the Bill of Rights, limit powers of the federal government by enumerating certain individual rights that have been balanced against governmental interests in court decisions; (3) how the Fourteenth Amendment to the U.S. Constitution limits powers of state governments by declaring that individuals have liberty and property rights, known as substantive due process rights, and by prohibiting states from infringing on these rights without affording the individual procedural due process; (4) how the Bill of Rights has been funneled to the states via the Fourteenth Amendment by the courts on a case by case basis; (5) how the Tenth Amendment to the U.S. Constitution, which reserves to the states or the people all powers not specifically granted to the federal government by the U.S. Constitution, acts as a barrier for the federal government to impact on education; and (6) how the Tenth Amendment can be pierced to impact powers otherwise reserved to the states. Knowledge of the sources of law that impact on public education is best conveyed by a description, through the use of lecture and diagrams, of the origin and function of each source and how each source fits into an overall hierarchy of sources.
 - Linkage/Extension: This objective links to all topics discussed in this model because it is fundamental to all the learning objectives.
 - Rationale: This objective adds an essential component to the structure of the legal system.
 - Scenario: A federal statute prohibits school districts from discriminating against persons on the basis of sex. Does this statute violate the Tenth Amendment? Would it pass muster under the Tenth Amendment if it applied only to districts that receive federal funds? Could it be reasonably argued that without the funding requirement that the statute protected a

right under the U.S. Constitution, thus passing muster under the Tenth Amendment? Could you connect this statute to the commerce clause of the U.S. Constitution?

3. Learning Objective: Participants will understand the organisation of the federal and state court systems.
 - Lesson Plan: To meet this objective, diagrams of both the federal and state court systems best convey the subject matter. The accompanying discussion should include an overview of subject matter jurisdiction, geographic boundaries of authority, the functions of trial courts and appellate courts, discretionary appeal writs and the weight given, if any, to opinions that stand after the denial of a writ, and under what circumstances matters can jump from the state system to the federal system.
 - Linkage/Extension: This objective links to all the topics discussed in this model because a significant source of education law is the body of judicial decisions that interpret legislative acts and constitutions and that balance competing interests.
 - Rationale: This objective adds another essential component to the structure of the legal system and assists participants to assess the weight and applicability of judicial decisions.
 - Scenario: A teacher sends a student home for misconduct in violation of district policy, state law and due process under the Fourteenth Amendment. Could a suit be filed in federal court? Why? Could a suit be filed in state court? Why? If the suit is filed in state court and the defendants would rather have the matter heard in federal court, can the defendants remove the case from state court to federal court? Can state courts hear federal questions? Can federal courts hear state issues? If the suit alleges that the teacher had violated only the Fourteenth Amendment due process clause because a state statute and district policy permitted the teacher's action, could the plaintiffs challenge the statute and policy as violative of the Fourteenth Amendment? If on appeal, the state's highest court upholds the state statute and district policy, could the plaintiffs appeal to the U.S. Supreme Court? Could the U.S. Supreme Court deny the appeal?
4. Learning Objective: Participants will have a general understanding of the First, Fourth, Tenth, and Fourteenth Amendments to the U.S. Constitution.
 - Lesson Plan: To meet this objective, diagrams and discussion best convey the subject matter. They should (1) describe the gateways through the Tenth Amendment that allow the federal government to impact functions reserved to the states; (2) dissect Fourteenth Amendment due process, both substantive and procedural, and equal protection, together with a discussion of the levels of scrutiny used by courts to review state laws and practices; (3) introduce the free speech, free exercise of religion, and establishment of religion clauses of the First Amendment; and (4) introduce the Fourth Amendment prohibition of unreasonable searches.
 - Linkage/Extension: This objective links to the discussions of student rights (Block Two) and student discipline (Block Three) in the context of balancing students' Fourteenth Amendment substantive and procedural due process rights and students' First and Fourth Amendment rights against the schools' right to maintain an orderly learning environment. It also links to the discussion of students with special needs (Block Five) with respect to

the power of the federal government to regulate public education. It also links with the discussion of liability and immunity (Block Four) in the context of the response by school officials and school districts to legally protected student conduct.

