



SPRING 2026 COURSE SYLLABUS

Course Number: Law 165-001

Course Title: Education Law

Credit Hours: 2

Grading Mode: Final paper and presentation (details below)

Meeting Time(s): Mondays, 4:00 – 6:00 pm EST (plus a Wednesday makeup day per the school's academic calendar)

Meeting Mode: In person (one class may be virtual)

Exam Time(s): n/a

Exam Mode: Final paper

Prerequisite(s): n/a

Corequisite(s): n/a

Instructor(s): Tiffany Kessler, Esq.

Contact Information and Office Hours: tkessler@gmu.edu; Office hours are by appointment only.

Reading(s) & Supplement(s): See course schedule and assignments below.

Course Overview:

This course will focus on the statutory and regulatory requirements applicable to the provision of elementary and secondary education. We will also review K-12 educational policy and legal issues currently affecting the provision of public education. Topics will include the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act, the General Education Provision Act, and other educational administrative requirements. Issues will include education funding, charter schools, private schools, serving students with disabilities, student and teacher freedom of speech, and federal/state sovereignty. Materials may include a review of statutes, regulations, federal and administrative case law, and federal guidance documents.

Course Learning Outcomes:

By the end of the course, the student will be able to:

- Understand and identify the major K-12 education statutes and regulations;
- Appreciate the complexities around federal education programmatic and fiscal legal requirements;
- Identify the legal distinctions and requirements between public and private schools; and
- Understand the hierarchy of federal v. state/local autonomy over education programs.

Grading Policies:

Research Paper %: 80%

Presentation %: 20%

Participation %: +/- increment (optional)

Grades may be adjusted a single increment (e.g., from B to B+) up or down for extraordinary or unsatisfactory class participation at the professor's sole determination and discretion.

Deadlines:

- Paper Summary and outlines due: **February 20, 2026 8:00pm EST**
- Final Papers due: **April 10, 2026 8:00pm EST**
- Presentations will occur on April 6, 2026 (*as needed*), April 11, 2026, and April 13, 2026 and April 20, 2026 as assigned early to mid-semester.
- Research papers and summary/outlines must be submitted in .doc and .pdf forms to the professor at tkessler@gmu.edu by the noted deadlines to be considered timely.

Classroom Policies:

Attendance: Per AR 3-1.4, "maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student's program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements."

Absences: Per AR 4-1.1, "if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session."

Participation & Preparation:

All students are expected to attend and actively participate in all classes. Students will be assigned classes when they are expected to take the lead in class on the noted assignments; however, as noted below, successful participation means you are always prepared to participate in class on the given assignments.

Successful class participation includes regular, punctual attendance, contribution to conversations during class (even when it is not your assigned day to take the lead in class, engagement with the reading, and respectful and civil engagement with professors, lecturers, and peers. This includes professionalism in e-mail correspondence and other communications with the professor.

Some of the assigned cases are currently being litigated, which means students are expected to review the status of the case and be prepared to discuss any updates to those cases that have occurred since the submission of this syllabus.

Research Paper and Outline:

All students must submit a research paper on a topic of the student's choice related to elementary and secondary education. Research papers should be generally based on the readings and/or classroom curriculum but must also involve research beyond the course materials. Your paper should take a clear position on an important or currently relevant topic and seek to contribute to the analysis of this topic. Therefore, you must be able to demonstrate engagement with course materials and a wide range of other relevant sources as well as articulate and defend your topic/position.

Research papers must be at least 20 pages long (but no more than 30 pages); double-spaced, 12 point Time New Roman font, with proper blue booking citations.

A 1-2 page summary of the requested topic and outline must be submitted to the professor no later than the deadline noted in this syllabus. The outline should include some initial case law and regulations that the student intends to include. All research paper topics must be approved by the professor.

Research papers and summary/outlines must be submitted in .doc and .pdf forms to the professor at tkessler@gmu.edu by the noted deadlines.

Class Presentation:

All students will be expected to give a 20-minute presentation on their paper. The presentation must be with limited notes, PowerPoint slides may be used but the presentation must have limited writing on each slide, and it must explain thoroughly the basis and reasoning for the topic. The presenter may be asked questions during the presentation by the professor and students.

Use of Technology & AI:

Moderate Use Policy: Generative AI tools may be used in this course for the following purposes, and with the following guidelines. Students may use AI in this course to

brainstorm topics and resources but may not use AI as the primary source for research or to draft, edit, or review any portion of the research paper or outline. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student's computer files during the exam (open exam). E -books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e -book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

January 19, 2026 – No Class (Holiday)

January 21, 2026 (Note: Wednesday Class)

Class 1: The Right to Public Education

Topics: Hierarchy of laws in education and whether education is a fundamental right.

