



# Law and American Education: A Case Brief Approach

*Robert Palestini, Karen Palestini Falk*

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This third edition expands coverage on such topics as the law and students with disabilities, confidentiality, sexual harassment, student searches and tuition vouchers. It also includes some new topics such as bullying, copyright law, and the law and the internet.

Both public and nonpublic school educators are aware that courts, over the last several decades, have played an increasingly significant role in defining school policy. Decisions in such areas as school desegregation, prayer, public school financing, student rights, collective bargaining, students with disabilities, sexual harassment and other personnel issues attest to the extent and importance of judicial influence. It is important, therefore, that teachers and administrators have at least a rudimentary knowledge and understanding of school law and how it affects their day-to-day classroom activities.

There is a sizable body of school law with which educators should be familiar if they wish to conduct themselves in a legally acceptable manner. Those educators who “fly by the seat of their pants” may be in difficulty if sufficient thought is not given to the legal implications of their decisions and conduct. This text provides introductory material for those educators interested in K-12 educational issues, and who have little or no background or knowledge in school law.

This book takes a *case brief approach* to the study of school law. Case briefs are the means by which students of the law summarize cases to facilitate learning and analysis. This book’s purpose is to provide those who are involved and interested in education with a rudimentary knowledge base for making educationally sound decisions within the legal framework of our nation. Having such knowledge may preclude, or at least minimize, an educator’s exposure to liability. On the other hand, this book is not intended to scare educators into inaction. Many of the most effective learning activities carry with them a certain degree of risk. Field trips and laboratory experiments come immediately to mind. The knowledge obtained from this book is not intended to end the taking of field trips and the conducting of laboratory experiments. It is intended to be a guide to conducting these valuable activities in a responsible manner that will minimize the educator’s exposure to liability.

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