- Rationale: This objective acquaints participants with the U.S. Constitutional underpinnings of laws, regulations, and policies that affect public education.
 - Scenario: See Blocks Two, Three, Four, and Five
5. Learning Objective: Participants will have a general understanding of state juvenile justice systems.
- Lesson Plan: To meet this objective, a review of the concepts of the criminal and civil justice systems, followed by a discussion of how juvenile justice systems are a hybrid of the two systems, best conveys the subject matter. A diagram of the structure and functions of juvenile justice boards established by counties, which are subdivisions of the state, best demonstrates the link with the Texas school discipline system, Tex. Educ. Code Sections 37.001 *et seq.*
 - Linkage/Extension: This objective links with the discussion of student discipline (Block Three) with respect to state-mandated referrals to county institutions as sanctions for certain student misconduct.
 - Rationale: This objective acquaints participants with the concept that state juvenile justice systems are a blend of the criminal and civil systems and gives participants an awareness that school discipline systems and juvenile justice systems are separate, parallel systems that sometimes link.
 - Scenario: Two eighth grade students are referred to in-school detention for fighting with each other on school grounds. The district has a policy that if two or more students are involved in the fight, all will be referred to detention. It also is the district's policy that all the involved students will be referred to law enforcement officials. When law enforcement officials receive the referral and investigate the matter for the purpose of deciding whether to prosecute the students in the state juvenile justice system, they conclude that only one of the students should be accused of assault. The other student is not accused. Can the school's discipline system sanction both students when the state accuses only one? If the student accused in the state juvenile justice system is ultimately tried in juvenile court for the offense, might the other student and school employees involved in the occurrence be called as witnesses?
6. Learning Objective: Participants will understand the structure of the Texas public school system.
- Lesson Plan: To meet this objective, diagrams and accompanying discussion that describe the roles, relationships, and functions of the many components of the system best convey the subject matter. The components of the system include the Texas Legislature, the State Board of Education, the Texas Education Agency, the Commissioner of Education, local boards of trustees, superintendents, and principals.
 - Linkage/Extension: This objective links to all topics discussed in this model because it provides a framework for learning more detailed aspects of education law.

- Rationale: This objective enhances participants' awareness of the teacher's role in the system.
- Scenario: See Blocks Two, Three, Four, and Five

Block Two: Student Rights

1. Learning Objective: Participants will understand how the law governing student rights has evolved from a standard of reasonableness and the mantra of protection under the doctrine of *in loco parentis* to the establishment of protected rights under the U.S. Constitution.
 - Lesson Plan: To meet this objective, a discussion of how common law established reasonableness as the fulcrum upon which the student-school relationship is balanced, followed by a discussion of how this common law doctrine gave way via court decisions to recognizing the constitutional rights of students best conveys the subject matter.
 - Linkage/Extension: This objective links to the discussion of student discipline (Block Three) because it underlies how schools establish policies and practices to manage student misconduct without trammeling the legally protected rights of students. It also links to the discussion of liability and immunity (Block Four) because how school officials and school districts manage student misconduct may expose both to liability.
 - Rationale: This objective sets the stage for understanding the body of constitutional law that underlies regulation of student conduct, expression, exercise of religion, and searches.
 - Scenario: A teacher paddles a student. What provisions of the U.S. Constitution might be violated? Does the Eighth Amendment prohibition of cruel and unusual punishment apply? Why or why not? Does the teacher violate the student's substantive due process rights under the Fourteenth Amendment? Does the severity of the paddling have any impact on the legal implications? Can the teacher be criminally prosecuted for assault? Can the teacher be sued as a civil matter? Does every civil or criminal wrongdoing by a teacher against a student violate the student's rights under the U.S. Constitution?
2. Learning Objective: Participants will understand the rights students in the school setting enjoy regarding speech, both verbal and non-verbal, as balanced against the authority afforded school districts to infringe upon those rights in maintaining an orderly learning environment and as compared to the free speech rights of citizens outside the school setting.
 - Lesson Plan: To meet this objective, an analysis of *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 89 S.Ct. 733 (1969), which established the material and substantial disruption standard regarding, in this case, non-verbal speech, and which made the famous statement that students do not 'shed their constitutional rights to freedom of speech or expression at the schoolhouse gate' best conveys the subject matter. From the analysis of *Tinker*, discussions of rights related to student publications, dress codes, and hair length should flow.
 - Linkage/Extension: This objective links to discussions of both student discipline (Block Three) and liability and immunity (Block Four) because both topics address balancing

legally protected rights of students against the right of school officials and school districts to maintain order and provide a safe learning environment for educating students.

