

Education and the Constitution Seminar

Tentative Syllabus

Hutchison

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Text & Materials: Education Myths by Jay Greene, lots of Handouts, and assigned law review articles. You can purchase Education Myths at Amazon.com or some other outlet for the best price.

- **Students will complete a paper and make presentations on law review articles as part of this seminar. Students will also present a synopsis of their paper during the class.**
- **Vigorous Student participation required.**

Reading Assignment for first 8-10 weeks. This reading assignment may be updated later. I reserve the right to change the reading assignment depending on current events involving education and the law.

Education Myths	Other	
Week 1- read pages 1-50		
Week 2- read pages 50-100	(1) Hutchison, <i>Liberal Hegemony? School Vouchers and the Future of the Race</i> , Vol. 68 Missouri Law Review 559 (2003);	
Week 3- read pages 100-150	Public Schools in marketized environments, Christopher Lubienski, (<i>Handout</i>).	
Week 4-read pages 150-200		
Week 4	(1) Marshall, <i>We know it When we See it: The Supreme Court Establishment</i> , 59 S. Cal. L. Rev. 495 (1986);	
	(2) Robert A. Sedler, <i>Understanding the Establishment Clause: The Perspective of Constitutional Litigation</i> , 43 Wayne L. Rev. 1317	

	(1997)	
September 19--Week 5— read pages 201-224.	Topics due Please prepare a 200 words statement of your proposed topic. Please read Sherry <i>Responsible Republicanism: Educating for Citizenship</i> , 62 U. Chicago L. Rev. 131 (1995); Martha Minow, <i>Partners, Not Rivals?</i> , 80 B. U.L. Rev., 1061 (2000)	
Week 6	Individual Student meeting to discuss outline	
Week 7	Please Read Zelman v. Simmons-Harris, 536 U.S. 639 (2002); Harlan A. Loeb & Debbie N. Kaminer, <i>God, Money and Schools: Voucher Programs Impugn the Separation of Church and State</i> , 30 J. Marshall L. Rev. 1 (1996); Michael W. McConnell, <i>Governments, Families, and Power: A Defense of Educational Choice</i> , 31 Conn. L. Rev. 847 (1999); Marci A. Hamilton, <i>Power, The Establishment Clause and Vouchers</i> , 31 Conn. L. Rev. 807 (1999)	
Week 8	John O. McGinnis, <i>Reviving Tocqueville's American: The Rehnquist Court's Jurisprudence of Social Discovery</i> , 90 Cal. L. Rev. 485 (2002)	
Week 9 (Oct. 19, 2006)	Continue discussion	

Grading.

- Grading will primarily be a function of one's performance on the seminar paper exam. That being said, I reserve the right to supplement grades with oral adjustments equal to a plus or minus one-third of a grade. Please note, I will ask students to make short 10-12 minute presentation on their topic which will be followed by questions from the audience. Students will also be required to provide an outline and I would encourage the writing of a preliminary draft.
- Positive oral adjustments are a function of excellence. An excellent performance is one that adds substantial value to the course.
- Negative oral adjustments are a function of unsatisfactory oral performance during the course including failure to meet deadlines for the outline or failure to appear for one's presentation. Negative is defined as a failure to have read and understood the material or alternatively a failure to communicate one's knowledge satisfactorily. If a student is unprepared for the class that counts as an unsatisfactory class performance. It is my hope that all students will be well prepared.

Deadlines: 1) please choose a topic by the 5th week of the term

2) *Please provide an outline by September 19, 2006 (the outline should be at least 2 pages in length)*

3) Presentations commence during either the 10th or 11th week of semester through 14th week. Hopefully we have about 4 student presentations per class period.

4) Final draft due December 6th (minimum paper length 20 pages).

5) *Late papers will receive a 1/2 grade deduction per day*

Absences

- Absences: Pursuant to ABA guidelines, students are allowed to miss up to 20% of the class meetings. However, since this is a seminar, I reserve the right to call on students at random whether they are in class or not. This may adversely affect one's class participation.