

BUSINESS LAW

MIS03 14090

Students in Business Law will be introduced to the fundamental background of the development and enforcement of laws, the difference between criminal and civil law, and our present court system and how it works. Topics to be discussed include laws concerning contracts, sales, consumers, property, computers, family, environment, wills and trusts, and bankruptcy.

Credit ½ OR 1 credit
Max credit = 1

Level Grades 9-12

-These are the standards/competencies taken from the larger Business Education document that are the bare minimum to be covered in the class in any school using this MIS03 code.

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Standard 2	<i>BUSINESS LAW</i>	
BASICS OF THE LAW		
Topic 2.1	Analyze the relationship between ethics and the law and describe the law’s sources, the structure of the court system, different classifications of procedural law, and different classifications of substantive law.	
Student Competencies		
	<i>THE LAW, ETHICS, AND SOCIAL RESPONSIBILITY</i>	
	2.1.1	Explain the relationship between law and ethics.
	2.1.2	Describe the role of values in constructing an ethical code and a legal system.
	2.1.3	Distinguish unethical from illegal conduct.
	2.1.4	Identify the consequences of unethical and illegal conduct.
	2.1.6	List the four main sources of the law.
	<i>SOURCES OF THE LAW</i>	
	2.1.8	Explain the purpose of a constitution.
	2.1.9	Describe the branches of the federal government as presented in the U.S. Constitution.
	2.1.10	Define statutory law.
	2.1.11	Identify the purposes of statutory law.

2.1.12	Explain the role and function of uniform laws in the legal system.
2.1.15	Define regulations and explain how administrative agencies create regulations.
2.1.17	Explain the roles of the local, state, and federal governments.
2.1.18	Describe the powers of the federal and state governments as stated in the U.S. Constitution.
2.1.19	Identify the basic freedoms guaranteed by the Bill of Rights.
2.1.20	Describe several key constitutional amendments beyond the Bill of Rights.
2.1.22	Explain how courts make law using precedent and the role of stare decisis.
2.1.23	Explain how to read case, statutory, and regulatory citations.
2.1.27	Describe how to properly brief a court decision.
<i>STRUCTURE OF THE COURTS</i>	
2.1.29	Distinguish between the roles of legal professionals (e.g., judges, lawyers, and paralegals).
2.1.30	Differentiate among cases that belong in the federal system and those that belong in the state systems in the United States.
2.1.32	Explain the role of the appellate court in the federal and state systems in the United States.
2.1.34	Explain the role of the trial court in the federal system and state systems in the United States.
2.1.37	Explain the role of the U.S. state supreme courts.
2.1.38	Compare the role of the juvenile court with other courts in the United States.
<i>PROCEDURAL LAW</i>	
2.1.39	Define procedural law.
2.1.40	Define substantive law.
2.1.41	Understand the function of procedural law.
2.1.42	Distinguish between procedural law and substantive law.
2.1.43	Define litigation.
2.1.45	Explain how jurors are selected in criminal and civil trials.
2.1.46	Explain why jury duty is a civic responsibility.
2.1.47	List and explain the steps in criminal and civil trials.
2.1.48	Describe the appellate process in criminal and civil cases.
2.1.49	Describe the purpose of the statute of limitations.
<i>ALTERNATE DISPUTE RESOLUTION</i>	
2.1.50	Identify the different types of alternate dispute resolution (ADR).
2.1.51	Explain the advantages and disadvantages of arbitration, mediation, summary trials, summary jury trials, early neutral evaluation, and conciliation.
<i>CRIMINAL LAW</i>	
2.1.52	Differentiate among categories of crime (e.g., treason, felony, and misdemeanor).
2.1.53	Describe different types of business crime (e.g., fraud, arson, forgery, and embezzlement).
2.1.54	Explain the concept of white-collar crime and provide examples.
2.1.55	Determine several defenses to criminal acts (e.g., insanity defense and self-defense).