- Rationale: This objective will enable participants to assist their protégés to evaluate and deal with situations involving student expression so as to properly maintain order without infringing on a constitutionally protected student right.
 - Scenario: Three students wear rosaries, necklace style, to school. The school principal believes that a rosary worn in this fashion is a gang-related symbol. There is no disruption in the school resulting from the students wearing the rosaries. The students are suspended for wearing gang-related apparel, which is prohibited by the school's conduct code. If wearing rosaries in this fashion cannot be proved to be a gang-related symbol, does the suspension violate the students' right of free speech? If wearing the rosaries in this fashion is proved to be a gang-related symbol, would your answer be different? Does it make a difference that there is no disruption arising from the students' conduct? Does it make a difference if the rosaries are intended to make a political statement? (See the church/state implications under the next learning objective.)
3. Learning Objective: Participants will understand the rights students in the school setting enjoy regarding their free exercise of religion and their right to be free from a state-established religion, both components of the First Amendment religious freedom provision.
- Lesson Plan: To meet this objective, a discussion of the concept of the two components of First Amendment freedom of religion best conveys the subject matter. The two components are: (1) the free exercise clause, which prohibits government from burdening an individual's right to exercise his religion without a reason that is subject to judicial scrutiny; and (2) the establishment clause, which prohibits government from establishing a government-sponsored religion.
 - Linkage/Extension: This objective links to discussions of both student discipline (Block Three) and liability and immunity (Block Four) because both discussions address balancing legally protected rights of students, including their free exercise of religion rights, against the right of school officials and school districts to maintain order in the school house. School policies and practices that establish a government-sponsored religion exposes school officials and school districts to liability.
 - Rationale: This objective enables participants to assist their protégés to not over react to students who are exercising their right of free exercise of religion for fear that they are violating the doctrine of separation of church and state and to be cognisant of how the protégé might violate the establishment clause.
 - Scenario: Assume same scenario as in the previous learning objective. If there is material and substantial disruption, but the students claim that the rosaries are symbols of their religion, does the suspension violate the students' right of free exercise of religion?
4. Learning Objective: Participants will understand the rights students in the school setting enjoy regarding privacy and unreasonable searches and will understand how these rights compare to the rights of citizens outside the school setting.

- Lesson Plan: To meet this objective, an analysis of *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733 (1985) best introduces the subject matter. With *T.L.O.* as a foundation, the discussion will proceed to the examination of the standard of cause necessary to search students and their property in the school setting as contrasted to the standard of cause necessary to search citizens and their property outside the school setting. The discussion will then explore search-related subjects such as individualised suspicion, the expectation of privacy, effective consent, articulable facts, reliable sources, general searches, strip searches, canine searches, and drug testing.
 - Linkage/Extension: This objective links to the discussions of both student discipline (Block Three) and liability and immunity (Block Four) because, as with other discussions of student rights, both topics address balancing legally protected rights of students against the school's right to maintain order and provide a safe learning environment. Liability issues come to the fore when balancing goes awry and school officials overstep legally permissible boundaries.
 - Rationale: This objective enables participants to assist their protégés to maintain order and enforce rules without trammeling students' constitutionally protected rights to be free from intrusions without reasonable cause and individualised suspicion where there is an expectation of privacy.
 - Scenario: There are several unresolved thefts in A's ninth grade art class, which is split by the lunch break. When the students break for lunch, B leaves her designer sneakers on top of her desk. When the students return from lunch, the sneakers are missing. The teacher, frustrated by the flurry of thefts, announces that she is going to search every student's backpack. The teacher asks for the students' consent to search. All students except two consent, A and C. When the teacher announces that anyone who refuses to consent will be suspended for ten days, C relents and consents to the search. The teacher searches all the backpacks but A's. A is suspended by the administration, which upholds the teacher's action. Does the teacher have reasonable cause to search everyone's backpack? Does the teacher have individualised suspicion of the students whose backpacks she searched? Does the teacher need to have reasonable cause and individualised suspicion if the students consent to the search? What will justify a general search, if anything? Does the threat of suspension impair C's ability to knowingly and voluntarily consent to the search?
5. Learning Objective: Participants will understand the rights students enjoy with respect to sex discrimination, both in teacher to student situations and student to student situations.
- Lesson Plan: To meet this objective, the subject matter is best conveyed by a review of substantive due process, in particular the liberty right to be free from state-occasioned damage to bodily integrity, and by the introduction to Title IX of the Education Amendment of 1972, 20 U.S.C. Section 1681, which prohibits discrimination on the basis of sex by any educational institution receiving federal funds, and to the regulations promulgated by the Office of Civil Rights, which implements and administers Title IX. The discussion then should proceed to two situations to which Title IX is applicable: teacher to student sexual harassment and student to student sexual harassment.

