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To Jerome (best brother ever) and Colleen Stefkovich who generously welcomed me back as part of their family and taught me to keep it real.

Jacqueline A. Stefkovich

To my sons, Luca and Nic, who will know the impact of law on addressing equity and equality in education.

Kevin P. Brady

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Contents

Table of Cases	xv
Preface	xxix
Acknowledgments	xxxii
Chapter 1 · Governance of Public Schools	3
Sources of the Law	3
Constitutions	3
Statutes	4
Regulations	5
Local Board Policy	5
Case Law	5
Structure of the Law	6
Stare Decisis	7
The Judicial System	8
District Courts	10
Courts of Appeal	10
The United States Supreme Court	12
State Courts	13
The Role of the Federal Government in Education	13
No Child Left Behind	17
ESSA	18
The Role of State Government in Education	18
Compulsory School Attendance	23
Exemptions from Compulsory Attendance	23
Home Schooling	24
Vouchers	26
Charter Schools	27
The Impact of the National Pandemic on K-12 Education	28
Chapter 2 · Liability of Educators and School Districts	29
Introduction	29
Intentional Torts	30
Defamation, Libel, and Slander	30
Strict Liability	31
Unintentional Torts	31

Duty	32
Standard of Care	33
Causation	34
Damages	35
Defenses to Negligence	36
Liability for Third-Party Actions	37
Limitations on Recovery	37
The Paul D. Coverdell Teacher Protection Act	38
Civil Rights Torts and Qualified Immunity	38
Corporal Punishment	41
State Laws and Local Policies	43
Constitutional Claims	43
Corporal Punishment versus Battery	49
Corporal Punishment versus Child Abuse	50
Bullying and Constitutional Claims	52
Strip Searching	53
School Resource Officers	57
Sexual Harassment: Title IX and § 1983 Claims	63
Sexual Harassment	66
Transgender Students	69
Racial Harassment & Title VI Claims	75
Educational Malpractice	76
Conclusions	80
Selected Case Law	80
<i>Ingraham v. Wright</i>	81
<i>Davis v. Monroe County Board of Education</i>	100
<i>Peter W. v. San Francisco Unified Sch. Dist.</i>	114
Chapter 3 · Teachers' Rights and Responsibilities	125
Constitutional Rights of Teachers	125
Teachers' Free Speech Rights	125
Teachers' Fourth Amendment Rights	131
Searches with Individualized Suspicion	132
Mass Drug Testing of Teachers	133
Drug Testing of Other School Employees	138
Employment Discrimination in Teaching	138
Race Discrimination	139
Gender Discrimination	141
Sexual Harassment	148
Religious Discrimination	150
Age Discrimination	152
Teacher Dismissal	161
Dismissal of Non-Tenured Teachers	162
Dismissal of Tenured Teachers	164

Documentation for Dismissal: Sufficiency of Evidence	165
Incompetence	166
Immorality	168
Professional Misconduct as Immorality	170
Unethical Behavior and Dishonesty as Immorality	171
Unbecoming Conduct as Immorality	172
Sexual Activities with Students as Immorality	173
Cruelty as Immorality	174
Criminal Activity as Immorality	175
Insubordination	177
Controversial Nature of Teacher Protections	178
Constitutional Restrictions on Teacher Dismissals	179
Applying the Teacher Speech Doctrines: Criticism of Authority	180
Conditions of Employment	182
Teachers' Rights Considerations in Pandemics and Other Crises	183
Selected Case Law	186
<i>Pickering v. Board of Education of Township</i>	
<i>High School District 205, Will County, Illinois</i>	186
<i>Mt. Healthy City School District Board of Education v. Doyle</i>	194
<i>Connick v. Myers</i>	202
<i>Waters v. Churchill</i>	213
<i>Garcetti v. Ceballos</i>	225
Chapter 4 · Students' Rights and Discipline	235
Legal Basis for Disciplining Students	235
Scope of School Leaders' Authority	236
Grade Reductions as Punishment	237
Expulsion and Suspension	238
The Fourteenth Amendment	238
Short-Term Suspensions	239
Defining Minimum Due Process— <i>Goss v. Lopez</i>	239
Notice for Short-Term Suspensions	240
Hearing Procedures for Short-Term Suspensions	242
Appealing a Short-Term Suspension	242
<i>Miranda</i> Rights	242
Long-Term Suspensions	244
Specialty Suspensions	245
Emergency Suspension	245
School Bus Suspension	245
In-School Suspension	246
Suspension from Extracurricular Activities	248
Indefinite Suspension	249
Disciplinary Transfers	250
Related Considerations in Student Removals	250

Responsibility for Alternative Education	251
Expulsion or Suspension for Behavior off School Grounds	252
Zero Tolerance and Due Process	254
Concluding Remarks on Student Expulsions and Suspensions	256
Freedom of Student Speech and Expression	256
Lewd/Vulgar Student Speech	256
School-Sponsored Speech	257
Speech or Expression Promoting Illegal Drug Use Not Protected	258
Freedom to Read	259
Applying Student Free Speech and Expression Standards	259
Student Dress Codes	261
School Uniforms	264
Students' Rights and Technology	266
Cyberbullying	267
The First Amendment and Technology	270
The Fourth Amendment	275
Source of Search and Seizure Law	276
Privacy Rights of Students and <i>New Jersey v. T.L.O.</i>	277
The Case of <i>T.L.O.</i>	277
Do Students Have a Right to Privacy?	278
The Reasonableness Standard	280
Applying the Reasonableness Standard in <i>T.L.O.</i>	281
Elaborating on the Two-Pronged Test	282
The Fourth Amendment and Technology	283
Students and Drug and Alcohol Use	287
Searches of Individual Students for Drugs	288
Drug Testing of Individual Students	289
Random or Mass Drug Testing of Students	289
Student Strip Searches	295
Student Records	298
Selected Case Law	307
<i>Goss v. Lopez</i>	307
<i>J.D.B. v. North Carolina</i>	318
<i>Tinker v. Des Moines Independent Community</i>	
School District	329
<i>Bethel School District No. 403 v. Fraser</i>	336
<i>Hazelwood School District v. Kuhlmeier</i>	343
<i>Board of Education, Island Trees Union Free School</i>	
District No. 26 v. <i>Pico</i>	353
<i>Morse v. Frederick</i>	366
<i>New Jersey v. T.L.O.</i>	375
<i>Vernonia School District 47J v. Acton</i>	388

