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Cases and Materials

SECOND EDITION

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To Nancy, Mara and Marie for their continuous faith and support

and

In memory of Albert and Betty Stefkovich, who taught me that anything is possible

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Preface

After teaching education law courses both in colleges of education and in colleges of law, we have used virtually all of the textbooks available for graduate level courses. For decades, we have noted the strengths and weakness of these books vowing to write the “perfect” text/case book on the topic of education law. While this book is not perfect, it does represent an attempt to capitalize on the wisdom of all those who have gone before us.

Without question much thanks must be given to those writers who helped pioneer the field by their texts. It is to those fine contributors that we owe gratitude for making it possible to bring education law to the level of a teachable subject which is now included in nearly all graduate colleges of education. Improving upon the current offerings was no easy task. However, we think the task was accomplished. This book is different in several ways.

In Chapter 3, Teachers’ Rights and Responsibilities, the dismissal section includes new treatments in the area of immorality, including cyber behavior. The chapter on Students’ Rights and Discipline, Chapter 4, has been expanded since our 1st edition. It now includes new areas of concern for improper use of technology.

All of the texts available for use today feature cases that are heavily edited. Unfortunately, the editing usually takes place in the facts. We think this is a mistake. The facts contain the essence of what must be known to educators in order to develop policies and practices. Facts are essential in deciding whether the case is “on point” and useful in building clarity for a present legal challenge. However, in the interest of economy of space which faces all publishers today, we decided to remove the concurrences and dissents but leave the facts untouched. The vast majority of education law courses today are taught in colleges of education. It is typical for graduate students to study only the majority opinions for their coursework. Therefore, case editing deprivation is kept to a minimum with the majority opinion with all of the facts in the original preserved.

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