- Linkage/Extension: This objective links to the discussion of liability and immunity (Block Four) because teacher to student sexual harassment frequently results in both criminal liability on the part of the offending school official and civil liability on the part of the offending school official as well as school officials in a supervisory capacity and school districts. Potentially, unchecked student to student harassment will also result in at least civil liability on the part of school officials and school districts. This objective also links to the discussion of student discipline (Block Three) with respect to how school officials manage the offending student's misconduct in student to student harassment situations.
- Rationale: This objective enables participants to assist their protégés to have a heightened awareness of the serious nature of sex discrimination, particularly the sexual harassment component of sex discrimination, and to help their protégés be connected to school district policies and procedures when such matters are reported to them.
- Scenario: A, well known as a schoolyard bully, taunts B, a shy girl, with sexual verbal assaults and grabs her in a sexual manner. A also sexually taunts and grabs C, a boy who frequently is the target of teasing because he is obese. The teacher who regularly supervises the students at play when the taunting and grabbing take place, takes steps to modify A's behavior with regard to his conduct toward B, but takes no action with regard to A's conduct toward C, saying 'boys will be boys'. Is student to student harassment a violation of Title IX? Substantive due process? Is A acting on behalf of the state? Does state action attach when school personnel know of the harassment and fail to take action to stop it? Is it significant that the harassment of B, a girl, is treated differently than the harassment of C, a boy?

Block Three: Student Discipline

1. Learning Objective: Participants will understand the philosophy of rule making, particularly as related to procedural due process.
 - Lesson Plan: To meet this objective, a discussion, including examples, of the procedural due process concepts of notice and hearing, together with the suspect concepts of irrationality, vagueness, being over broad, and irrebuttable presumptions best convey the subject matter.
 - Linkage/Extension: This objective springs from the discussion of student rights (Block Two) because students' procedural due process rights underlie the policies and rules that schools establish to manage student conduct. It also links with discussions of liability and immunity (Block Four) because school officials subject themselves and their districts to potential liability when the rules they develop infringe upon legally protected rights of students.
 - Rationale: This objective will enable participants to assist their protégés to be fair to students when making classroom rules, to understand the 'why' underlying statutory and campus or district level rules, and to contribute meaningful insights to the campus level decision making.