<i>Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls</i>	400
<i>Safford Unified School District #1 v. Redding</i>	408
Chapter 5 · Special Education	417
Introduction	417
Early Landmark Legal Cases Involving Students with Disabilities	418
Major Federal Legislation Impacting Students with Disabilities	420
Individuals with Disabilities Education Act (IDEA)	421
Zero Reject (Child Find Provision)	425
Principle of Nondiscriminatory Evaluation and Appropriate Student Eligibility Practices	425
Individualized Education Programs (IEPs)	432
Least Restrictive Environment (LRE)	434
Parental and Student Participation in the Decision-Making Process	435
Procedural Due Process and Safeguards	436
Free Appropriate Public Education (FAPE)	437
Clarifying <i>Rowley</i> 's FAPE Provision: The Legal Significance of <i>Andrew F.</i>	438
Related Services Under the IDEA	439
Discipline of Students with Disabilities	440
Special Education Disproportionality in Disciplinary Practices	440
Drugs and Weapons Suspensions Involving Students with Disabilities	444
Other Disciplinary Removals	445
The Americans with Disabilities Act (ADA)	446
Section 504 of the Rehabilitation Act of 1973 (Section 504)	447
Parental Rights Involving the Special Education Process	448
The Impact of the COVID-19 Global Pandemic on the Provision of Special Education	449
Federal Guidelines for the Provision of Special Education During COVID-19	450
Litigation Resulting from COVID-19 and Providing Special Education Services	453
Selected Case Law	455
<i>Board of Education of the Hendrick Hudson Central School District v. Rowley</i>	455
<i>Andrew F. v. Douglas County School District</i>	465
<i>Irving Independent School District v. Tatro</i>	471
<i>Honig v. Doe</i>	478

Chapter 6 · Church/State/Education Relationships	491
Brief History of the Religion Clause	491
Relationship Between the Free Exercise Clause and the Establishment Clause	493
The Free Exercise Clause in Education	494
The Belief-Conduct Distinction Test	495
<i>Reynolds v. United States</i>	495
Balance of Competing Interests Test	496
Threshold Requirement for the Claimant: A Sincerely Held Religious Belief	497
Threshold Requirement for the State: Least Restrictive Means	498
The Modified Balance of Interest Test: Targeting Required	499
Congress Reacts to <i>Oregon v. Smith</i> : The Religious Freedom Restoration Act	500
Free Exercise and Home Schooling	501
Course Requirements and Religious Objections	505
The Establishment Clause in Education	507
The Early Cases: Child-Benefit Theory and the Two-Pronged Test	507
The Teaching of Creationism versus Evolution	509
The Three-Pronged <i>Lemon</i> Test	510
Creationism Revisited	511
Intelligent Design	514
The Modified <i>Lemon</i> Test	514
Prayers at School Board Meetings	517
Implications for School Boards	518
The Prayer Clubs Cases	520
The Equal Access Act	521
Avoiding the Equal Access Act	524
<i>Gernetzke v. Kenosha Unified School District No. 1</i>	525
Religious Materials in School	526
The Third Establishment Clause Test: Coercion Analysis	529
Prayer at School Events	530
<i>Doe v. Beaumont Independent School District</i>	530
<i>Adler v. Duval County School Board</i>	531
<i>Lassonde v. Pleasanton</i>	531
Free Exercise as Speech	532
Moment of Silence, Meditation, or Prayer	534
<i>Brown v. Gilmore</i>	535
Curriculum as an Establishment Clause Issue	537
School Vouchers and the Establishment Clause	539
Considerations for Parochial Schools	540
Final Thoughts on Accommodation	541
Selected Case Law	542

<i>Wisconsin v. Yoder</i>	542
<i>Lemon v. Kurtzman</i>	560
<i>Board of Education of the Westside Community Schools v. Mergens</i>	571
<i>Lee v. Weisman</i>	586
<i>Santa Fe Independent School District v. Doe</i>	598
<i>Lamb's Chapel v. Center Moriches Union Free School District</i>	613
<i>Espinoza v. Montana Department of Revenue</i>	620
Glossary of Terms	635
Index	651

Table of Cases

- A.M. v. Cash, 585 F.3d 214 (5th Cir. 2009), 264
- Aaris v. Las Virgenes Unif. School District, 75 Cal.Rptr.2d 801 (Cal. App.2d District 1998), 37
- Acton v. Vernonia Sch. Dist. 47J, 23 F.3d 1514 (1994), 290, 388**
- Adams by and through Kasper v. Sch. Bd. of St. John’s County, 968 F.3d 1286 (11th Cir. 2020), 70
- Adler v. Duval County School Board, 250 F.3d 1330 (11th Cir. 2001), 531
- Agostine v. School District of Phila., 527 A.2d 193 (Pa. Commw. Ct. 1987), 76
- Alexander v. Reeves, 90 So.3d 1273 (Miss. App. 2012), 167
- Ali v. Woodbridge Twp. Sch. Dist., 957 F.3d 174 (3d Cir. 2020), 140
- Alston v. Unemployment Compensation Board of Review, 967 A.2d 432, 433 (Pa. Commw Ct. 2009), 171
- Alston v. Unemployment Compensation Board of Review, 967 A.2d 432 (Pa.Cmwlth. 2009), 171
- American Federation of Teachers—West Virginia, AFL-CIO v. Kanawha County Board of Education, 592 F.Supp. 2d 883 (S.D. W.Va. 2009), 137
- American Humanist Association v. McCarty, 851 F.3d 521 (5th Cir. 2017), 518, 519
- Anable v. Ford, 653 F. Supp. 22 (W.D. Ark. 1985), 289
- Anderson v. Douglas County School District, 342 Fed.Appx. 223 (8th Cir. 2009), 129
- Andrews v. Drew Municipal Separate S.D., 507 F. 2d 611 (5th Cir. 1975), 143
- Ansonia Board of Education v. Philbrook, 479 U.S. 60 (1986), 151
- Arizona v. Gant, 556 U.S. 332 (2009), 277
- Aubrey v. School Board of Lafayette Parish, 148 F.3d 559 (5th Cir. 1998), 138
- B.H. v. Easton Area School Dist., 725 F.3d 293 (3d Cir. 2013), 264
- B.L. v. Mahanoy Area School District, 964 F.3d 170 (3d Cir. 2020), 271, 274
- B.M. v. State, 649 P.2d 425 (Mont. 1982), 76
- B.W.A. v. Farmington R-7 School Dist., 554 F.3d 734 (8th Cir. 2009), 264
- Bacus v. Palo Verde Unified Sch. Dist., 11 F. Supp. 2d 1192 (C.D.Cal. 1998), rev’d, 52 Fed. Appx 355 (9th Cir. 2002), 517
- Baker v. Owen, 395 F. Supp. 294 (M.D.N.C. 1975), 42, 86
- Bangert v. Hodel, 705 F.Supp. 643, 649 (D.D.C. 1989), 135
- Beard v. Whitmore Lake School District, 402 F.3d 598 (6th Cir. 2005), 54, 55, 56
- Bell v. Board of Education of West Haven, 739 A2d 321 (Conn. App. Ct. 1999), 76

