

# LSTD300

**STUDENT WARNING:** This course syllabus is from a previous semester archive and serves only as a preparatory reference. Please use this syllabus as a reference only until the professor opens the classroom and you have access to the updated course syllabus. Please do NOT purchase any books or start any work based on this syllabus; this syllabus may NOT be the one that your individual instructor uses for a course that has not yet started. If you need to verify course textbooks, please refer to the online course description through your student portal. This syllabus is proprietary material of APUS.

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## Course Summary

**Course :** LSTD300 **Title :** Administrative Law and Policy

**Length of Course :** 8

**Prerequisites :** N/A **Credit Hours :** 3

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## Description

**Course Description:** This undergraduate course is the study of the work of administrative agencies in the executive branch of the United States government with some additional material on administrative agencies in state and local governments. Administrative law and policy touches virtually every person in the United States virtually every day of the year. It is the administrative agencies that fill in the "details" of government policy. Indeed, administrative agencies are so important and so powerful that they are frequently referred to as the "fourth branch of government." This course will examine the position that agencies occupy in our constitutional system of government by carefully detailing the respective roles of the legislative, executive and judicial branches of government. The course will be mainly concerned with administrative procedure (i.e., agency rulemaking and adjudication, agency investigations, agency sanctions) but because it is almost impossible to distinguish between substance and procedure, the procedural elements of administrative law will be illustrated and discussed in the context of a specific agency action--e.g., the Environmental Protection Agency's actions on carbon emissions and global warming. The course will analyze the work of the "independent regulatory commissions" as well as those agencies that are completely under the control of the President of the United States. Both the legislative and judicial branches of our government have a large impact on administrative law, so the actions of Congress in creating and watching over the agencies and the actions of the courts in adhering to the rule of law for agency action ("judicial review of agency action") will be vital components of the course.

### Course Scope:

This undergraduate course is the study of Administrative law and agencies which regulate the relations between public administration and private citizens. This subject deals with the definition of administrative law, including how Congress gives agencies power and funding to carry out agency purpose. Also covered is how agencies adjudicate claims, including both formal and informal adjudication and alternate dispute resolution. The concept of Chevron Deference, from a landmark US Supreme Court case, is examined to consider whether such transfer of legislative power to agencies is Constitutional. A related concept, how courts impact agency action, is examined in the context of judicial review of agency decisions. Finally, the class reviews the Freedom of Information Act, and how it impacts the transparency of our government, looking at caselaw and legislation.

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## Objectives

After successfully completing this course, you will be able to:

1. Examine how and why agencies are created by Congress;
  2. Effectively analyze the workings of particular administrative agencies by understanding the basic legal principles that affect all agencies;
  3. Identify and apply the procedural vehicles used by agencies for making agency policy, including agency investigations and subpoenas, agency rulemaking and agency adjudication;
  4. Extrapolate the important elements of judicial review of agency action and appreciate why so many agency actions are taken to court and the manner in which courts assess agency action; and
  5. Interpret the impact of substantive agency work in specific cases involving such vital issues as global warming, coping with terrorism, ensuring public health and safety.
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## Outline

### Week 1: Intro to Administrative Law

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#### Learning Objectives

##### Course Objective:

Examine how and why agencies are created by Congress.

##### Weekly Objective:

Understand the roots and foundations of administrative law. Identify and comprehend the sources of administrative law and agency power.

#### Readings

Review the Weekly Lessons for week 1 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings. Complete CALI Lesson 765, Introduction and Sources of Authority for Administrative Law.

#### Assignments

Post your Introduction in the Introduction Forum. Answer the week 1 question in the Forum

### Week 2: Post Intro on Forum; Answer question in Forum

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#### Learning Objectives

##### Course Objective:

Examine how and why agencies are created by Congress.

##### Weekly Objective:

Define agency power to create and enforce regulations. Identify and describe methods of enforcement of agency power.

#### Readings

Review the Weekly Lessons for week 2 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings. Complete CALI Lesson ADM 17, Standing (Constitutional Issues) Introduction.

### Assignments

Answer the week 2 question in the Forum.

Submit research paper topic in the Assignments section.

## **Week 3: Judicial Power of Agencies**

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### Learning Objectives

#### Course Objective:

Effectively analyze the workings of particular administrative agencies by understanding the basic legal principles that affect all agencies.

