

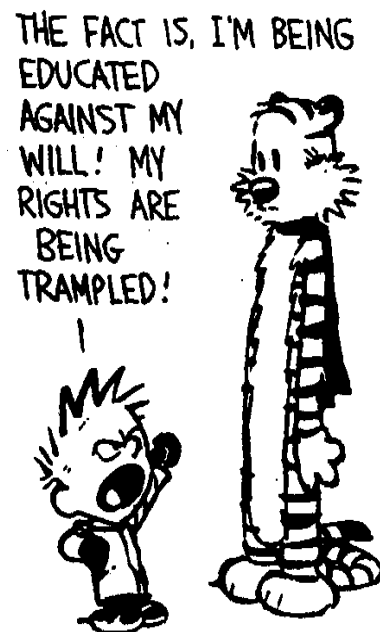
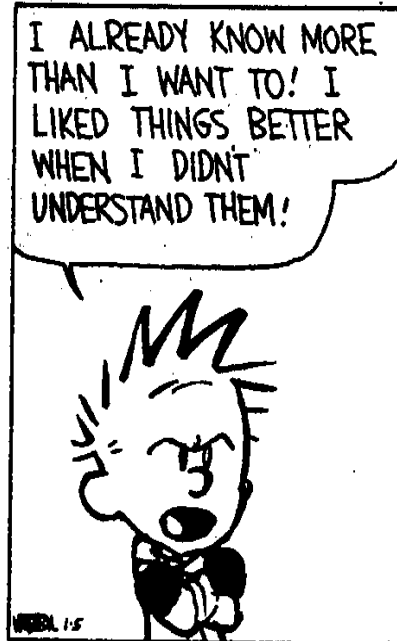
**Spotlight on Advanced
Research & Scholarship
University of Dayton**

School Law: An Applied Discipline

Friday, November 19, 2010

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CALVIN AND HOBBS by Bill Watterson



Outline

- I. Introduction
- II. Nature of School Law
- III. Bedrock Principles
- IV. Major Issues
- V. Conclusion

REAL LIFE ADVENTURES by Gary Wise and Lance Aldrich



Many times, the body language of the audience will tell you how your presentation's going.

I. Introduction

Brown v. Board of Education (1954)

NOT ONLY

Introduced equal educational opportunity

BUT ALSO

began the study of School (or) Education Law

I. Introduction

... even though, the Constitution does not mention education:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

10th Amendment (1791)

I. Introduction

Between 1791-1946, 15 cases on K-12 School Law

Everson v. Board of Education (1947) starts modern era

since 1947, at least 150 major cases resolved on the merits,

many more cases impact on education

II. Nature of School Law

School Law is an applied, multi-dimensional

discipline . . . like facets of a diamond . . .

... concerns, for example, equal opportunities, religion,

safety speech, school safety . . .



II. Nature of School Law

A vehicle for change in society (*Brown*)

involves legal research = historical, legal inquiry

an amalgam of many areas such as

constitutional law, contracts, administrative law

II. Nature of School Law

School Law is NOT

Qualitative / Quantitative / Mixed Methods

BUT, as ever evolving field of study

employs a time line to look at

past. . .

present . . .

future . . .

II. Nature of School Law

Heraclitis

“one cannot step into the same river twice”

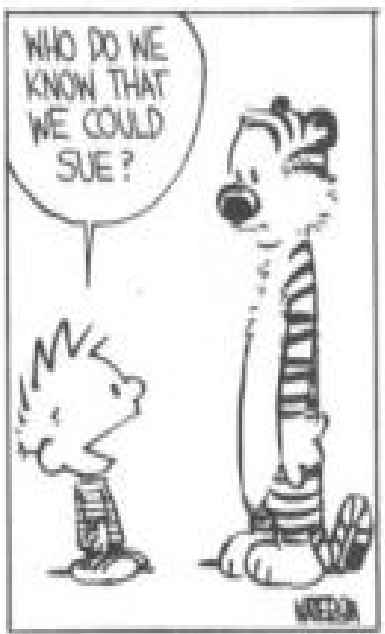
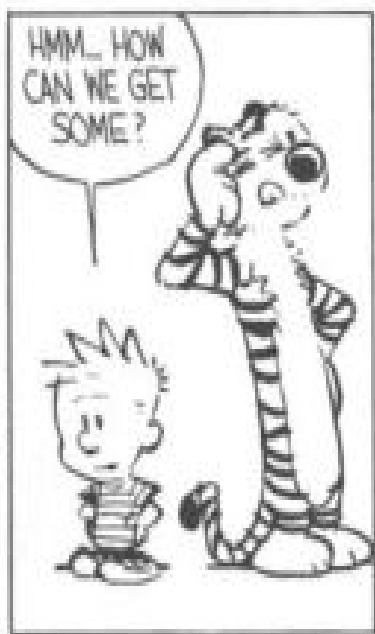


II. Nature of School Law

Challenge of Legal Research

... Take a reactive discipline to

- use the knowledge, wisdom of the past (precedent)
- develop pro-active steps to address today's concerns
- engage in preventative School Law



II. Nature of School Law

Thus, legal research/ inquiry uses different kind of data when compared with the “hard” or social sciences, namely case law

But see Brown and work of Dr. Kenneth B. Clark

II. Nature of School Law

King George III

“Being a lawyer is not knowing the law.

