

COURSE SYLLABUS

Module on Judicial review of evaluation of teaching staff

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<i>ECTS:</i>	

Module workload¹

■ Reading tasks

Page² density <input checked="" type="checkbox"/> max 20 pages <input type="checkbox"/> 20–30 pages <input type="checkbox"/> 30-40 pages <input type="checkbox"/> 40-50 pages	Text Difficulty <input type="checkbox"/> No new concepts ³ <input checked="" type="checkbox"/> Some new concepts ⁴ <input type="checkbox"/> Many new concepts ⁵	Reading Purpose <input type="checkbox"/> Survey ⁶ <input type="checkbox"/> Understand ⁷ <input checked="" type="checkbox"/> Engage ⁸
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Writing tasks

- applicable for this course
 not applicable for this course

Page Density <input type="checkbox"/> less than 250 words <input type="checkbox"/> 250-500 words	Text Genre <input type="checkbox"/> Narrative ⁹ <input type="checkbox"/> Argument ¹⁰ <input type="checkbox"/> Research ¹¹	Drafting <input type="checkbox"/> Drafting only with no revision ¹² <input type="checkbox"/> Minimal drafting with at least one revision ¹³ <input type="checkbox"/> Extensive drafting with multiple revision ¹⁴
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¹ Criteria used are those of the online Course Workload Estimator <http://cte.rice.edu/workload/> developed by RICE University CTE (Center for Teaching Excellence)

² Single-Spaced, Times New Roman, 11-Point Font

³ The students knows the meaning of each word and has enough background knowledge to immediately understand the ideas expressed

⁴ The student is unfamiliar with the meaning of some words and does not have enough background knowledge to immediately understand some of the ideas expressed

⁵ The student is unfamiliar with the meaning of many words and does not have enough background knowledge to immediately understand most of the ideas expressed

⁶ Reading to survey main ideas, student skips entire portions of text

⁷ Reading to understand the meaning of each sentence

⁸ Reading while also working problems, drawing inferences, questioning, and evaluating

⁹ Paper that requires very little planning or critical engagement with content

¹⁰ Paper that requires critical engagement with content and detailed planning, but no outside research

¹¹ Paper that requires detailed planning, outside research, and critical engagement

¹² The student submits an essay that was never revised

¹³ The student submits an essay that was revised at least once

¹⁴ The student submits an essay that was revised multiple times

DESCRIPTION OF THE CONTENT OF THE MODULE	
Chapter Nr.	Title, content, learning outcomes
	1. General principles of administrative law as applied in the evaluation of staff 1.1. The difference between non-tenured and tenured staff member 1.2. Burden of proof rests with the school 1.3. Due process rights during the process of evaluation of teachers 1.4. Appeals and legal action against the school
	2. Case study: evaluation of staff in educational institutions of the Flemish Community of Belgium 2.1. Compulsory education 2.1.1. Job Descriptions 2.1.2. Evaluation of staff in public schools in the Flemish Community of Belgium 2.1.3. Evaluation of staff in non-public state funded schools in the Flemish Community of Belgium 2.1.4. Appeals Chambers
	2. Case study: evaluation of staff in educational institutions of the Flemish Community of Belgium 2.2. Case study: the evaluation of staff in university colleges and universities in the Flemish Community of Belgium 2.2.1. University colleges 2.2.2. Universities 2.3. Case study: procedures on evaluation of staff before the courts in the Flemish Community of Belgium 2.3.1. Public educational institutions 2.3.2. Non-public state funded educational institutions

LEARNING OUTCOMES OF THE MODULE:	
Nr.	The student:
	<ul style="list-style-type: none"> - understands the application of the general principles of administrative law in evaluation of staff and case law; - illustrates how the general principles of administrative law are laid down in the regulations on the evaluation of staff in his/her country; - understands the procedural aspects in litigation on evaluation of teachers, including the appeal procedures and organs; - understands the criteria that can be used for an evaluation 'unsatisfactory'; - knows the difference between dismissal under a disciplinary procedure and dismissal after a 'unsatisfactory' evaluation; - understands the differences in evaluation and the procedures applied in compulsory education and higher education; - can apply the general principles of administrative law when resolving a case-law example.

TEACHING METHODS:	
Nr.	Web learning
	The module is taught through web learning. The EduLaw website stores materials to support the teaching and learning activities for the students. Case law materials are regularly uploaded by the authors. Free access is secured any time of day.

ASSESSMENT CRITERIA AND %		
1	Examined by written exam	80%
2	Students submit a case study report	20%

Grade	4	5	6	7	8	9	10
Points	00 to 40	41 to 50	51 to 60	61 to 70	71 to 80	81 to 90	91 to 100
	F	FX	E	D	C	B	A

REQUIRED READING:

online module syllabus

SUGGESTED READING AND RESOURCES

- Tijdschrift voor Onderwijsrecht en Onderwijsbeleid (T.O.R.B.)
<https://www.jurisquare.be/nl/journal/torb/index.html>
- Yearbooks of the European Association for Education Law and Policy
(<http://www.ua.ac.be/main.aspx?c=.ELA&n=47178>)
- International Journal for Education Law and Policy
(<http://www.ua.ac.be/main.aspx?c=.ELA&n=47177>)

CASE LAW – JUDGMENTS OF THE COURTS TO ILLUSTRATE THE COURSE

Examples from the Flemish Community of Belgium

- Case law of the Appeals Chambers in the Flemish Community of Belgium¹⁵ can be found at:
<http://www.agodi.be/college-van-beroep-beslissingen>
 - Case law by the Council of State (Belgium) can be found at:
<http://www.raadvanstate.be/?lang=nl&page=caselaw>
- Examples:
- Case nr. 225.662 of 2 December 2013 in Case A. 198.524/IX-8099
 - Case nr. 234.920 of 2 June 2016 in Case A. 215.745/IX-8632
 - Case nr. 235.143 of 21 June 2016 in Case A. 209.134/IX-8028
 - Case nr. 203.063 of 19 April 2010 in Case A. 172.994/IX-5314 A. 174.784/IX-5367
 - Case nr. 165.125 of 27 November 2006 in Case A. 174.784/IX-5367
 - Case law of the Constitutional Court of Belgium (Grondwettelijk Hof/previously Arbitragehof) can be found at: <http://www.const-court.be>
Case nr.87/2002

¹⁵ The Flemish Community of Belgium has 3 Appeals Chambers: one for the public schools, one for the non-public state funded schools, and one for the small sector of public state funded schools