- Bell v. Itawamba County School Board*, 799 F.3d 379 (5th Cir. 2015), 271
- Bell v. Little Axe*, 766 F.2d 1391 (10th Cir. 1985), 516
- Bender v. Williamsport Area School District*, 741 F.2d 538 (3d Cir. 1984), 520, 584
- Benner v. Wolf*, 461 F.Supp.3d. 154 (M.D. Pa. 2020), 453
- Berger v. Rensselear Central School Corp.* 982 F.2d 1169 (7th Cir. 1993), 527
- Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986), 256, 257, 267, 269, 336, 578, 596**
- Bishop v. Colaw*, 450 F.2d 1069 (8th Cir. 1971), 261
- Blount v. Department of Educational Services*, 551 A.2d 1377 (Me 1988), 365
- Board of Education of Central School District No. 1 v. Allen*, 392 U.S. 236 (1968), 508
- Board of Education of Fayette County v. Hurley-Richards*, 396 S.W.3d 879 (Ky. 2013), 172
- Board of Education of Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176 (1982), 351, 437, 455**
- Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002), 290–294, 400**
- Board of Education of the Westside Cmty. Schs. v. Mergens*, 496 U.S. 226 (1990), 524–525, 571**
- Board of Regents v. Roth*, 408 U.S. 564 (1972), 93, 97, 162, 163, 199, 207, 222
- Board of Trustees of Bastrop Independent Sch. Dist. v. Toungate*, 958 S.W.2d 365 (Tex. 1997), 261
- Board of Trustees v. Stubblefield*, 94 Cal. Rptr. 318 (1971), 169
- Bostock v. Clayton County*, 590 U.S. —, 140 S. Ct. 1731 (2020), 73, 141
- Bowen v. Gilliard*, 483 U.S. 587, 602 (1987), 72
- Boynton v. Casey*, 543 F. Supp. 995, 1001 (D. Me. 1982), 251
- Brammer-Holter v. Twin Peaks Charter Academy*, 492 F.3d 1192 (10th Cir. 2007), 129
- Brandon v. Board of Education of the Guilderland Central School District*, 635 F.2d 971 (2d Cir. 1980), 520, 577
- Brandt v. Shop ‘N Save Warehouse*, 108 F.3d 935 (8th Cir. 1997), 140
- Brannum v. Overton County School Board*, 516 F.3d 489 (6th Cir. 2008), 283, 287, 410
- Brantley v. District of Columbia*, 640 A.2d 181, 184 (D.C. Cir. 1994), 76
- Breen v. Kahl*, 419 F.2d 1034 (7th Cir. 1969), 261
- Bridgman ex rel Bridgman v. New Trier High School District No. 203*, 128 F.3d 1146 (7th Cir. 1997), 289
- Brindisi v. Regano*, 20 Fed. Appx. 508 (6th Cir. 2001), 249
- Broney v. California Com. on Teacher Credentialing*, 108 Cal.Rptr.3d 832 (Cal. App. 3 District, 2010), 171
- Brooks v. East Chambers Consolidated School District*, 730 F. Supp. 759 (S.D. Tex. 1989), 291
- Brooks v. School Board of City of Richmond*, 569 F.Supp. 1534 (E.D. Va. 1983), 44
- Brown v. Gilmore*, 258 F.3d 265 (4th Cir. 2001), 535
- Brown v. James*, 697 S.E.2d 604, 609 (Tex. 2010), 62, 535
- Brown v. Johnson*, 710 F.Supp. 183 (E.D. Ky. 1989), 44
- Brown v. Woodland Joint Unified School District*, 27 F.3d 1373 (9th Cir. 1994), 537

- Brunelle v. Lynn Public School*, 702 N.E.2d 1182 (Mass. 1998), 504
- Bruno v. Greene Cty. Sch.*, 801 Fed. Appx. 681 (11th Cir. 2020), 161
- Bryant v. Independent School District No. I-38 of Garvin Cnty.*, 334 F.3d 928, 934 (10th Cir. 2003), 76
- Burge ex rel. Burge v. Colton Sch. Dist.* 53, 100 F. Supp 3d 1057 (D. Or. 2015), 247
- Burton v. Kirby*, 775 S.W.2d 834 (Tex. Civ.App. 1989), 52
- Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S.682 (S.Ct. 2014), 503
- C.R. v. Eugene Sch. Dist. 4J*, 835 F.3d 1142 (9th Cir. 2016), 271
- Canady v. Bossier Parish School Board*, 240 F.3d 437 (5th Cir. 2001), 265
- Carver Middle Sch. Gay-Straight Alliance v. Sch. Bd. of Lake Cnty.*, 249 F.Supp.3d 1286 (M.D. Florida, 2017), 526
- Casey v. Newport School Comm.*, 13 F. Supp. 2d 242 (D.R.I. 1998), 129
- Casey v. West Las Vegas Independent School District*, 473 F.3d 1323 (10th Cir. 2007), 251
- Champion v. Outlook Nashville, Inc.* 380 F.3d 893, 900–01 (6th Cir. 2004), 54
- Chandler v. McMinnville School District*, 978 F.2d 524 (9th Cir. 1992), 262–263
- Chandler v. Miller*, 520 U.S. 305 (1997), 133–138, 406
- Chaveas v. Township High School District*, 533 N.E.2d 23 (Ill.App.1st Dist. 1990), 37
- Chicago Teachers Union v. DeVos*, 468 F.Supp.3d. 974 (N.D. Ill. E.D., 2020), 454
- Child Welfare Society of Flint v. Kennedy School District*, 189 N.W. 1002 (Mich. 1922), 19
- Cicccone v. Bedford Central School District*, 21 A.D.3d 437 (N.Y. App. Div. 4th Department 2005), 36
- Cipollaro v. New York City Department of Education*, 83 A.D.3d 543, (N.Y.A.D. 1 Department, 2011), 175
- City of Boerne v. Flores*, 521 U.S. 507 (1997), 501–502
- City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432 (1985), 72
- City School District of City of New York v. McGraham*, 958 N.E.2d 897 (N.Y., 2011), 174
- Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), 163–164
- Cliff v. Indianapolis Board of School Comm’rs*, 42 F.3d 403 (7th Cir. 1994), 181
- Cole v. Newton Special Municipal Separate School District*, 853 F.2d 924 (5th Cir. 1988), 247
- Coles v. Cleveland Bd. of Educ.* 171 F.3d 369 (6th Cir. 1999), 517
- Colonnade Corp. v. U.S.*, 397 U.S. 72 (1970), 135
- Committee for Public Education & Religious Liberty v. Nyquist*, 413 U.S. 760 (1973), 515, 583, 589
- Commonwealth ex rel. School District v. Ross*, 330 A.2d 290, 291 (Pa. 1975), 24
- Commonwealth v. J.B.*, 719 A.2d 1058 (Pa. Super.1998), 288
- Connecticut Education Association, Inc. v. Tirozzi*, 554 A.2d 1065 (Conn. 1989), 163
- Connick v. Myers*, 461 U.S. 138 (1983), 126–129, 130, 182, 202**
- Coomes v. Edmonds Sch. Dist. No. 15*, 816 F.3d 1255 (9th Cir. 2016), 129
- Coover v. Saucon Valley School District*, 955 F. Supp. 392 (E.D. Penn. 1997), 181