It is knowing where to find the law.”

II. Nature of School Law

School Law does NOT focus solely on abstract

legal principles, otherwise it is like counting

“how many angels can dance on the head of a pin.”

Instead, School Law deals with concrete principles

that impact daily lives of Americans

II. Nature of School Law

In teaching School Law, one must learn to
translate law into practice by developing
sound policy based on legal principles

III. Key Principles

Due Process

provide persons with all of the process they are due

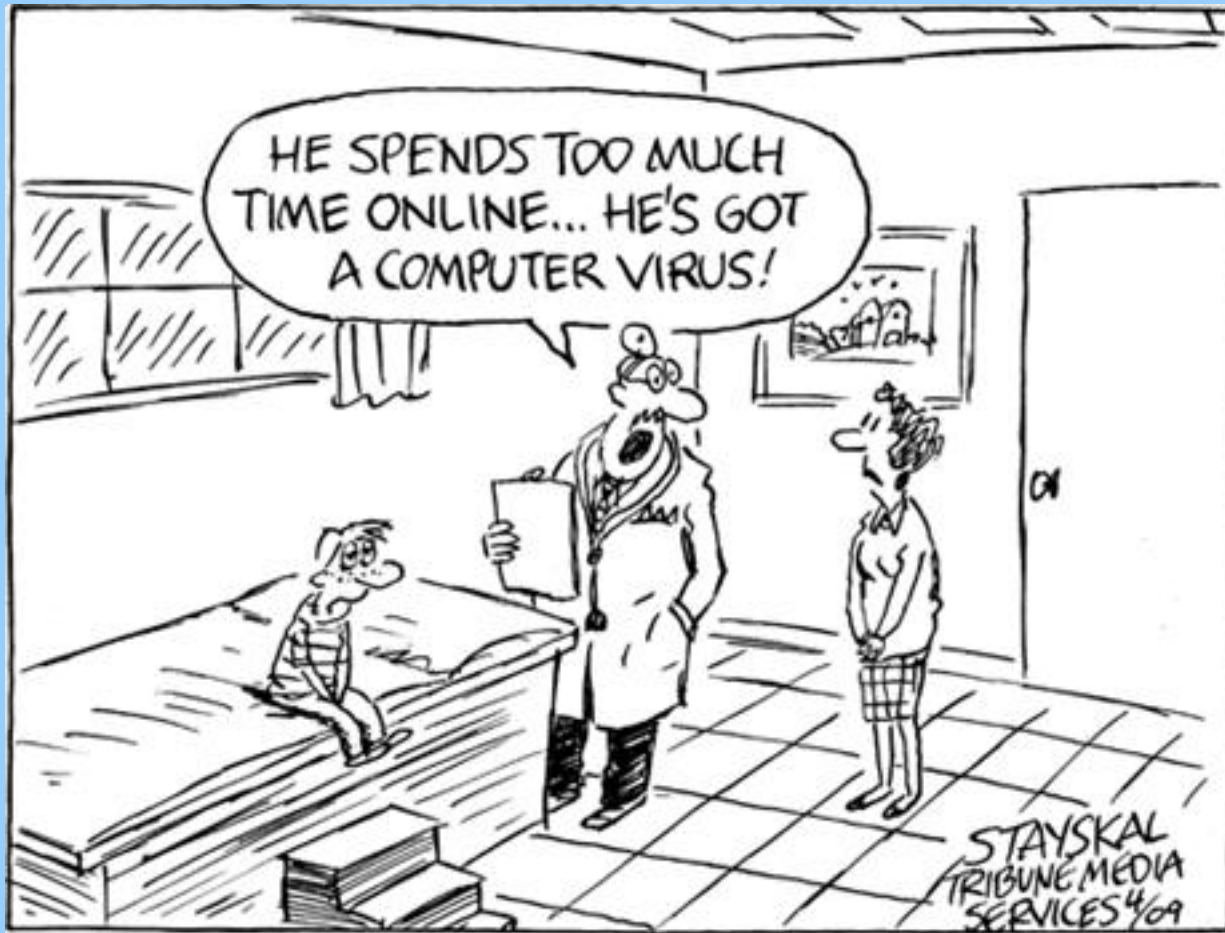
Equal Protection

treat similarly situated people similarly

IV. Major Issues

1. Religion
 - a) State Aid
 - b) Prayer and Religious Activity

2. Student Rights
 - a) Discipline-Due Process
 - b) Free Speech
 - c) Equal Opportunity
 - i) Title IX
 - ii) Special Education
 - iii) Desegregation



HE SPENDS TOO MUCH TIME ONLINE... HE'S GOT A COMPUTER VIRUS!

