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Project Based Learning for Administrative Law

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Project Based Learning for Administrative Law

Project Summary

This problem includes a case study of an incident (or crisis) that occurred and a regulation that was created by an administrative agency as a response.

Skills Required

This project requires several pedagogical levels of learning from Blooms Taxonomy such as accusation of knowledge, understanding, applying, synthesizing, evaluation, analyzing and creating, in addition to research skills, organizational skills and critical thinking. Moreover, students are required to present their projects so this assignment also involves the use of oral skills.

The instructions to this assignment include:

Select a Federal, State or Local level agency

Part 1: Create a research project and presentation answering the following questions:

1. What is the purpose of the agency? What is the mission and authority of the agency? Do other agencies have similar or overlapping jurisdiction?
2. Which industry does the agency regulate?
3. Is the top person a political appointee? (serving at the pleasure of the executive) or are they part of a non-partisan rotating board?

Part 2: Select an incident where the agency succeeded or failed to regulate a particular activity.

1. What is the activity (incident)?
2. When and where did this activity occur?
3. What are the political interests involved in the regulation?
4. Who are the affected parties?
5. What were the results of the agency's action or inaction?
6. What are the lessons learned going forward?

Project Description and Scaffolding

This project involves several parts. First students must choose an agency. In order to do this, students must understand what an executive agency is and how it fits into the government structure. Students will learn which agencies have different responsibilities at the federal, state,

county and city levels. Information includes what is the mission of the agency and which industry does it regulate.

By learning more about agencies students can understand which parts of the law are statutes that are written by legislatures and which parts of the law are regulations that are written by agencies. Students must also determine whether case law has changed or modified the particular regulation and if so how. Students also learn the role and authority of executive orders, which often create law where the legislatures have not (such as DACA).

Furthermore, understanding how regulations are realistically formed is an important aspect for understanding agencies effectiveness. For lobbying effects, students will examine who the affected parties of a regulatory system are, how powerful these actors are and if they have used media campaigns to influence the public on these regulations. One of the main ideas of this assignment is for students to recognize that policies are not made in a vacuum but are often a result of pressures or events. Students must understand the history of regulation in a particular industry to know how developed the regulatory system is (For example there has been a strong history of regulating environmental chemical dumping and superfund sites. There has not been a strong history of regulating credit).

Course Concepts

This assignment has multiple learning goals that put chapter concepts in lessons into solving the problem. Such as 1) How are choices to be made (what was the cost and benefits of responding to a particular event)? 2) How should discretion be used (is there a rational basis or was the decision arbitrary and capricious?) 3) How much of a tasks should be delegated from a leader to subordinate employee. When rules are not clear and they make take different action than a civil servant. Students learn how that the process used to select a leader may influence the actions an agency may take depending on whether the leadership has job security or serves at will.

Evaluation

This project will be evaluated using several criteria.

First students will be evaluated on their ability to synthesize an issue. Students should not be researching everything on an event (like the Chipotle Ebola outbreak) but should look at the aspect of the issue that the agency addresses (for example CDC's ability to track diseases and prevent illness). For this stage students may need feedback several times as they work through their research questions.

Secondly, students will be evaluated on their use legal research skills to find relevant regulations

or advisory opinions. Students will learn to use Westlaw or Lexis or county and city websites to find exact ordinances.

Finally, students will also look at background problems including scope of authority, silos, and overlapping tasks. After reading this information, students should also be able to state whether enforcing a regulation is a particular priority for an agency depending upon politics and competing demands. At the end students are asked several questions regarding if a variation of the same event occurred how the new regulations or best practices learned would make the agency to respond better. Essentially students need to make the determination whether agencies improved themselves as they implement regulations. These questions essentially make the student the subject matter expert.