

CLASSROOM LAW PROJECT SAMPLE LESSON PLAN

IN THE SUPREME COURT OF THE STATE OF OREGON

Jefferson County School District

v.

FDAB (Fair Dismissal Appeals Board)

311 Or 389 (1991)

Topics/Subject Matter: Individual Rights, Employment law, Right to Privacy, and Civil Law, Negligence.

Grade Levels: High School

Approximate Time Needed: 1-2 Class periods.

General Lesson Overview: This case involves the termination by the Jefferson County School District of Carol Kari, a tenured teacher in that district, and her appeal of her dismissal to the Oregon Fair Dismissal Appeals Board. Ms. Kari was a full-time teacher, and her duties included training in the district's anti-drug program. Her home was legally searched by the police, who found a marijuana growing/selling operation in the home, operated by Ms. Kari's husband. Ms. Kari had tried to convince her husband to stop this activity, had sought counseling, but had not distanced herself from her husband. Consequently, after the raid and arrests (charges against Ms. Kari were dismissed), the school district ruled that Ms. Kari had violated three duties to her profession by not taking action against her husband's drug activities. The duties included: a. her duty as role model for her students; b. her duty to maintain effective relationships with students, parents, and staff that was impaired by knowledge of her husband's activity; and c. her duty to teach the curriculum which was undermined by having her credibility and effectiveness adversely affected by the drug activity in her own home. The issues in this case include whether or not she, in fact, had neglected those duties as a teacher, whether or not what happened in her own home was a matter of privacy, and whether or not her dismissal under these circumstances was lawful. Ms. Kari appealed her dismissal to the Fair Dismissal Appeals Board (FDAB), and the case eventually reached the Oregon Supreme Court.

Rationale: This case is significant for students because it raises issues of civil law (negligence, in this case neglect of duty as a teacher), privacy in the home and activities in the home that may or may not impact job performance, and protections afforded teachers in the loss of their job when there may be a connection between home life and job effectiveness. This case will also be of interest to students, as it squarely addresses this connection between a teacher's private life and the teacher's duties, with the teacher viewed as a role model, especially in a particular program of instruction. Furthermore, it offers students an insight into how job loss, and the reasons for the loss, can be appealed through existing governmental structures.

Oregon State Standards

Content: Social Sciences/Civics and Government: Understand and apply knowledge about government and political systems, and the rights and responsibilities of citizens.

Common Curricular Goal: Understand personal and political rights of citizens of the United States.

CIM Learning Expectation Criteria: Understand the role of the courts and of the law in protecting the rights of U.S. citizens.

Objectives: 1. After reviewing the facts in this case, and reading material in the text, students will be able to identify the four basic elements of Negligence: Duty, Breach of Duty, Causation, and Damages.

2. After reviewing the major facts and arguments in this case, students will be able to explain whether or not they believe that the teacher did, in fact, have the duties expressed by the school district, and whether she did, in fact, breach those duties.

3. After reviewing the facts and major arguments in this case, students will be able to explain what they feel is the relationship between a teacher's privacy rights at home with their role as teachers in the schools.

Materials/Resources Needed: 1. If available, student copies of *Street Law: A Course in Practical Law*, 6th Edition.

2. Copies of the case: *Jefferson County School District v. FDAB (Fair Dismissal Appeals Board)* (1991)

Instructional Procedures

A. Introduction to the lesson

1. Pre-lesson reading: If textbooks are available, have students read pp. 238-251 (Negligence), pp. 472-477 and 517-520 (Privacy) and pp. 538-548 (Employment Rights) in the textbook.

2. Pre-Assessment: Questions on a pre-test could include having students identify and briefly explain the four major components of the

3

Tort of Negligence, list behaviors that should result in the dismissal of teachers, discuss the term “expectation of privacy,” and provide examples of “immorality.”

3. Anticipatory Set: Ask students to brainstorm a list of actions on the part of teachers that could result in the dismissal of those teachers. Have students divide these lists into “on the job” and “off the job” categories. Also, have students share what they know about the Civil Wrong (Tort) of Negligence. A further introductory discussion could center on what “expectations of privacy” public servants such as teachers should have, that would not impact their functions on the job.

B. Teaching Activities

1. Have students read “The Case of the Spilled Coffee” on p. 240 in the textbook (Problem 19.1) and discuss the question to gain an understanding of the basic elements of Negligence.

2. Provide students with the facts in the *Jefferson County School District v. FDAB* case, and have them identify the key, material facts in this case.

3. After discussing the major facts, have students apply the 4 elements of Negligence to these facts, to determine if they feel that Ms. Kari did in fact have the duties expressed by the school district, and did in fact breach those duties, justifying her dismissal from her teaching position. Students may want to debate this issue in small groups, then share their decisions in the large group.

C. Closure/Review

1. After hearing the students’ decisions, share with them the Oregon Supreme Court’s decision in this case, and have students compare and contrast their results with that of the Court. Do they agree or disagree with this outcome? What facts could be changed to suggest a different ruling by the Court? Further discussions about the school and community “roles” of teachers could be done at this point.

D. Post-Assessment

Depending on the questions used in the Pre-Assessment, students could review the major elements of Negligence, be given a new fact pattern regarding the “duties” of teachers and their off-the-job behavior, and see what decision they might make in an issue of teacher dismissal.

Meeting Varying Developmental Needs: This will depend on the students in the classroom for each individual class.

Follow-up Activities/Additional Student Research: Students may wish to contact the Teacher Standards and Practices Commission (TSPC) for

4

further information on what the criteria are for dismissal of teachers. They may independently wish to explore ORS 342.865(1) which covers teacher dismissals. A further discussion of “neglect of duty” cases may be assisted by having attorney/guest speakers visit the class. Students may wish to research the incidence/causes of teacher dismissals in this state, or nationally, and see what the connection is between on-the-job activity and off-the-job activity in leading to dismissals.

Teacher Reflection: This is the opportunity for the teacher, with student input, to reflect on what went well with this lesson, how it could be improved, and what other follow-up activities would be appropriate for this lesson.