

# Education Politics and Policy

Spring 2008

**GOV-90dd (FAS)**

**Draft**

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**Office Hours:** Monday, 2:00-3:30, CGIS North, Room 433 (Gov.)

**Meeting Time:** W., 2-4

**Class Location:** TBA

- Requirements:**
1. Class Participation – 20%
  2. Five Short Papers on readings for upcoming class—30%  
750 words maximum; provide word count at top of page and sign name; papers without names will not be accepted.  
To be accepted, paper must be submitted by noon the Tuesday before class session at which topic is considered.  
Papers may be submitted for any 5 of the 9 class sessions beginning Feb.13 through April 16.
  3. Term Paper (approx. 20 pages) – 50%

**Course Description:**

Exploration of the impact the American legal system has had on American education. Quite apart from *Brown vs. Board of Education*, courts have addressed many other education matters, wrestling with the issues as diverse as student rights, school funding, freedom of speech in schools, due process procedures, religion in schools, school choice, and special education. Focus is on educational impact as much as on the justifications for the decisions.

**Reading Material Availability:**

Although required reading does not necessarily include the entire work, substantial passages are

assigned from the following books **available for purchase at the Harvard Coop**:

- 1) Gerald Grant, *The World We Created at Hamilton High* (Harvard, 1988)
- 2) Martin West and Paul E. Peterson, ed. *School Money Trials* (Brookings, 2007).
- 3) Arum, R. (2003). *Judging school discipline: The crisis of moral authority*. Cambridge, MA: Harvard University Press.
- 4) Joseph P. Viteritti, *Choosing Equality: School Choice, the Constitution, and Civil Society* Brookings Institution Press (May 30, 2001)

All court cases are available for downloading from the course website. Articles, unless otherwise noted, are also available through the website. All remaining articles are available in Course Packs on reserve at Lamont Library, CGIS Library, and the Kennedy School Library.

## **Topics and Readings**

### **Jan 30: Introduction**

### **Feb. 6: The Legal Framework**

- 1) Chapter 15 of Fiorina, Morris P., Paul E. Peterson, D. Stephen Voss, and Bertram Johnson. *America's New Democracy*, 3rd Edition. Longman/Penguin Academics, 2006. COURSE PACK
- 2) Chapters 1, 2, 3, and 10 of H. W. Perry, Jr., *Deciding to Decide: Agenda Setting in the United States Supreme Court*, Harvard University Press (February 8, 2005) COURSE PACK
- 3) *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, (1925) S.C.

### **Feb. 13: School Desegregation—The Law**

- 1) *Brown v. Board of Education* (1954) S.C.
- 2) *Milliken v. Bradley* (1977) S.C.
- 3) *Missouri v. Jenkins* (1990) S.C. (C. Thomas Dissent Only)
- 4) *Parents Involved in Community Schools v. Seattle School District No. 1*, (2007) S.C.

## **Feb. 20: School Desegregation—The Practice**

- 1) Rivkin and Welch, ‘Has School Desegregation Improved Academic and Economic Outcomes for Blacks?’ ([Course Website](#))
- 2) G. Rosenberg *The Hollow Hope*, pp.39-157. COURSE PACK

## **Feb. 27<sup>th</sup>: Free Speech in Schools**

- 1) *Tinker v. Des Moines* (1969) S.C.
- 2) *Morse v. Frederick* (2007) S.C.
- 3) Abigail Thernstrom, (1999). “Where Did All the Order Go? School Discipline and the Law,” In Diane Ravitch (Ed.), *Brookings Papers on Education Policy* (Washington, DC: The Brookings Institution, 1999), pp. 299-326. COURSE PACK
- 4) Arum, R. (2003). *Judging school discipline: The crisis of moral authority*. Cambridge, MA: Harvard University Press. pp. 1-127.