#### Weekly Objective:

Describe and illustrate adjudication powers of agencies. Examine agency activities and understand how these activities express agency power.

### Readings

Review the Weekly Lessons for week 3 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings. Complete CALI Lesson ADM 10, Formal Rulemaking.

### Assignment

Answer the week 3 question in the Forum.

## **Week 4: Judicial Control of Admin Agencies**

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### Learning Objectives

Review material from first three weeks of class.

### Readings

Review the Weekly Lessons for week 4 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

### Assignment

**Take Midterm Exam in the Texts & Quizzes section of the classroom.**

## **Week 5: Judicial Control, con't**

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### Learning Objectives

#### Course Objective:

Extrapolate the important elements of judicial review of agency action and appreciate why so many agency actions are taken to court and the manner in which courts assess agency action.

#### Weekly Objective:

Understand the different methods of judicial control over agency power. Review the Chevron case and discuss the concept of Chevron deference.

#### Readings

Review the Weekly Lessons for week 5 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings. Complete CALI Lesson 1198, Chevron Deference.

#### Assignments

Answer the week 5 question in the Forum.

**Case Essay Due in Assignments section.**

### **Week 6: Legislative Control of Agencies**

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#### Learning Objectives

##### Course Objective:

Identify and apply the procedural vehicles used by agencies for making agency policy, including agency investigations and subpoenas, agency rulemaking and agency adjudication.

##### Weekly Objective:

List mechanisms of legislative control over agencies. Comprehend and illustrate functions of control over agencies.

#### Readings

Review the Weekly Lessons for week 6 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings. Complete CALI Lesson ADM 09, Adjudicative Rules.

#### Assignment

Answer the week 6 question in the Forum.

### **Week 7: Executive Control of Agencies**

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#### Learning Objectives

##### Course Objective:

Interpret the impact of substantive agency work in specific cases involving such vital issues as global warming, coping with terrorism, ensuring public health and safety.

##### Weekly Objective:

Differentiate executive control over agencies. Explain executive powers in the agency context. Understand and illustrate the importance of the Freedom of Information Act.

#### Readings

Review the Weekly Lessons for week 7 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings. Complete CALI ADM 29, Freedom of Information Act.

#### Assignments

Answer the week 7 question in the Forum.

**PAPER DUE in Assignments section.**

## **Week 8: Practical Application**

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Learning Objectives

Course Objective:

Interpret the impact of substantive agency work in specific cases involving such vital issues as global warming, coping with terrorism, ensuring public health and safety.

Weekly Objective:

Examine practical applications of agency power.

Readings

Review the Weekly Lessons for week 8 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

Assignment

**Take the Final Exam in the Tests & Quizzes section.**

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## **Evaluation**

The grading will be based on assignments including weekly Forum postings, a case essay, a research paper, and an open book midterm and final examination.

1. **Assignments:** There will be several assignments during the course. They are selected to provide the student with hands on experience in applying the law and theories being discussed.
2. **Research Paper:** Each student will prepare and submit an 8-10 page research paper on a topic of administrative law, of their choice, with instructor approval. Students will select the topic by the end of Week 2 and turn in the paper by the end of Week 7. Students **MUST** have a topic approved or they may not get credit for their paper.  
  
For the research paper students will be graded using a Rubric. This will help with understanding what constitutes the grade assigned to each paper. A copy of the Rubric can be found in the Assignment. Note that all papers will be reviewed by Turnitin. Students should look at this report! It is a tool for students as well as the instructor.
3. **Exams:** The Midterm and Final examinations cover selected sections of the textbook and assigned reading. They will consist of True/False, multiple choice, fill in the blank, and essays and will be open book. Please coordinate with the professor for any special arrangements.
4. **Grades:** See link in the classroom. Under "APUS Policies," click on "Grading Policy" for detailed information.

**Grading:**

Name	Grade %
Final Exam	20.00 %
Final Exam	20.00 %

Forums	24.00 %
Week 1	4.00 %
Week 2	4.00 %
Week 3	4.00 %
Week 5	4.00 %
Week 6	4.00 %
Week 7	4.00 %
Research Paper	25.00 %
Week 7 - RESEARCH PAPER	25.00 %
Case Brief	10.00 %
Week 5 - Supreme Court Case Essay	10.00 %
Introduction Forum	1.00 %
Intro	1.00 %
Midterm Exam	20.00 %
Midterm	20.00 %

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## Materials

**Book Title:** Various resources from the APUS Library & the Open Web are used. Links provided inside the classroom in the Lessons section.