Hierarchy of Laws in Education

- Chapter 1 “The Legal System and How it Works”, *Special Education Law* by Laura F. Rothstein and Sott F. Johnson (Handout Provided)

Education as a Fundamental Right

- *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1972) – *Majority Opinion Only*
- *Pierce v. Society of Sisters*, 269 U.S. 510, (1925)
- *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

The Establishment of the Department of Education

- [Executive Order: Improving Education Outcomes by Empowering Parents, States, and Communities](#), dated March 20, 2025.
- *NAACP v. United States*, No. 25 Civ. 00965 (D. Md. Aug. 19, 2025) (denying motion for preliminary injunction halting reduction in force at Department of Education) (Handout Provided)

January 26, 2026

Class 2: The Evolution of Anti-Discrimination Statutes Governing the Federal Role in Education - w/ guest lecturer (Michael Brustein, Esq.)

Topics: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975

Anti-Discrimination Statutes in Education

- *Brown v. Board of Education of Topeka, Shawnee County, Kansas*, 347 U.S. 483 (1954)
- *Franklin v Gwinnett County Public Schools*, 503 U.S. 60 (1992)
- *Southeastern Community College v. Davis*, 442 U.S. 397 (1969)
- *Honig v. Doe*, 484 U.S. 305 (1988)

- *Adams v Califano*, 430 F. Supp.118 (D.D. C. 1977)

February 2, 2026

Class 3: Access and Equal Protection in Education

Topics: Access to Education and The Equal Protection Act.

Access and Diversity, Equity, and Inclusion (DEI)

- *Lau v. Nichols*, 414 U.S. 563 (1974)
- *Plyler v. Doe*, 457 U.S. 202, 102 S. Ct. 2382 (1982)
- *Parents Involved in Community Schools v. Seattle School District*, 551 U.S. 701 (2007) – Majority Opinion Only
- *Coalition for TJ v. Fairfax County School Board*, 68 F.4th 864 (2023)
- [Executive Order: Ending Radical And Wasteful Government DEI Programs And Preferencing](#), dated January 20, 2025.
- [Clarification of Federal Public Benefits Under the Personal Responsibility and Work Opportunity Reconciliation Act](#), 90 FR 30896 (July 11, 2025).

February 9, 2026

Class 4: The Individuals with Disabilities Education Act

Topics: Individuals with Disabilities Education and providing students a free and appropriate public education.

IDEA Special Education and Related Services

- *Board of Education of the Hendrick Hudson Central School District, et. al., v. Amy Rowley*, 102 S.Ct. 3034 (1982)
- *School Committee of Town of Burlington, Mass. V. Department of Educ. Of Mass*, 471 U. S. 359 (1985)
- *Endrew F. ex rel. Joseph F. v Douglas County School District*, 580 U.S. 386 (2017)

IDEA Administrative and Procedural Requirements

- *Schaffer ex re. Schaffer v. Weast*, 546 U.S. 49 (2005)
- *Association for Community Living in Colorado v. Romer*, 992 F.2d 1040 (10th Cir. (1993)
- *Perez c. Sturgis Pub. Sch.*, 143 S.Ct. 859 (2023)
- Background General Resources (*optional*):

- IDEA, Part B Code of Federal Regulations: 34 CFR Part 300 (2007)
- [Endrew Guidance Document](#).

February 16, 2026

Class 5: Elementary and Secondary Education Act and Career and Technical Education - w/ guest lecturer (Steven Spillan, Esq.)

Topics: An overview of the programs and administrative requirements under The Elementary and Secondary Education Act and The Strengthening Career and Technical Education for the 21st Century Act.

The Elementary and Secondary Education Act

- [Congressional Research Service: The Elementary and Secondary Education Act \(ESEA\)](#), as Amended by the Every Student Succeeds Act (ESSA): A Primer, dated February 12, 2024.
- *Association of Community Organizations for Reform Now v. New York City Department of Education*, 269 F.Supp.2d 338 (S.D.N.Y), June 20, 2003
- Background General Resources (*optional*):
 - The Every Student Succeeds Act of 2015; Public Law 114-95
 - Title I, A regulations 34 CFR Part 200
 - ESEA General Provision Regulations 34 CFR Part 299

Career and Technical Education

- [Congressional Research Service: Strengthening Career and Technical Education for the 21st Century Act](#) (Perkins V): A Primer.
- *State of Wyoming v. Lamar Alexander*, 971 F.2d 531 (10th Cir, 1992)
- Background General Resources (*optional*):
 - Strengthening Career and Technical Education for the 21st Century Act; Public Law 115-224
 - [Understanding the Strengthening Career and Technical Education for the 21st Century Act](#) (Perkins V).