- Scenario: A school district’s dress code prohibits the wearing of baggy pants. Is the term ‘baggy pants’ specific enough to give students and parents notice of the prohibited garment? Is there a reason to prohibit baggy pants? What is it? Does the rule cast too broad a net so as to prohibit acceptable garments? What if a student is disciplined for wearing baggy pants, and the student claims the pants are protected non-verbal speech expressing pride in the student’s ethnicity? (See Block Two.) Does the rule create an irrebuttable presumption by prohibiting the wearing of a type of garment without specifying exceptions?
2. Learning Objective: Participants will understand the structure of the Texas student discipline system as provided in the Texas Education Code. Tex. Educ. Code Sections 37.001 *et seq.*
 - Lesson Plan: To meet this objective, discussion and diagrams that show the hierarchy of offenses and their corresponding sanctions, together with the procedural due process required before administering the sanctions, best convey the subject matter.
 - Linkage/Extension: This objective links to the discussions of student rights (Block Two) and liability and immunity (Block Four) because despite the detailed nature of the state-created rules, there is potential for schools to infringe on students’ rights thus exposing school officials and school districts to liability.
 - Rationale: This objective will enable participants to assist their protégés to (1) distinguish between mandatory and discretionary disciplinary sanctions; (2) discern from the multi-level collection of student disciplinary rules the progressive nature of the relationship between prohibited student conduct and the corresponding sanctions; and (3) understand the progressive nature of the relationship between sanctions and the degree of procedural due process to which students are entitled.
 - Scenario: A student rudely cuts in line at the pencil sharpener, which conduct is not prohibited by the district’s Student Code of Conduct (SCC). A teacher is offended by the conduct and removes the student from the classroom. The principal also is offended by the conduct and removes the student to the district alternative education program (AEP) for 30 days. Can a student be sanctioned for conduct not prohibited by the SCC. Why? Assume the student’s conduct is prohibited by the SCC, what procedural due process is the teacher required to follow before removing the student from the classroom? What procedural due process is the principal required to follow before removing the student to the AEP?
 3. Learning Objective: Participants will understand the relationship between the school discipline system and the state juvenile justice system. Tex. Fam. Code Sections 51.03 *et seq.*
 - Lesson Plan: To meet this objective, a discussion of Juvenile Justice Alternative Education Programs (JJAEP) best introduces the subject matter. The discussion will note that every county having more than 125,000 population is required to establish a JJAEP, which becomes a part of the state’s juvenile justice system. A discussion of the conduct for which students must or may be referred to a JJAEP will follow the introductory discussion.

- Linkage/Extension: This objective is an extension of the discussion of the Texas school discipline system.
- Rationale: This objective will enable participants to assist their protégés to understand distinctions as well as the links between the two systems for the purpose of understanding the respective roles of the protégé and law enforcement officers.
- Scenario: A student is expelled and referred to the JJAEP by the superintendent's designated hearing officer for possessing a knife that, because of its size, is not only prohibited by the SCC, but the SCC makes the sanction for the conduct mandatory expulsion and referral to the JJAEP. What due process is required before the sanction can be imposed? Assume the student's parents appeal the hearing officer's decision to the school board complaining only about the referral to the JJAEP, can the board change the referral to the JJAEP? Can the board change the length of the expulsion and corresponding time the student must remain in the JJAEP? Assume the parents appeal the hearing officer's decision to the board claiming that the student did not possess the knife, or that the knife is a much smaller size that does not warrant mandatory expulsion and referral to the JJAEP, can the board change the hearing officer's determination with regard to possession or size? Assume the parent appeals the hearing officer's decision to the school board, claiming that the hearing officer did not conduct a fair hearing, can the school board overturn the hearing officer's decision?

Block Four: Liability and Immunity

1. Learning Objective: Participants will reinforce their understanding of the distinctions between criminal and civil liability.
 - Lesson Plan: To meet this objective, a review of the systems as presented in Block One best conveys the subject matter.
 - Linkage/Extension: This objective links to discussions of student rights (Block Two), student discipline (Block Three), and students with special needs (Block Five) because these areas include the potential for liability on the part of school officials and school districts.
 - Rationale: This objective will enable participants to assist their protégés to understand the type of jeopardy that will result if they engage in certain conduct.
 - Scenario: Assume the same paddling scenario as under the first learning objective in Block One.
2. Learning Objective: Participants will understand the components of negligence.
 - Lesson Plan: To meet this objective, discussion and a diagram of the concept of negligence best convey the subject matter.
 - Linkage/Extension: This objective links to all topics that give rise to potential liability because a significant portion of liability findings are based on negligence as opposed to intentional wrongdoing.

