UNITING OUR MEMBERS AND THE NATION

Empowering leaders, educating students, strengthening communities

So you think you know the law?
Dr. Sharolyn Simmons
Governance and Leadership (GOV):

• Feasible for ALL Leadership Levels:
  
  – **Level 1**, Foundational (noted as “1” beside the competency abbreviation): Typically used to describe those new to leadership, this progression focuses on “Leading of the Self,” or what one member can do his/herself to lead and/or impact change.
  
  – **Level 2**, Mobilizing & Power-Building (“2” beside the competency abbreviation): This describes members who are leaders in the mid-range of their leadership service, and refers to leaders who lead the organization.
  
  – **Level 3**, Agenda-Driving (“3” beside the competency abbreviation): This progression covers those at the top leadership level and includes leaders who set the policies/agendas for the national, state and/or local affiliate. Agenda-driving leaders focus on leading others.
NEA Leadership Competency themes within the competency

• Address educational law knowledge
• Provide thorough knowledge of laws governing public schools
• Advocate for training in educational law as part of preservice or ongoing professional development for educators
How this session aligns with the NEA Strategic Goal and NEA Organizational Priority

• NEA Strategic Goal
  – Strategic Goal 1: Strong Affiliates for Educator Voice and Empowerment
  – Strategic Goal 2: Empowered Educators for Successful Students

• NEA Organizational Priority
  – Early Career Educators
  – My School, My Voice
Classroom Stakeholders

- Mother sues over Teacher Bullying
- https://www.youtube.com/watch?v=Lwwrxt116fg
School Stakeholders

• Parents sue Oregon school district over transgender policy

District Stakeholders

- Mallory Grossman
- www.youtube.com/watch?v=flw84aiBIJQ
After many recent outbreaks of school violence, the intermediate school students of Anywhere, South Carolina, made the decision to congregate at 7:30am for Morning Prayer at the flag pole. Mrs. Doe, the seventh grade language arts teacher, volunteered for duty on those mornings to ensure order was kept among the students who chose to participate. While on duty, Mrs. Doe may

a. Only monitor the students’ behavior
b. Bow her head and join the students in prayer
2. Jane Doe, a second grade student at Somewhere Elementary School, reported to school on more than one occasion with suspicious bruises on her body and face. Jane’s teacher, Mr. Smith, questioned her about the abrasions. After the latest incident, he decided something must be done. Mr. Smith is legally obligated to

a. Notify the school counselor or principal prior to calling Child Protective Service.

b. Call Child Protective Service himself.
3. James Jones, the social studies teacher, distributed informational pamphlets regarding his church’s youth retreat. This was done during his non-instructional time. The principal

a. Can ask Mr. Jones to stop distributing the pamphlets
b. Cannot ask Mr. Jones to stop distributing the pamphlets.
Educational Law Questionnaire

4. A journalism class at Anytown, South Carolina, submitted one of their newspapers for review by the principal prior to publishing. In the newspaper, there were two sections that contained questionable content. The first section included a story of three anonymous students and their experience with pregnancy. The second section included was a story about the effects of divorce on students at the school from the students’ point of view. The parents were not allowed to defend any statements made about them or their situation. According to case law, the principal

a. Can remove the sections without infringing on the students’ First Amendment rights.

b. Cannot remove the sections because the First Amendment guarantees the Freedom of Speech, including articles written in a school journalism class.
5. A student at Happy Middle School was reported by another student to have marijuana in his possession. The principal and School Resource Officer
   a. Do not have the right to search the student’s locker without a search warrant even if the student present.
   b. Have the right to search the student’s locker with his presence due to the nature of the crime.

6. Given the scenario in the previous question, is another students’ accusation proper justification to search a student’s locker?
   a. No
   b. Yes
7. If a school offers a course on sex education, the district

   a. Must appoint an advisory committee to assist in ensuring that the local community values and health concerns are reflected in the human sexuality instruction.

   b. Must obtain the state approved curriculum and modify to meet the district’s particular needs.
Educational Law Questionnaire

8. Sally Jones attended Anywhere Elementary School. Upon completion of the fifth grade, the school did not give Sally her report card because of textbooks that had not been turned in to the teacher or the office. The teacher informed Sally that she must turn in the books or pay for them before her report card can be released. According to the case law, the teacher

a. Has the right to withhold records until all debts are paid to the school or other arrangements are made.

b. Cannot withhold records under any circumstances.
Janie Jones, the local choir teacher, was frustrated because her program lacked supplies. Her music program needed sheet music, new risers, and a sound system. Repeatedly, Ms. Jones was told the school did not have necessary funds to purchase her request. In the local newspaper, Ms. Jones read that the football team had received new uniforms, helmets, and shoes to wear in the next play-off game. In anger, she wrote a letter to the editor of the weekly newspaper and openly criticized the administration and school board for the manner in which funds were dispersed. In the letter, Ms. Jones did mention some half-truths, but did not direct them towards any individuals by name. At the end of the month, Ms. Jones was fired for insubordination. The school

a. Had the right to terminate Ms. Jones because she publicly criticized the district and the school board and gave inaccurate information about both.

b. Had no basis to fire Ms. Jones because she is protected under the First Amendment.
10. John Brown, a third grade student, has been diagnosed as bi-polar, manic –depressive with an obsessive-compulsive disorder. John’s Behavior Intervention Plan, does not allow for disciplinary action for behaviors caused by his disability. During recess, the child was slightly provoked and began beating another child’s head against a pole. The other child was taken by ambulance to the nearest hospital and found to have a severe concussion. The principal

a. May remove John from campus for up to ten days without violating the “change of placement” rule.

b. May not suspend John because the behavior was due to his disability and he would be denied the services in his Individualized Education Plan if he does not attend school.
11. Bobby Lee is a high school biology teacher. He is also the youth minister at the local Baptist church. During the year, Mr. Lee taught scientific evolution. When the unit was complete, he then taught creationism. Both lessons were taught in a straightforward, educational manner. Which of the following is true?

a. Mr. Lee cannot teach creationism.
b. Mr. Lee can teach creationism.
Due to religious reasons, two students are not immunized against rubella. There has been a recent outbreak of measles in the school. The school

a. Can exclude the children from attending.
b. Cannot exclude the children from attending classes because state stature does not require immunization that conflicts with the beliefs and practices of a recognized religion.
13. Two children are involved in a dispute while riding home on a school bus. One student stabs the other with a pocketknife while on the bus. The school district

a. Cannot be held liable for the damages.

b. Can be held liable for the damages caused to the student because the bus is considered school property.
14. A classroom teacher has been accused of failing to comply with modifications set by the Admission, Review, and Dismissal (ARD) Committee. The school board is going to discuss the matter in closed session. The local school board

14. Must post the topic on the agenda

15. Is not required to post the topic on the agenda

15. Decisions regarding the employee mentioned in the previous scenario

   a. Can be made in closed session if the item is posted.
   b. Must be made in open session.
Session Outcomes

The content from this session can be used in the following ways in your current position/role:

– Address educational law knowledge
– Provide thorough knowledge of laws governing public schools
– Advocate for training in educational law as part of preservice or ongoing professional development for educators
Closing

• [https://www.youtube.com/watch?v=dqTTojTija8](https://www.youtube.com/watch?v=dqTTojTija8)
• Please complete the evaluation for this breakout session by using the **NEA Summit Mobile APP**! – *Please remember to build in 5 minutes at the end of your session to allow time for the attendees to complete the evaluation for your session.*
• Please visit the Leadership Development Resources website at [www.nea.org/leadershipdevelopment](http://www.nea.org/leadershipdevelopment)