	TORT LAW	
	2.1.56	Distinguish between civil and criminal law.
	2.1.57	Identify different civil law areas that impact businesses (e.g., tort, contract, and property law).
	2.1.58	Distinguish between a tort and a crime.
	2.1.59	Differentiate among and give examples of negligence, strict liability, and intentional torts.
	2.1.60	Explain how freedom of the press is legally compatible with defamation.
	2.1.61	Explain the rights to privacy.
	2.1.62	Explain the concepts of the reasonable person test and proximate cause.
	2.1.65	Discuss the defenses that are available in a negligence case.
	2.1.66	Distinguish between the burden of proof needed in criminal cases and tort law cases.
	2.1.67	Contrast the penalties available in criminal law with the remedies available in tort law.
CONTRACT LAW, LAW OF SALES, AND CONSUMER LAW		
Topic 2.2	Analyze the relationships between contract law, law of sales, and consumer law.	
	Student Competencies	
	CONTRACT LAW	
	2.2.1	List the elements required to create a contract.
	2.2.2	Explain the rehabilitation principle in contract law.
	2.2.3	Explain the development of the law merchant and its merger with common law.
	2.2.4	Differentiate among contractual characteristics (e.g., bilateral and unilateral, express and implied, and oral and written).
	2.2.5	Explain how offer and acceptance can create contractual rights and duties.
	2.2.6	Define counteroffer and describe the effects of a counteroffer in various contractual situations.
	2.2.7	Determine when an agreement is definite enough to be enforced as a contract.
	2.2.9	Define and distinguish between different types of consideration.
	2.2.11	Explain a minor's right to avoid a contract.
	2.2.12	Identify categories of people who lack contractual capacity.
	2.2.13	Describe the concept of unconscionability and compare it to illegality.
	2.2.14	Explain the effects of an illegal contract.
	2.2.15	Identify when noncompete agreements are legal.
	2.2.16	List the essential information that should be included in writing under the statute of frauds.
	2.2.19	Describe the various rules applied to the interpretation of contracts.
	2.2.20	Explain the various rules applied to contracts involving third parties.
	2.2.21	List the ways a contract can be discharged.
	2.2.22	Describe breach of contract.
	2.2.23	Describe the remedies available when a contract is breached.
	LAW OF SALES	
	2.2.25	Define goods.

	2.2.26	Distinguish goods from services and real property.
	2.2.27	Identify the source of law that applies to contracts for goods, services, and real property.
	2.2.28	Explain when to apply the Uniform Commercial Code (UCC).
	2.2.30	Give examples of special rules that apply to sales contracts that do not apply to other contracts.
	2.2.31	Clarify when sales contracts must be written.
	2.2.32	Determine whether a particular written contract meets the requirements for writing under the UCC.
	2.2.33	Contrast an auction with reserve to an auction without reserve.
	2.2.35	Discuss the issue of taxation and cybercommerce.
	CONSUMER LAW	
	2.2.36	Identify and state the purpose of legislation that regulates consumer credit and electronic credit transactions (e.g., Fair Credit Reporting Act, Fair Credit Billing Act, Equal Credit Opportunity Act, Fair Credit Collection Practices Act, and Consumer Credit Protection Act).
	2.2.37	Discuss consumer protection legislation at the state and federal levels.
	2.2.38	Define the term “unfair business practice”.
	2.2.39	Define the term “false and misleading advertising”.
	2.2.40	Describe the consequences of violating consumer statutes.
	2.2.41	Discuss the difference between unsafe products and dangerous products.
	2.2.42	Explain the purpose of the Consumer Product Safety Act.
	2.2.43	Explain the interplay of tort law with the Consumer Product Safety Act.
	2.2.44	Explain the main provisions of the Military Lending Act.
	2.2.45	Explain the purpose and operation of the Consumer Finance and Protection Bureau.
AGENCY AND EMPLOYMENT		
Topic 2.3	Analyze the role and importance of agency law and employment law related to the conduct of business in the national and international marketplaces.	
Student Competencies		
	AGENCY LAW	
	2.3.1	Define agency.
	2.3.2	Demonstrate an understanding of agency.
	2.3.3	List the ways agency relationships may be created.
	2.3.4	Distinguish among agents, independent contractors, brokers, bailees, and trustees.
	2.3.6	Explain the different types of agents.
	2.3.7	Explain the different types of principals.
	2.3.8	Define ratification.
	2.3.9	Explain vicarious liability.
	EMPLOYMENT LAW	
	2.3.11	Explain the doctrine of employment-at-will.