February 23, 2026

Class 6: Private Schools

Topics: Private schools and the provisions of equitable services.

Private Schools and the Establishment Clause

- *Lemon v. Kurtzman*, 403 U.S. 602 (1971)
- *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017) – Majority Opinion Only
- *Espinoza v. Montana Department of Revenue*, 591 U.S. 464 (2020)
- *Carson as next friend of O.C. v. Makin*, 596 U.S. 767 (2022)
- Background General Resources (*optional*):
 - ESEA Sec. 8501 [20 USC 7881] [Participation by Private School Children and Teachers](#).

March 2, 2026

Class 7: Public Schools of Choice

Topics: Charter schools and voucher programs impacting public education.

Schools of Choice

- [Executive Order: Expanding Educational Freedom and Opportunity for Families](#), date January 29, 2025.

Charter Schools

- *Peltier v. Charter Day School, Inc.*, 37 F.4th 104 (4th Cir. 2022) – Majority Opinion Only
- *Drummond v. Oklahoma Statewide Virtual Charter Sch. Bd.*, 2024 OK 53, 558 P.3d 1, *aff'd per curiam sub nom. St. Isidore of Seville Cath. Virtual Sch. v. Drummond ex rel. Oklahoma*, 145 S. Ct. 1134 (2025) (4-4) (J. Barrett recused).
- Background General Resources (*optional*):
 - The Every Student Succeeds Act of 2015; Public Law 114-95, Title IV, Part C “Expanding Opportunity Through Quality Charter Schools”

Voucher Programs

- *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002)

March 9, 2026 – Spring Recess No Class

March 16, 2026

Class 8: Education Funding - w/ guest lecturer (Ken Dieffenbach)

Topics: Education appropriations, the Education Department General Administrative Regulations (EDGAR), the General Education Provisions Act (GEPA), the Uniform Guidance and federal funding oversight.

Education Funding

- Chapter 14 “Enforcement Options and Requirements”, *Federal Education Grants Management: What Administrators Need to Know -- Fifth Edition* by Leigh Manasevit, Tiffany Kessler and Steven Spillan (Handout Provided)
- ED OIG Audit: Oklahoma’s Administration of the Governor’s Emergency Education Relief Fund Grant (July 18, 2022) (Handout Provided)
- Background General Resources (*optional*):
 - [The General Education Provisions Act](#), 34 CFR Part 81, Enforcement; Subpart B – Hearings for Recovery of Funds.
 - [The General Education Provisions Act](#), 20 USC Chapter 31, Subchapter IV Enforcement.
 - The Education Department General Administrative Regulations; 34 CFR Part 76
 - Uniform Grants Guidance; 2 CFR Part 200, Subpart D, E

March 23, 2026

Class 9: Freedom of Speech in Schools

Topics: Freedom of speech for students and school prayer.

School Prayer

- *Engel v. Vitale*, 374 U.S. 203 (1962)
- *Lamb’s Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384, 113 S.Ct. 2141 (1993)

Student Free Speech

- *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943)
- *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969)
- *Melton v. Young*, 465 F.2d 1332 (1972)
- *Bethel Sch. Dist. No. 403 v. Fraser*, 106 S.Ct. 3159 (1986)

March 30, 2026 (may be virtual class – TBD)

Class 10: Freedom of Speech in Schools (cont.)

Topics: Social media free speech in schools and teacher free speech.

Social Media Free Speech

- *Bell v. Itawamba County School Board*, 799 F.3d 379 (5th Cir. 2015) – Majority Opinion Only
- *Mahanoy Area School District v. B.L. by and through Levy*, 594 U.S. 180 (2021)

Teacher Free Speech

- *Pickering v. Board of Education*, 391 U.S. 563, 88 S. Ct. 1731 (1968)
- *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407 (2022)

April 6, 2026

Class 11: Book Banning

Topics: Free Speech and school libraries.

Book Banning

- *Board of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 102 S. Ct. 2799 (1982) – Majority Opinion Only
- *American Civil Liberties Union of Florida, Inc. v. Miami-Dade County School Bd.*, 557 F.3d 1177 (2009) – Majority Opinion Only
- *PEN American Center, Inc. v. Escambia County School Board*, 2024 WL 133213 (2024)

Student Presentations (as needed)

- Students will present research paper summaries

April 13, 2026

Class 12: Student Presentations

- Students will present research paper summaries

April 20, 2026

Class 13: Student Presentations

- Students will present research paper summaries

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)