## **March 5<sup>th</sup>: Student Rights: Due Process, Search and Seizure, Corporal Punishment**

- 1) *Goss v. Lopez*, (1974) S.C.
- 2) *Ingraham v. Wright*, (1977) S.C.
- 3) *New Jersey v. T. L. O.*, (1985) S.C.
- 4) Arum, R. (2003). *Judging school discipline: The crisis of moral authority*. Cambridge, MA: Harvard University Press. pp. 127-215
- 5) Gerald Grant, *The World We Created at Hamilton High* (Harvard, 1988). Ch. 1, 2, and 3 (pp. 1-76.)

## **March 12<sup>th</sup>: School Equity Lawsuits**

- 1) *San Antonio Independent School District v. Rodriguez*, (1973) S.C.
- 2) *Serrano v. Priest*, 5 Cal.3d 584 (1971) (Serrano I); *Serrano v. Priest*, 18 Cal.3d 728 (1976) (Serrano II); *Serrano v. Priest*, 20 Cal.3d 25 (1977) (Serrano III). These are California Supreme Court Rulings.
- 3) Adequacy Lawsuit: A Critical Appraisal, in Marty West and Paul E. Peterson, ed. *School Money Trials* (Brookings, 2007).

- 4) Richard Briffault, “Adding Adequacy to Equity,” in Martin West and Paul E. Peterson, ed. *School Money Trials* (Brookings, 2007).

### **March 19<sup>th</sup>: School Adequacy Lawsuits**

- 1) *Hancock v. Driscoll* (2005). This is a Massachusetts Supreme Judicial Court case.
- 2) *Rose v. Council for Better Education*. This is a Kentucky Supreme Court case.
- 3) *CFE v. State of New York (III)* (2006). This is a New York’s Court of Appeals case.
- 4) Robert M. Costrell, “The Winning Defense in Massachusetts,” in Marty West and Paul E. Peterson, ed. *School Money Trials* (Brookings, 2007).
- 5) Fredrick Hess, ‘Adequacy Judgments and School Reform’ in Marty West and Paul E. Peterson, ed. *School Money Trials* (Brookings, 2007)
- 6) Eric Hanushek, ‘An Adequate Education’ in Marty West and Paul E. Peterson, ed. *School Money Trials* (Brookings, 2007)

### **April 2<sup>nd</sup>: Establishment versus Free Exercise: Religion in Public Schools**

- 1) *West Virginia State Board of Education v. Barnette*, (1943) S.C.
- 2) *Lemon v. Kurtzman*, (1971) S.C.
- 3) *Wisconsin v. Yoder*, (1972) S.C.
- 4) *Santa Fe Independent School Dist. v. Doe*, (2000) S.C.
- 5) Kenneth Dolbeare, *The School Prayer Decisions: From Court Policy to Local Practice* Univ of Chicago Pr (Tx) (April 1971). Chapters 1 and 2. COURSE PACK

### **April 9<sup>th</sup>: School Choice**

- 1) *Committee for Public Education v. Nyquist*, (1973) S.C.
- 2) *Zelman v. Simmons-Harris*, (2002) S.C.
- 3) *Bush v. Holmes* (2006). This is a Florida Supreme Court decision.

- 4) All of Joseph P. Viteritti, *Choosing Equality: School Choice, the Constitution, and Civil Society* (Brookings Institution Press (2001)
- 5) Jeffrey R. Henig, "School Choice Outcomes," in Stephen D. Sugarman and Frank R. Kemerer, eds, *School Choice and Social Controversy* (Brookings, 1999), Ch. 3 (pp. 68-107). Course Pack.

**April 16<sup>th</sup>: Special Education Rights, Mainstreaming**

- 1) *Mills v. Board of Education* (1972). This is a Federal District Court case.
- 2) Ch. 4, 5, 6, and Epilogue (pp. 77-165; epilogue) of Gerald Grant, *The World We Created at Hamilton High* (Harvard, 1988). Paperback.
- 3) *Thornock v. Boise Independent School District* (1988). This is an Idaho Supreme Court decision.

**April 23: Student Presentations**

**April 30: Student Presentations**