- Couture v. Bd. of Educ. of Albuquerque, 535 F.3d 1243 (10th Cir. 2008), 247
- Crosby v. Holt, 320 S.W.3d 805 (Tenn. Ct.App. 2009), 177
- Cunningham v. Beavers, 858 F.2d 269 (5th Cir. 1988), 44
- D.H. v. Clayton County School District, 830 F.3d 1306 (11th Cir. 2016), 296
- D.J. v. Department of Health and Rehabilitative Services, 565 So.2d 863 (Fla. District Ct. App. 2d DCA 1990), 51
- D.S.W. v. Fairbanks N. Star Borough School District, 628 P.2d 554 (Alaska 1981), 76
- D'Angelo v. School Board of Polk County, Florida, 497 F.3d 1203 (11th Cir 2007), 129
- Daniels v. Gordon, 503 S.E.2d 72 (Ga. App. 1998), 52
- Daniels v. Pipe Fitters Association, Local Union 597, U.S.A., 73 F.E.P. (BNA) 1284 (7th Cir. 1997), 141
- Davis v. Monroe County Board of Education, 526 U.S. 629 (1999), 67, 68, 76, 100**
- Defoe v. Spiva, 625 F.3d 324 (6th Cir. 2010), 264
- Denver Parents Ass'n v. Denver Board of Education, 10 P.3d 662 (Colo. Ct. App. 2000), 80
- DeShaney v. Winnebago County Department of Soc. Services, 489 U.S. 189 (1989), 40, 53, 80, 393
- Dickens v. Johnson City. Board of Ed, 661 F.Supp. 155 (E.D. Tenn. 1987), 248
- Diloreto v. Downey Unified School District Board of Education, 155 F.3d 274 (4th Cir. 1998), 528
- Doe ex rel Doe v. State of Hawaii Department of Education, 334 F.3d 906 (9th Cir. 2003), 48
- Doe ex. rel. Doe v. Boyertown Area Sch. Dist., 897 F.3d 518 (3d. Cir. 2018), 70, 74
- Doe v. Beaumont Independent School District, 173 F.3d 274 (5th Cir. 1999), 530
- Doe v. Board of Education of Montgomery County, 435 A.2d 814 (Md. 1982), 530
- Doe v. Indian River Sch. Dist. 653 F.3d 256 (3d Cir. 2011), 517
- Doe v. Sch. Bd. for Santa Rosa County, 264 F.R.D. 670 (N.D. Fla. 2010), 532
- Doe v. School Board of Ouachita Parish, 274 F.3d 289 (5th Cir. 2001), 536
- Doe v. Tangipahoa Parish Sch. Bd., 473 F.3d 188 (5th Cir. 2006) vacated on reh'g en banc, 494 F.3d 494 (5th Cir. 2007), 517
- Doe v. Town of Framingham, 965 F.Supp. 226 (D. Mass. 1997), 76
- Doe v. Wilson County Sch. Sys., 564 F. Supp. 2d 766 (M.D. Tenn. 2008), 532
- Doe. v. St. Francis School District, 694 F.3d 869 (7th Cir. 2012), 69
- Domingo v. Kowalski, 810 F.3d 403, (6th Cir. 2016), 51, 272, 275
- Donegan v. Livingston, 877 F. Supp. 2d 212 (M.D. Pa 2012), 133
- Doninger v. Niehoff, 642 F.3d 334 (2d Cir. 2011), 272
- Donohue v. Copiague Union Free School District, 391 N.E.2d 1352 (N.Y. App. Ct. 1979), 76
- Doug C. v. Hawaii Dept. of Educ., 720 F. 3d 1038 (9th Cir. 2017), 435
- Douglas v. New York City Board / Department of Education, 87 A.D.3d 856 (N.Y. App. Div. 1st Dept. 2011), 174
- Draudt v. Wooster City School District Board of Ed., (N.D. Ohio 2003), 30
- Duvall v. Putnam City Sch. Dist., 530 Fed.Appx. 804 (10th Cir. 2013), 129

- E.W. by and through T.W. v. Dolgos, 884 F.3d 172 (4th Cir. 2018), 61–62
- Earls v. Bd. of Educ. of Independent Sch. Dist. No. 92 of Pottawatomie County, 242 F.3d 1264 (10th Cir. 2001), 290–295, 400
- Edelson v. Uniondale Union Free Sch. Dist., 219 A.D.2d 614 (N.Y. App. Div. 2d Dept. 1995), 36
- Edwards v. Aguillard, 482 U.S. 578 (1987), 511, 583–584, 593, 611
- Eisel v. Board of Education, 324 Md. 376, 597 A.2d 447 (Md. 1991), 33
- Elsass v. St. Mary’s City School District Board of Edn., 2011 WL 1458154 (Ohio App. 3 District 2011), 176
- Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990), 500, 502, 505
- Andrew F. ex rel. Joseph F. v. Douglas County School District, 137 S.Ct. 988 (2017), 432, 438–439, 465**
- Epperson v. Arkansas, 393 U.S. 97 (1968), 314, 332, 351, 356, 509
- Espinoza v. Montana Dept. of Revenue, 140 S. Ct. 2246 (2020), 539, 620**
- Everett v. Marcose, 426 F.Supp. 397 (E.D. Pa. 1977), 250
- Everson v. Board of Education, 330 U.S. 1 (1947), 507, 547, 549
- Farner v. Idaho Falls School District No. 91, 17 P.3d 281 (Idaho 2000), 183
- Fee v. Herndon, 900 F.2d 804 (5th Cir. 1990), 44–45
- Felton v. Fayette School District, 875 F.2d 191 (8th Cir. 1989), 253
- Ferrell v. Dallas Ind. School District, 392 F.2d 697 (5th Cir. 1968), 261, 332
- Fitzgerald v. Barnstable School Committee, 555 U.S. 246 (2009), 67
- Fleischfresser v. Directors of School District 200, 15 F.3d 680 (7th Cir. 1994), 537
- Foster v. Raspberry, 652 F.Supp.2d 1342 (M.D. Georgia 2009), 54
- Fox v. Traverse City Area Public Schools Board of Education, 605 F.3d 345 (6th Cir. 2010), 129
- Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992), 66, 105–107, 111
- Frazer v. Ill. Department of Employment Security, 489 U.S. 829 (1989), 497–498
- Freedom from Religion Foundation v. Chino Valley Unified School District, 896 F.3d 1132 (9th Cir. 2018), 519
- Freeman v. Flake, 448 F.2d 258 (10th Cir. 1971), 261
- Freiler v. Tangipahoa Parish Board of Education 185 F.3d 337 (5th Cir. 1999), 511
- Friedenberg v. School Board of Palm Beach County, 911 F.3d 1084 (11th Cir. 2018), 134, 136–137
- Frudden v. Pilling, 742 F.3d 1199 (9th Cir. 2014), 266
- G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013), 285–286
- Galveston Ind. School District v. Boothe., 590 S.W. 2d 553 (1979), 255
- Gant ex rel. Gant v. Wallingford Board of Education, 195 F.3d 134 (2d Cir. 1999), 76
- Garcetti v. Ceballos, 547 U.S. 410 (2006), 128–130, 225**
- Garcia v. Miera, 817 F.2d 650 (10th Cir. 1987), 45, 47
- Gardner v. State, 4 Ind. 632 (1853), 41
- Gary B. v. Whitmer, 957 F.3d 616, (6th Cir. 2020), 41

- Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998), 66–67, 105–108, 110, 111, 113
- Gennari v. Reading Public Schools, 933 N.E.2d 1027 (Mass. App. Ct. 2010), 34
- Georgia Association of Educators v. Harris, 749 F.Supp.1110 (N.D.Ga. 1990), 135
- Gernetzke v. Kenosha Unified School District No. 1, 274 F.3d 464 (7th Cir. 2001), 525
- Gibbons v. Ogden, 22 U.S. (9 Wheat) 1 (1924), 15
- Gold v. Wilson County Sch. Bd. of Educ., 632 F. Supp. 2d 771(M.D. Tenn. 2009), 532
- Golden v. Anders, 324 F.3d 650 (8th Cir. 2003), 47
- Good News Club v. Milford Central School, 533 U.S. 98 (2001), 534
- Goss v. Lopez, 419 U.S. 565 (1975), 94–95, 97, 99, 235, 238–239, 241, 307**
- Gottlieb ex rel Calabria v. Laurel Highlands School District, 272 F.3d 168 (3d Cir. 2001), 44
- Graham v. Connor, 490 U.S. 386 (1989), 48, 61
- Griffith v. Seattle School District No.266 P.3d 932 (Wash.App. Div. 1 2011), 177
- Grigg v. Virginia, 297 S.E.2d 799 (Va. 1982), 504
- Grimm v. Gloucester County Sch. Bd., 972 F.3d 586 (4th Cir. 2020), 70–73
- Grove v. Mead School District No. 354, 753 F. 2d 1528 (1985), 505
- Guttenberg v. Sch. Bd., 45 Fla. L. Weekly S 259 (Fla. Sept. 24, 2020), 38
- H.Y. ex rel. K.Y. v. Russell, 490 F.Supp.2d. 1174 (M.D. Ala. 2007), 54
- Hageman v. Goshen County, 256 P.3d 487 (Wyo. 2011), 295
- Hague v. CIO, 307 U.S. 496 (1939), 39, 347
- Hall v. Tawney, 621 F.2d 607 (4th Cir. 1980), 45
- Hardwick v. Heyward, 711 F.3d 426 (4th Cir. 2013), 264
- Harris v. Robinson, 273 F.3d 927 (10th Cir. 2001), 47
- Hasan v. Lower Merion School District (E.D.Pa. 2010), 283
- Hasenfus v. LaJeunesse, 175 F.3d 68 (1st Cir. 1999), 32
- Hayden v. Greensburg Community School Corp., 743 F.3d. 569 (7th Cir. 2014), 261, 387
- Haynam v. Ohio State Board of Edn. 2011 WL 6365144 (Ohio App. 6 District 2011), 176
- Hayut v. State Univ. of N.Y., 352 F.3d 733 (2d Cir. 2003), 76
- Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988), 257–260, 262–263, 269, 271, 343**
- Hearn v. Board of Public Education, 191 F.3d 1329 (11th Cir. 1999), 132
- Hearing v. Sliwowski, 712 F.3d 275 (6th Cir. 2013), 56
- Hedges ex rel C.D. v. Musco, 204 F.3d 109 (3d Cir. 2000), 289
- Herrera v. Santa Fe Public Schools, 2013 WL 3462484 (D.N.M., June 28, 2013), 56
- Hilow v. Rome City School District, 1994 WL 328625 (N.D.N.Y. 1994), 143
- Hines v. Jefferson 795 Fed. Appx. 707 (11th Cir. 2019), 60
- Hoffman v. Board of Education, 400 N.E.2d 317 (N.Y.App. Ct. 1979), 76

- Homa v. Carthage R-IX School District, 345 S.W.3d 266 (Mo. App. S.D., 2011), 171
- Honig v. Doe, 484 U.S. 305 (1988), 444, 478**
- Hooks v. Clark County School District, 228 F.3d 1036 (9th Cir. 2000), 25
- Horton v. California, 496 U.S. 128 (1990), 277
- Hosanna-Tabor Evangelical Lutheran Church & School v. Equal Employment Opportunity Commission, 565 U.S. 171 (2012), 540
- Hunter v. Board of Education, 439 A.2d 582 (Md. 1982), 76
- Hutchison v. Kentucky Unemployment Ins. Comm'n, 329 S.W.3d 353 (Ky. App. 2010), 175
- Illinois v. Rodriguez, 497 U.S. 177 (1990), 277
- In re David J.M., 587 N.W.2d 458 (Wis. Ct. App. 1998), 288
- In re J.D.B., 196 N.C.App. 234, 674 S.E.2d 795 (2009), 320, 321, 243
- In re Juul Labs, Inc., 396 F. Supp. 3d 1366 at 1367, (J.P.M.L 2019), 31
- In the Interest of T.H., 681 So. 2d 110 (Miss. 1996), 252
- Ingraham v. Wright, 430 U.S. 651 (1977), 42–44, 49, 81**
- International Brotherhood of Teamsters v. U.S., 431 U.S. 324 (1977), 139
- Irving Independent School District v. Tatro, 468 U.S. 883 (1984), 432, 439, 440, 471**
- Island Free School District v. Pico, Board of Education, 168, 259, 353**
- J.A. v. Fort Wayne Community Schools, 2013 WL 4479229 (N.D. Ind. 2013), 264
- J.C. v. Beverly Hills Unified School District, 711 F.Supp. 2d 1094 (C.D.CA 2010), 274
- J.D.B. v. North Carolina, 564 U.S. 261 (2011), 236, 242–244, 318**
- J.F.K. v. Troup County School District, 678 F.3d 1254 (11th Cir. 2012), 69
- J.M. v. Hilldale Ind. School District, 397 Fed. Appx. 445 (10th Cir. 2010), 67–68
- J.S. ex rel H.S. v. Bethlehem Area Sch. Dist., 807 A.2d 847 (Pa. 2002), 271
- J.S. v. Blue Mountain School District, 650 F.3d 915 (3d Cir 2011), 273
- J.T. v. de Blasio, 2020 WL 6748484 (S.D. N.Y. 2020), 454
- J.W. by and through Tammy Williams v. Birmingham Bd. of Educ., 904 F.3d 1248 (11th Cir. 2018), 59
- J.W. v. Desoto County School District, 2010 WL 4394059 (N.D. Miss. 2010), 284
- Jackson v. Bishop, 404 F.2d 571, 580 (8th Cir. 1968), 85, 91
- Jackson v. Dorrier, 424 F.2d 213 (6th Cir. 1970), 261
- Jenkins ex rel Hall v. Talladega City Board of Education, 95 F.3d 1036 (11th Cir. 1996), 53–54
- Jerkins v. Anderson, 922 A.2d 285 (N.J. 2007), 32
- Jock v. Ransom, 2007 WL 1879717 (N.D.N.Y 2007), affirmed, 2009 WL 742193 (2d Cir. 2009), 538
- John S. v. Ozark R-VI School District, 2012 WL 176226 (W.D. Mo. 2012), 238
- Johnson v. Newburgh Enlarged School District, 239 F.3d 246 (2d Cir. 2001), 46
- Johnson v. School District of Millard, 573 N.W.2d. 116 (1998), 34

- Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir. 1992), 529, 601, 602
- Jones v. Graham City Board of Education, 677 S.E. 2d 171 (NC Ct. App. 2009), 137
- Joy v. Penn-Harris-Madison School Corp., 212 F.3d 1052 (7th Cir. 2000), 292–293
- K.W.P. v. Kansas City Public Schools, 931 F.3d 813 (8th Cir. 2019), 62
- Kaehly v. City of Pittsburgh, 647 A.2d 41 (Pa Commw Ct., 1996), 24
- Katzman v. Cumberland Valley School District, 479 A.2d 671 (1984), 237
- Kelley v. Shelby Cty. Bd. of Educ., 751 Fed. Appx. 650, (6th Cir. 2018), 178
- Kennedy v. Bremerton School District, 443 F. Supp. 3d 1223 (W.D. Wash. 2020), 130, 536
- Kentucky v. King, 563 U.S. 452 (2011), 277
- Kilber v. Grand Forks Pub. Sch. Dist., 820 N.W. 2d 96 (N.D. 2012), 173
- Killian v. Franklin Regional School District, 136 F. Supp. 2d 446 (W.D. Pa. 2001), 252
- King v. Saddleback Junior College District, 445 F.2d 932 (9th Cir. 1971), 261
- Kingsley v. Hendrickson, 576 U.S. 389 (2015), 62
- Kirchmann v. Lake Elsinore Unified School District, 67 Cal. Rptr. 2d 268, (Ct. App. 1997), 181–182
- Kirkland v. Greene County Board of Education, 347 F.3d 903 (11th Cir. 2003), 47
- Kitzmilller v. Dover Area School District, 400 F.Supp.2d 707 (M.D.Pa. 2005), 514
- Klump v. Nazareth Area School District, 425 F. Supp. 2d 622 (E.D. Pa. 2006), 284–285, 287
- Knisley v. Pike County Joint Vocational School District, 604 F.3d 977 (6th Cir. 2010), 54–55
- Knox County Education Ass’n v. Knox County Board of Education, 158 F.3d 361 (6th Cir. 1998), 136
- Koch v. Adams, 361 S.W.3d 817 (Ark. 2010), 285
- Kowalski v. Berkeley County Schools, 652 F.3d 565 (4th Cir. 2011), 272, 275
- Lambs Chapel v. Ctr. Moriches Union Free School District, 508 U.S. 384 (1993), 6, 534, 613**
- Laney v. Farley, 501 F.3d 577 (6th Cir. 2007), 247
- Larkin v. Grendel’s Den, 459 U.S. 116, 103 S.Ct. 505, 74 L.Ed.2d 297 (1982), 516
- Lassonde v. Pleasanton, 320 F.3d 979 (9th Cir. 2003), 531
- LaVine v. Blaine School District, 257 F.3d 981 (9th Cir. 2001), 260, 271
- Layshock v. Hermitage School District, 650 F.3d 205 (3d Cir. 2011), 273
- Lee v. Weisman, 505 U.S. 577 (1992), 529, 586**
- Lemon v. Kurtzman, 403 U.S. 602 (1971), 510–512, 514–517, 519–521, 524, 528–532, 534–536, 539, 541, 560**
- Linke ex rel Linke v. Northwestern Sch. Corp., 763 N.E.2d 972 (Ind. 2002), 293, 294
- Littell v. Houston Ind. Sch. Dist. 894 F.3d 616 (5th Cir. 2018), 56, 297
- Littlefield v. Forney Independent School District 268 F.3d 275 (5th Cir. 2001), 265

- London v. Directors of DeWitt Public Schools, 194 F.3d 873 (8th Cir. 1999), 47
- Longoria ex rel. M.L. v. San Benito Indep. Consol. Sch. Dist., 942 F.3d 258 (5th Cir. 2019), 271
- Loughran v. Flanders, 470 F. Supp. 110 (D. Conn. 1979), 76
- Lovell v. Poway Unified School District, 1996 WL 140805 (9th Cir. 1996), 260
- Lubbock Civ. Lib. Union v. Lubbock Ind. School District, 669 F.2d 1038 (5th Cir. 1982), 520, 577
- Lynch v. Donnelly, 465 U.S. 668 (1984), 514–515
- M.T. v. Department of Education, 56 A.3d 1 (Pa. Commw. Ct. 2010), 167, 173–174
- Machan v. Olney, 958 F. 3d 1212 (6th Cir. 2020), 58–59
- Mahanoy Area Sch. Dist. v. B.L., by and through Levy, June 23, 2021, — S.Ct. —, 2021 WL 2557069, 271, 274
- Main v. Claremont Uniform School District, 326 P.2d 573 (1958), 21
- Marsh v. Chambers, 463 U.S. 783 (1983), 517, 589, 596
- Marshall v. Porter County Planning Comm’n, 32 F.3d 1215, 1219 (7th Cir. 1994), 182
- Martinez v. School District No. 60, 852 P.2d 1275 (Colo. App. 1992), 250, 253
- Massie v. Henry, 455 F.2d 779 (4th Cir. 1972), 261
- Masterpiece Cakeshop v. Colorado Civil Rights Commission, 138 S. Ct. 1719 (S.Ct. 2017), 503
- Matter of Martin, 447 A.2d 1290 (N.J. 1982), 135
- Matthis v. Wayne County Board of Education, 496 Fed. Appx. 513 (6th Cir. 2012), 67
- Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007), 129
- Maynard v. Board of Ed. of Massena Central School District, 663 N.Y.S.2d 717 (A.D.3d Department 1997), 34
- McArdle v. Peoria School District No. 150, 705 F.3d 751, 754 (7th Cir. 2013), 129
- McFerren v. Farrell Area School Dist., 993 A.2d 344 (Pa. Commw Ct. 2010), 170–171
- McMahon v. St. Croix Falls, 596 N.W.2d 875 (Wis. Ct. App. 1999), 35
- Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986), 107, 112, 149
- Metzger v. Osbeck, 841 F.2d 518 (3d Cir. 1988), 46
- Mikell v. School Admin. Unit # 33, 158 N.H. 723, 972 A.2d 1050 (N.H. 2009), 35
- Miller ex rel. Miller v. Wilkes, 172 F.3d 574 (8th Cir. 1999), 291
- Mills v. Board of Education of the District of Columbia, 348 F.Supp. 866 (D.C. 1972), 314, 418
- Mitchell v. Helms, 530 U.S. 793 (2000), 541, 629
- Monell v. Department of Soc. Services, 436 U.S. 658 (1978), 39–40
- Monroe v. Pape, 365 U.S. 167 (1961), 39, 196, 334
- Moore v. Willis Independent School District, 233 F.3d 871 (5th Cir. 2000), 44–45, 49
- Morrison v. State Board of Education, 461 P.2d 375 (1969), 169, 171, 172