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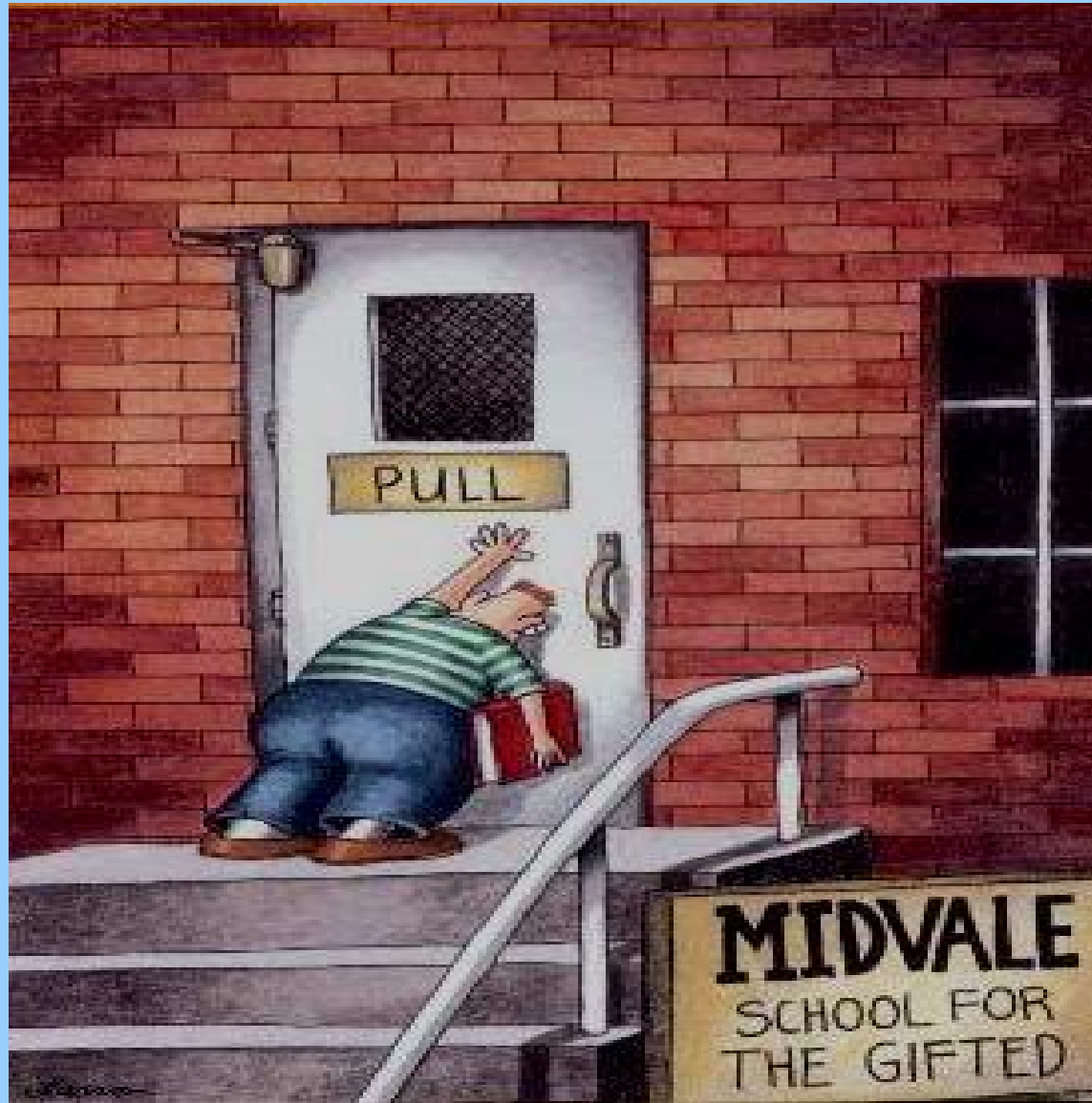
IV. Major Issues

3. Teacher Rights

a) Dismissal

b) Free Speech

c) Unions



V. Conclusion

Knowledge is power . . .

Francis Bacon

Thank you for listening