**Author:**

**Publication Info:**

**ISBN:** N/A

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### Additional Resources:

\*Recommended, but not required: The Bluebook: A Uniform System of Citation, 20th ed., (2015).

The bluebook can be accessed through APUS at <https://www-legalbluebook-com.ezproxy2.apus.edu/>. The APUS Library has a number of seats for students to use the bluebook concurrently. Students should click on the link then enter their APUS login information. Once the session is complete, click on the orange "release seat" button in the top righthand corner.

### Websites

In addition to the required course text the following public domain Websites are useful. Please abide by the university's academic honesty policy when using Internet sources as well. Note web site addresses are subject to change.

Site Name	Website URL/Address
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Oyez Supreme Court website	<a href="http://www.oyez.org">http://www.oyez.org</a>
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**ABA  
Administrative  
Law Section** <http://www.abanet.org/adminlaw/home.html>

**Administrative  
Law Review** <http://www.wcl.american.edu/journal/alr/>

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## Course Guidelines

### Writing Expectations

All written submissions should be submitted in a font and page set-up that is readable and neat. It is recommended that students try to adhere to a consistent format, which is described below.

### Citation and Reference Style

The central function of legal citation is to allow the reader to efficiently locate the cited source. All courses in the Legal Studies program require that any narrative essay or composition format follow the legal citation guidelines set forth in *The Bluebook: A Uniform System of Citation*. Do not purchase *The Bluebook*, as it is available at the APUS library. Use this link to access:

<http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

### Late Assignments

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment, please contact me before the due date so we can discuss the situation and determine an acceptable resolution.

### Deductions

Late forum posts, assignments, and exams may be penalized five (5) points per day.

### Netiquette

Online universities promote the advancement of knowledge through positive and constructive debate – both inside and outside the classroom. Forums on the Internet, however, can occasionally degenerate into needless insults and “flaming.” Such activity and the loss of good manners are not acceptable in a university setting – basic academic rules of good behavior and proper “Netiquette” must persist. Remember that you are in a place for the rewards and excitement of learning which does not include descent to personal attacks or student attempts to stifle the Forum of others.

- **Technology Limitations:** While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Sakai classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.
- **Humor Note:** Despite the best of intentions, jokes and especially satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add “emoticons” to help alert your readers: ;-), :), J

### Disclaimer Statement

Course content may vary from the outline to meet the needs of this particular group.

## Online Library

The Online Library is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Online Library provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to [librarian@apus.edu](mailto:librarian@apus.edu).

- **Charles Town Library and Inter Library Loan:** The University maintains a special library with a limited number of supporting volumes, collection of our professors' publication, and services to search and borrow research books and articles from other libraries.
- **Electronic Books:** You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.
- **Electronic Journals:** The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.
- **Tutor.com:** AMU and APU Civilian & Coast Guard students are eligible for 10 free hours of tutoring provided by APUS. [Tutor.com](http://tutor.com) connects you with a professional tutor online 24/7 to provide help with assignments, studying, test prep, resume writing, and more. Tutor.com is tutoring the way it was meant to be. You get expert tutoring whenever you need help, and you work one-to-one with your tutor in your online classroom on your specific problem until it is done.

### Request a Library Guide for your course (<http://apus.libguides.com/index.php>)

The AMU/APU Library Guides provide access to collections of trusted sites on the Open Web and licensed resources on the Deep Web. The following are specially tailored for academic research at APUS:

- Program Portals contain topical and methodological resources to help launch general research in the degree program. To locate, search by department name, or navigate by school.
- Course Lib-Guides narrow the focus to relevant resources for the corresponding course. To locate, search by class code (e.g., SOC1111), or class name.

If a guide you need is not available yet, please email the APUS Library: [librarian@apus.edu](mailto:librarian@apus.edu).

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## University Policies

### [Student Handbook](#)

- [Drop/Withdrawal policy](#)
- [Extension Requests](#)
- [Academic Probation](#)
- [Appeals](#)
- [Disability Accommodations](#)

The mission of American Public University System is to provide high quality higher education with emphasis on educating the nation's military and public service communities by offering respected, relevant, accessible, affordable, and student-focused online programs that prepare students for service and leadership in a diverse, global society.



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