- Morrow v. Balaski, 719 F.3d 160 (3d Cir. 2013), 52
- Morse v. Frederick** 551 U.S. 393 (2007), 258, 263–264, 269, 271, 275, 366
- Mozert v. Hawkins County Board of Education, 827 F.2d 1058, 1061 (6th Cir. 1987), 506
- Mt. Healthy City School District v. Doyle**, 429 U.S. 274 (1977), 126–127, 194
- National League of Cities v. Usery, 426 U.S. 833 (1976), 16
- N.N. v. Tunkhannock Area School District (M.D. Pa. filed, May, 2010), 285
- National Treasury Employees’ Union v. Von Raab, 489 U.S. 656 (1989), 290
- Neal v. Fulton County Board of Education, 229 F.3d 1069 (11th Cir. 2000), 46
- New Jersey v. T.L.O.** 469 U.S. 325 (1985), 109, 110, 235, 277–278, 280–284, 295–297, 375
- New Life Baptist Church Academy v. Town of East Longmeadow, 885 F.2d 940 (1st Cir. 1989), 499
- Newman v. Crews, 651 F. 2d 222 (4th Cir. 1981), 139
- Nichol v. ARIN Intermediate Unit 28, 268 F.Supp.2d 536 (W.D. Penn. 2003), 151
- Null v. Board of Education, 815 F.Supp. 937 (W. Va. 1993), 504
- Nurre v. Whitehead, 580 F.3d. 1087 (9th Cir. 2009), 537
- Oliver ex rel Hines v. McClung, 919 F. Supp. 1206 (N.D. Ind.1995), 40
- Our Lady of Guadalupe School v. Morrissey-Berru, 140 S. Ct. 2049 (2020), 541
- P.B. v. Koch, 96 F.3d 1298 (9th Cir. 1996), 48, 50
- Parents for Privacy v. Barr, 949 F.3d 1210 (9th Cir. 2020), 70
- Payne v. Peninsula School District 653 F.3d 863 (9th Cir. 2011), 48
- Peck v. Upshur County Board of Education, 155 F.3d 274 (4th Cir. 1998), 527
- Pegram v. Nelson, 469 F.Supp. 1134 (M.D.N.C. 1979), 248–249
- Pendleton v. Fassett, 2009 WL 2849542 (W.D. Ky 2009), 35
- Penn-Harris-Madison School Corp. v. Joy, 768 N.E.2d 940 (Ind. Ct. App. 2002), 292–293
- Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania , 334 F.Supp. 1257 (E.D. Pa. 1971), 418–420, 459–461, 479, 487–488
- People v. Bennett, 501 N.W.2d 106 (Mich.1993), 504
- Peter W. v. San Francisco Unified School District**, 60 Cal. App. 3d 814 (Cal App. 1st District 1976), 76–79, 114
- Peterson v. Baker, 504 F.3d 1331 (11th Cir. 2007), 44
- Phillip Leon M. v. Greenbrier County Board of Education, 484 S.E.2d 909 (W.Va. 1996), 251
- Pickering v. Board of Education**, 391 U.S. 563 (1963), 125–127, 130, 181–182, 186
- Poe v. Hamilton, 565 N.E. 2d. 887 (Ohio 1990), 76
- Posner v. Lewis, 80 A.D.3d 308, (N.Y.A.D. 1 Department 2010), 176
- Posthumus v. Board of Education of Mona Shores Public Schools, 380 F.Supp.2d 891(W.D. Mich 2005), 241

- Powell v. Paine, 697 S.E.2d 161 (W.Va. 2010), 176
- Preschooler II v. Clark County Board of Trustees, 479 F.3d 1175 (9th Cir. 2007), 48
- Preston v. Va. ex rel. New River Cmty. Coll., 31 F.3d 203, 206 (4th Cir. 1994), 73
- Reynolds v. U.S., 98 U.S. 145 (1878), 494–495, 550, 556
- Rich v. Kentucky Country Day, Inc., 793 S.W.2d 832 (Ky. Ct. App. 1990), 76
- Richards v. Thurston, 424 F.2d 1281 (1st Cir. 1971), 261
- Richerson v. Beckon, 337 Fed.Appx. 637 (9th Cir. 2009), 129
- Riley v. California 573 U.S. 272 (2014), 284
- Roark v. South Iron R-1 Sch. Dist. 573 F.3d 556 (8th Cir. 2009), 527
- Robbins v. Lower Merion School District. See also, Hasan v. Lower Merion School District (E.D.Pa. July, 2010), 283
- Robertson v. Sch. Bd., (E.D. Va. 2019), 133
- Robinson v. Jacksonville, 760 F.Supp. 1486 (M.D. Fla. 1991), 149
- Robinson v. Ohio Department of Education, 971 N.E.2d 977 (Ohio App. 2 Dist. 2012), 172
- Roe v. Nevada, 621 F.Supp. 1039 (D. Nev. 2007), 48
- Rogers v. Christina School District, 73 A.3d 1 (Del. 2013), 33
- Rose v. Nashua Board of Ed., 679 F.2d 279 (1st Cir. 1982), 245
- S.H. v. K & H Transp., Inc., — A.3d —, 2020 WL 6601749 (N.J. Super Ct App. Div. 2020), 34
- S.J.W. v. Lee’s Summit R-7 School District, 696 F.3d 771 (8th Cir 2012), 272, 275
- Safford v. Redding, 557 U.S. 364 (2009), 35, 55–56, 295–297, 408**
- Salerno v. Seaford Union Free School District, 30 Misc.3d 1221(A), Slip Copy, (N.Y. Sup. 2011), 167–168
- San Diego Unified School District v. Commission on Professional Competence, 124 Cal.Rptr.3d 320 (App. 4 Dist., 2011), 168
- Sanches v. Carrollton-Farmers Branch Ind. School District, 647 F.3d 156 (5th Cir. 2010), 68
- Sanchez v. Stockstill, No: SA-04-CA-110-XR, 2005 WL 552139 (W.D. Tex. Mar. 9, 2005), 54
- Santa Fe Ind. School District v. Doe, 530 U.S. 290 (2000), 530–532, 598**
- Saxe v. State Coll. Area School District, 240 F.3d 200 (3d Cir. 2001), 76
- Saylor v. Board of Education of Harlan County, Kentucky, 118 F.3d 507 (6th Cir. 1997), 44
- Schall v. Tippecanoe County School Corp., 864 F.2d 1309 (7th Cir. 1988), 290, 394
- School District of Abington Township v. Schempp. 373 U.S. 203 (1963), 516, 526
- Scott v. County of San Bernadino County, 903 F.3d 943 (9th Cir. 2018), 63
- Scott v. Sch. Bd. of Alachua Cnty., 324 F.3d.1246 (11th Cir. 2003), 264
- Sellers v. School Board of Manassas, Virginia, 960 F.Supp. 1006 (E.D. Va. 1997), 76
- Selman v. Cobb County School Dist., 449 F.3d 1320 (11th Cir. 2006), 512
- Sherman v. Koch, 623 F.3d 501 (7th Cir. 2010), 536