- Rationale: This objective will enable participants to assist their protégés to understand the importance of recognising their duties so as to avoid breaching those duties.
 - Scenario: A school nurse knows that a student suffers from asthma. District policy requires that all prescribed medications, including inhalers, are to be kept at the nurses' office. The nurse hears the student approaching the nurses' office because of his wheezing, but does nothing but wait for the student to arrive at the office. The student never makes it to the office. The nurse does not check to see why the student does not make it to the office. In the meantime, another student sees the asthmatic student collapsed on the hall floor and yells for help. The student sustains permanent injury despite being transported to the hospital. Does the nurse have a duty to intercept the approaching student with the inhaler left in the nurse's custody? When the student fails to arrive at the office, does the nurse have a duty to check to see what happened? Does the nurse breach any duty? If yes, does her breach of a duty cause damage to the student?
3. Learning Objective: Participants will understand the concept of immunity as the commission of wrongdoing in a safe zone.
- Lesson Plan: To meet this objective, a discussion that introduces the concept of immunity best conveys the subject matter.
 - Linkage/Extension: This objective links to all topics that include the potential for liability because the concept of immunity is an inseparable companion to the potential liability of government officials and governmental entities.
 - Rationale: This objective will enable participants to assist their protégés to understand that immunity is not a blank cheque and that wrongdoing is not undone even if the protégé is cloaked with immunity.
 - Scenario: Assume the scenario under the preceding learning objective. If the nurse is immune from civil liability, does this immunity make any breach of duty right?
4. Learning Objective: Participants will understand the distinction between individual immunity and governmental immunity, both in the state and federal systems, and the concept of vicarious liability.
- Lesson Plan: To meet this objective, exploration of the sources and, in general, the provisions of laws that grant immunity to either school districts or individuals best convey the subject matter. Laws that grant immunity include the Texas Tort Claims Act, Tex. Civ. Prac. & Rem. Code Sections 101.001 *et seq.*, with respect to school districts; the Texas Education Code, Tex. Educ. Code. Sections 22.051 *et seq.*, with regard to individuals employed by school districts; the doctrine of qualified immunity with regard to the defense of individuals who have been sued in the federal system under Section 1983, 42 U.S.C. Section 1983, a federal statute that enables a person to sue for money damages when that person's legally protected federal rights have been infringed; court cases that address the vicarious liability of school districts for the wrongdoing of its employees, *Faragher v. City of Boca Raton*, No. 97-282 (U.S. Sup. Ct. June 26, 1998); *Burlington Industries, Inc. V. Ellerth*, No. 97-569 (U.S. Sup. Ct. June 26, 1998); *Gebser v. Lago Vista Independent School District*, No. 96-1866 (U.S. Sup. Ct. June 22, 1998).

- Linkage/Extension: This objective is an extension of the general discussion of the concept of immunity.
- Rationale: This objective will enable participants to assist their protégés to understand the circumstances under which they can be liable or immune as an individual and the circumstances under which a district can be liable or immune as a governmental entity.
- Scenario: A high school coach has a sexual affair with a 14-year-old female student. The student's mother discovers the affair when she finds a mashed note from the coach in her daughter's bureau drawer. The student denies the affair. The mother reports the affair to the coach's principal, who disregards the allegation and brushes off the parent. The parent then reports the matter to the superintendent, who had been on the job for only two weeks. The superintendent suspends the coach with pay pending a district investigation. The investigation supports the conclusion that the allegation by the parent is correct. The student recants her denial. The district has no policy prohibiting sexual harassment and has no policy outlining procedures for employees to follow when such conduct is reported to them. Does the coach violate the student's substantive due process right to be free of damage to her bodily integrity? Is the coach liable? Does the principal show deliberate indifference to the allegation? Is the principal liable in his supervisory capacity? Is the superintendent liable? Is the school district liable?