	2.3.12	Describe the wrongful discharge exceptions to employment-at-will, including implied contract, promissory estoppel, and public policy tort.
	2.3.13	Explain the employment doctrine of implied covenant.
	2.3.14	Explain the relationship to Title VII of the Civil Rights Act to employment.
	2.3.15	Explain the powers and the operation of the Equal Employment Opportunity Commission (EEOC).
	2.3.16	Explain the difference between disparate treatment and disparate impact in discrimination cases.
	2.3.17	Explain the EEOC's and the Supreme Court's current positions on LGBTQ employment rights.
	2.3.18	Determine what questions can and cannot be asked during an employment interview.
	2.3.19	Describe the employer's responsibilities to verify an employee's citizenship status in the United States.
	2.3.20	Describe an employer's right to free speech in the workplace.
	2.3.21	Describe the elements needed in a social media policy.
	2.3.22	Explain what constitutes sexual harassment in the workplace.
	2.3.23	Demonstrate an understanding of the basis on which employees or applicants may be asked to take tests (e.g., aptitude, psychological, polygraph, and drug test).
	2.3.24	Identify legislation that regulates employee rights (e.g., Americans with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, the Uniformed Services Employment and Reemployment Rights Act, Older Workers Benefit Protection Act, the Genetic Information Nondiscrimination Act, and the Working Families Flexibility Act).
	2.3.25	Identify legislation that regulates employment conditions (e.g., Fair Labor Standards Act, Immigration Reform and Control Act, Employment Retirement Income Security Act, and Occupational Safety and Health Act).
2.3.26	Identify legislation that guarantees worker benefits (e.g., unemployment insurance, pension protection, workers' compensation, and Social Security legislation).	
2.3.27	Describe the collective bargaining process.	
2.3.28	Identify legislation that regulates union activities (e.g., National Labor Relations Act, Taft-Hartley Act, Landrum-Griffin Act, and the Worker Adjustment and Retraining Notification Act).	
BUSINESS ORGANIZATIONS		
Topic 2.4	Describe the major types of business organizations, including sole proprietorships, partnerships, corporations, and limited liability companies, and operating within the socioeconomic arena of the national and international marketplace.	
Student Competencies		
	SOLE PROPRIETORSHIPS AND PARTNERSHIPS	
	2.4.4	Distinguish between the different types of partners (e.g., silent, dormant, and secret).
	2.4.5	Explain the legal procedures for forming and running a sole proprietorship.
	2.4.12	Explain the rights and duties of limited partners and general partners in a limited partnership.
	CORPORATIONS	
	2.4.17	Explain what it means to say that a corporation is a legal person.
	2.4.18	Explain how the concept of the corporation as a legal person has been altered by the U.S. Supreme Court.
	2.4.21	Explain when the courts may disregard the corporate entity and "pierce the corporate veil".

	2.4.22	Describe the board of directors' functions and officers of a corporation.
	2.4.24	Identify shareholder rights within the current corporate climate.
	2.4.25	Identify stakeholder rights within the current corporate climate.
PROPERTY LAW		
Topic 2.5	Explain the legal rules that apply to personal property, real property, and intellectual property.	
	Student Competencies	
	<i>PERSONAL PROPERTY</i>	
	2.5.1	Compare and contrast real property, personal property, and fixtures.
	2.5.2	Give examples of tangible and intangible personal property.
	2.5.3	List different methods by which acquiring property.
	2.5.4	Identify the requirements of a completed gift.
	2.5.5	Identify the forms of personal property co-ownership.
	2.5.6	Explain the standard of care that different bailees must exercise over bailed property.
	2.5.7	Identify the extraordinary obligations of innkeepers, common carriers, and warehouses.
	<i>REAL PROPERTY</i>	
	2.5.8	Distinguish among liens, licenses, and easements.
	2.5.9	List the major estates in real property.
	2.5.10	Describe the major features of each major estate in real property.
	2.5.11	Explain riparian rights, air rights, and subsurface rights.
	2.5.12	List and describe the forms of co-ownership of real property.
	2.5.13	Explain the method of transferring title (deeding) to real property.
	2.5.14	Describe the kinds of rental relationships that landlords and tenants may create.
	2.5.15	Explain the rights and obligations of landlords and tenants on the termination of a lease.
	<i>INTELLECTUAL PROPERTY</i>	
	2.5.16	Identify the types of intellectual property (e.g., trademark, tradename, trade dress, copyright, patent, trade secret).
	2.5.17	Describe how each type of intellectual property is created and legally protected.
	2.5.18	Describe how intellectual property rights terminate or can be lost.
	2.5.21	Explain copyright infringement and the fair use doctrine.
NEGOTIABLE INSTRUMENTS, INSURANCE, SECURED TRANSACTIONS, BANKRUPTCY		
Topic 2.6	Analyze the functions of negotiable instruments, insurance, secured transactions, and bankruptcy.	
	Student Competencies	
	<i>NEGOTIABLE INSTRUMENTS</i>	
	2.6.1	Explain the concept of negotiability.
	2.6.2	Differentiate negotiability from assignability.
	2.6.3	Identify the essential elements of a negotiable instrument.
	2.6.4	Describe the different types of negotiable instruments.