- Shoemaker v. Handel 608 F. Supp. 1151 (D.N.J. 1985), 135
- Sias v. Iberia Parish School Board, 74 So.3d 800 (La.App. 3 Cir. 2011), 176
- Silano v. Tirozzi, 651 F. Supp 1021 (D.C. Conn. 1987), 76
- Skinner v. Railway Labor Executives' Association, 489 U.S. 602 (1989), 134, 290, 391, 402
- Smith County School District v. Barnes, 90 So.3d 63 (Miss 2012), 133, 176
- Smith ex rel Smith v. Half Hollow Hills Central School District, 298 F.3d 168 (2d Cir. 2002), 44
- Smith v. Alameda County Soc. Serv., 90 Cal. App. 3d 929 (Cal. App. 1st District Div. 4 1979), 76
- Smith v. Board of School Comm'rs of Mobile County, 827 F.2d 684 (11th Cir. 1987), 537
- Smith v. Little Rock School District, 582 F. Supp. 159 (E.D. Ark. 1984), 252
- Smith v. School City of Hobart, 811 F. Supp. 391 (N.D. Ind. 1993), 237, 251
- Snow v. State, 475 NE.2d 454 (N.Y. App. Ct. 1984), 76
- State v. Bishop, 787 S.E.2d 814 (N.C. 2016), 270
- State v. Marola, 582 N.W.2d 505 (Wis. Ct. App. 1998), 288
- State v. McDonough, 468 S.2d 977 (Me 1983), 25
- Stoddart v. Pocatello School District # 25, 239 P.3d 784 (Idaho 2010), 35
- Stone v. Graham, 982 F.2d 1169 (7th Cir. 1993), 527
- Stoughtenger v. Hannibal Central School District, 90 A.D.3d 1696 (N.Y. App. Div. 4th Dept. 2011), 36
- Swanson By and Through Swanson v. Guthrie Independent School District, 135 F.3d 694 (10th Cir. 1998), 504–505
- T.V. v. Smith Green Community School Corporation, 807 F.Supp.2d 767 (N.D. Ind. 2011), 273
- T.W. v. School Board of Seminole County, Fla. 610 F.3d 588 (11th Cir. 2010), 44
- Tannahill ex rel. Tannahill v. Lockney Independent School District, 133 F. Supp.2d. 919 (Tex, 2001), 293
- Tate v. Racine Unified Sch. Dist., 1996 WL 33322066, at 7 (E.D. Wis.), 249
- Terry v. Ohio, 392 U.S.1 (1968), 98, 277
- Theodore v. Delaware Valley Sch. Dist., 836 A.2d 76 (PA 2003), 292
- Theodore v. Delaware Valley School District, 761 A.2d 652 (Pa. Commw. Ct. 2000), 292
- Thomas by Thomas v. Roberts, 323 F.3d 950 (11th Cir. 2003), 53
- Thomas v. Review Board, 450 U.S. 707 (1981), 498
- Timothy W. v. Rochester, N.H. School District, 875 F.2d 954 (1st Cir. 1989), 23
- Timpani v. Lakeside School District, — 386 S.W.3d 588 (Ark.App., 2011), 176
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), 179, 235, 256–264, 267–275, 329**
- Todd v. Rush County Schools, 983 F. Supp 799 (S.D. Ind. 1997), 292
- Torres v. Little Flower Children's Serv., 474 N.E.2d 223 (N.Y. Ct. App.1984), 76
- Town of Greece v. Galloway, 572 U.S. 565 (2014), 517
- Treasury Employees v. Von Raab, 489 U.S. 656 (1989), 134, 290

- Trentadue v. Redmon, 619 F.3d 648 (7th Cir. 2010), 68
- Trinidad School District No. 1 v. Lopez ex rel Lopez, 963 P.2d 1095 (Colo. 1998), 291
- Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012 (2017), 508, 540
- Tubell v. Dade County Public School, 419 So. 2d 388 (Fla. District Ct. App. 1982), 76
- U. S. v. Cortez, 449 U.S. 411 (1981), 381
- U.S. v. Bd. of Educ. for the Sch. Dist. of Philadelphia, 911 F.2d 882 (3d. Cir. 1990), 151
- U.S. v. Biswell (1972), 135
- U.S. v. Darby Lumber, 312 U.S. 100 (1941), 16
- U.S. v. O'Brien, 391 U.S. 367 (1968), 265
- U.S. v. Virginia (VMI), 518 U.S. 515 at 534 (1996), 72
- United Teachers of New Orleans v. Orleans Parish School Board, 142 F.3d 853 (5th Cir. 1998), 135
- Vergara v. State of California, 246 Cal. App. 4th 619, 209 Cal. Rptr. 3d 532, 336 Ed. Law Rep. 1023 (Petition for rehearing denied May 3, 2016), 178
- Vernonia v. Acton School District 47**, 515 U.S. 646 (1995), 136, 290–292, 294–295, 388
- Virginia v. Black, 538 U.S. 343 (2003), 275, 371
- W.A.N. v. School Board, 250 (Fla. Dist. Ct. App. 1987), 250
- W.G. v. Kishimoto, No. 20-CV-00154 (D. HI, 2020), 454
- Wales v. Board of Education of Community Unit School District 300, 120 F.3d 82 (7th Cir 1997), 180
- Wallace v. Batavia, 68 F.3d 1010 (7th Cir. 1995), 48
- Wallace v. Jaffree, 472 U.S. 38 (1985), 493, 534–535
- Wasson v. Sonoma County Junior College, 203 F.3d 659 (9th Cir. 2000), 180
- Waters v. Churchill, 114 S.Ct. 1878 (1994), 228
- Watkins v. McDowell County Board of Education, 729 S.E.2d 822 (W.Va. 2012), 175
- Watters v. Bd. of Sch. Dirs. of Scranton, 975 F.3d 406 (3d Cir. 2020), 178
- Webb v. McCullough, 828 F.2d 1151 (6th Cir. 1987), 45
- Weintraub v. Bd. of Ed. of the Dist. of City of N.Y., 562 US 995 (NY S. Ct. 2010), 128–129
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Preface

After teaching education law courses both in colleges of education and in colleges of law, we have used many textbooks available for graduate-level courses. Noting the strengths and weakness of these and seeking a volume to fit our needs and those of our students, we set about to create our own. This publication serves as an attempt to capitalize on the wisdom of those who have gone before us, offering students a concise understanding of the essential concepts, key court cases, and context to inform policy and practice.

We thank those pioneering scholars and writers in our field. It is to those fine contributors that we owe gratitude for making it possible to bring education law and legal literacy for educators to the level of a teachable subject which is now included in nearly all graduate colleges of education.

The cases that shape the study of modern education law are very fact specific. These facts contain the essence of what must be known to educators in order to develop policies and practice and are essential in deciding whether a case is “on point” and useful in building clarity for any present legal challenge. While, in the interest of economy of space, concurring and dissenting opinions have been omitted, the cases included in this volume contain the unedited majority opinions, with full facts intact.

The field of law is an ever-evolving subject, and this edition seeks to provide a solid foundation of the essential historical contexts, a grounding in current jurisprudence, and a lens to understand new and emerging changes in the field. Among the most significant changes in this edition are an expanded treatment of the many issues related to the liability of schools and their personnel, the expanded use of school resource officers, and updates on the rights of transgendered students. Likewise, everything old is new again, and this edition gives modern information about topics that had for many years seemed to be somewhat settled, such as student and teacher rights in regard to First Amendment issues, drug testing, and pandemics.

Also new to this edition are contributors Kevin Brady and Traci Ballard, who bring their experiences working with both students and practitioners to the perspectives represented throughout the volume. They share the hope this book will serve the greater mission in our field to significantly improve the legal literacy of

educators and others who work in schools and help them better understand the myriad of legal precedents, guidelines, and requirements regarding PK-12 education.

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