Block Five: Students with Special Needs

1. Learning Objective: Participants will understand the sources and distinctions between Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794 (Section 504), a federal statute that prohibits educational institutions receiving federal funds from discriminating against applicable persons who are physically or mentally impaired, and the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sections 1400 *et seq.*, a federal statute that grants funds to states to provide a free, appropriate public education to applicable persons who are disabled.
 - Lesson Plan: To meet this objective, an introductory discussion of the way these federal statutes can constitutionally impact on state school districts, followed by a presentation contrasting the similarities and distinctions between the two statutes, best convey the subject matter.
 - Linkage/Extension: This objective links to the discussion of student discipline (Block Three) because the discipline of students with special needs is governed by these statutes and regulations promulgated by the federal agencies that administer them (Section 504-Office of Civil Rights) and (IDEA-Office of Special Education Programs). These statutes and regulations supersede the state statutory student discipline system. This objective also links with the discussion of liability and immunity (Block Four) because litigation against school officials and school districts for failure to comply with these statutes and regulations is burgeoning.
 - Rationale: This objective will enable participants to guide their protégés through the maze of these federal statutes and the regulations promulgated by the regulatory agencies.

- Scenario: A student has a history of disruptive behavior to the extent that neither he nor the other students in his classes are able to learn. The school at the parents' request has tested him. The testing results do not indicate that he meets the criteria to be identified as eligible for IDEA services. What can his teachers and counselors do to assist this child?
2. Learning Objective: Participants will be acquainted with the special needs terminology, definitions, acronyms, and underlying concepts.
 - Lesson Plan: To meet this objective, a diagrammatic presentation of terminology and acronyms best conveys the subject matter.
 - Linkage/Extension: This objective is an extension of the other discussions of students with special needs.
 - Rationale: This objective will enable participants to assist their protégés to communicate with other educators in special needs language.
 - Scenario: A first-year math teacher is approached by a more experienced teacher about a student. The experienced teacher states that this student is special ed, an ARD is needed to conduct a manifestation hearing and to look at the BIP, and to evaluate the LRE placement, but in the meantime the student must remain in his present class under the stay put rule. Is it likely that the first-year teacher will have a clue as to what the experienced teacher is talking about?
 3. Learning Objective: Participants will understand that students identified as disabled under IDEA or impaired under Section 504 cannot be disciplined under the state statutes and district policies and rules if the misconduct is a manifestation of the student's handicapping condition or impairment.
 - Lesson Plan: To meet this objective, a discussion that covers the concept and describes how school officials determine whether misconduct is or is not a manifestation of the student's handicapping condition or impairment best conveys the subject matter.
 - Linkage/Extension: This objective is an extension of the discussion under the first Learning Objective in this block.
 - Rationale: This objective will enable participants to alert their protégés to their duty to comply with these laws and avoid pitfalls.
 - Scenario: A student is identified as emotionally disturbed, thus disabled under IDEA. In a rage, the emotionally disturbed student pulls a knife on another student. An ARD meeting is convened to conduct a manifestation hearing to determine whether the misconduct is a manifestation of the emotionally disturbed student's handicapping condition. The ARD committee determines that the misconduct is a manifestation of the handicapping condition, and the student is not disciplined. What criteria should the ARD committee use in making the manifestation determination? May the student be assigned to an alternative setting pending the manifestation determination?

Summary

The assignment of mentors to beginning teachers is a growing practice in the United States public school system. This development, in turn, has professional development implications for mentor-teachers as well as schools of education that may serve as providers of this preparation. Mentor-teachers need an up-to-date general working knowledge of education law to counsel and guide new teachers when legal issues arise. This article outlined a professional development program that can serve as a pedagogical model in the preparation of mentor-teachers in education law. The program can take the form of either a fifteen-hour workshop or one SCH college/university course. This workshop/course not only prepares mentors in assisting beginning teachers, but also provides an opportunity for mentor-teachers to pursue professional and personal lifelong learning to better prepare themselves for the demands of a changing world (Cross, 1995).

This article can serve as an informational resource to schools of education in other countries. First, the fifteen-hour workshop/course for mentor-teachers can guide faculty in the development of a college/university preparation program. Secondly, the article provides a database that can be used to develop a comparative study of mentor-teacher preparation programs of schools of education in different countries. Lastly, this study can encourage the continued exploration of pedagogical practices and relevant topics in the preparation of public school teachers as well as administrators in education law.

Keywords

Education Law; Mentoring; Mentor-Teachers; Professional Development; Pedagogical Model; Protégés.

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