	INSURANCE	
	2.6.9	Define insurance.
	2.6.10	Explain the benefits of insurance.
	2.6.11	Explain the requirements for an insurable interest.
	2.6.12	Compare and contrast the different types of life insurance.
	2.6.13	Compare and contrast the different types of personal liability and property insurance.
	2.6.15	Explain the nature and the need for renter’s insurance.
	2.6.16	Explain some of the different kinds of health insurance coverage.
	BANKRUPTCY	
	2.6.23	Define bankruptcy.
2.6.24	Describe Chapter 7 bankruptcy of the federal bankruptcy law.	
2.6.27	Identify the eligibility requirements for debtors who must file for bankruptcy under Chapter 13.	
COMPUTER LAW		
Topic 2.7	Explain how advances in computer technology impact such areas as intellectual property, contract law, criminal law, tort law, and international law.	
Student Competencies		
	BASICS OF COMPUTER LAW	
	2.7.1	Define the key terms involved in computer law.
	2.7.2	Identify the areas of the law affected by the use of computers.
	INTELLECTUAL PROPERTY	
	2.7.3	Describe when a computer program can be protected as a trade secret.
	2.7.4	Describe the effects of a licensing agreement.
	2.7.5	Explain the provisions of the Uniform Trade Secrets Act.
	2.7.6	Explain the effects of the Anticybersquatting Consumer Protection Act on trademark remedies.
ENVIRONMENTAL LAW AND ENERGY REGULATION		
Topic 2.8	Explain the legal rules that apply to environmental law and energy regulation.	
Student Competencies		
	ENVIRONMENTAL LAW	
	2.8.1	Define environmental law.
	2.8.5	Discuss civil consequences of violating environmental regulations.
	2.8.6	Discuss criminal consequences of violating environmental regulations.
FAMILY LAW		
Topic 2.9	Explain the legal rules that apply to marriage, divorce, and child custody.	
Student Competencies		
	MARRIAGE	
	2.9.1	Define common law marriage.

	2.9.2	Explain the rights and obligations involved in marriage.
	2.9.3	Contrast the age requirements for marriage under the laws of different states and other countries.
	2.9.4	Identify the terms that might be included in a prenuptial agreement.
	2.9.7	Explain the tax implications of marriage.
	DIVORCE AND CHILD CUSTODY	
	2.9.9	Contrast legal separation, annulment, divorce, and dissolution proceedings.
	2.9.15	Discuss the tax implications of property settlements and spousal support agreements.
WILLS AND TRUSTS		
Topic 2.10	Determine the appropriateness of wills and trusts in estate planning.	
Student Competencies		
	WILLS	
	2.10.1	Define testamentary capacity.
	2.10.2	Define testamentary intent.
	2.10.3	Identify the requirements necessary for a valid will.
	2.10.4	Define a holographic will.
	2.10.5	Distinguish between signing, attesting, and publishing a will.
	2.10.6	Explain how a will may be modified or revoked.
	2.10.7	Describe the protection given to spouses under the law of wills.
	2.10.8	Describe the protection given to children under the law of wills.
	2.10.9	Explain what happens to a decedent’s estate when a person dies without a will.
	2.10.10	Explain the effect of holding property in joint tenancy.
	2.10.11	Define living will.
	2.10.12	Identify the responsibilities of an executor.
	2.10.13	Describe the probating of a will.
	2.10.14	Describe the contesting of a will.
	TRUSTS	
	2.10.18	Define a trust.
	2.10.19	Identify the key characteristics of a trust.
	2.10.20	Explain the advantages of establishing a trust.
	2.10.21	Explain the disadvantages of establishing a trust.
	2.10.22	Describe the various types of trusts.