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School Law Outline

Ch. 2

2.1

“Old Deluder Satan” Act of 1647 townships with 50 households required a schoolmaster at public expense to teach local kids.

* 100 household needed a grammar school

Age requirements in school

* New York students start at the age of 6/ Students are able to drop out at the age of 16 without parent permission. Other states have age requirements or 17 or 18. Many states allow students to start school when they are 5
* Students can stay in high school until they are 21 if they have not received a diploma.

Enforcement

* If a student is truant a school can not de-register the student. In New York, a student has to be gone for 20 consecutive days and not hearing from the student or parent.
  + Can re-enroll at any time
  + Parents who don’t send their child to school can face fines or lose custody.
  + In some states, they can suspend students license
  + If a student drops out schools can also suspend their license until they are 18

***Pierce v. Society of Sisters***

* was an early 20th-century United States Supreme Court decision striking down an Oregon statute that required all children to attend public school.
* Due process clause- State cant deprive and personal life, liberty or property without due process.
  + This is no longer used to limit schooling parents can send students to private schools.

2.2 Exemptions from Compulsory Schooling

* First, some parents and children must be excused from some of the requirements of compulsory schooling laws for constitutional reasons
* Second, some state exempt certain categories of children
* Third, state courts have sometimes accepted idiosyncratic reasons for failing to comply with compulsory education laws.

***Wisconsin v. Yoder***

* Wisconsin's compulsory school attendance law was unconstitutional when applied to the Amish because it violated their rights under the First Amendment, which guaranteed the free exercise of religion.
* Amish believed their children should only go to school until 8th grade.
* Amish plaintiff sought an exemption from a generally applicable law on the ground that compliance would violate their free exercise rights.
* The state would have prevailed if they could prove if the law was necessary to the achievement of the state interest.
* In order to read the Bible, to be good farmers and citizens and to be able to deal with non-Amish people when necessary in the course of daily affairs

Statutory Exemptions

* Some states exempt employed children of a specified age, emancipated minors, and children living great distances from the nearest school. In the past, children with certain categories of disability were exempted from compulsory schooling.
  + Federal and state statutes may require the state to provide services even if parents choose not to send their child to school.

Judicial Exemptions

* Past were granted for married females to homemaking.
* In re Ian D, a boy was being bullied and testified that he could not attend school for 100 days the court ruled in Ian’s favor the court ordered the board of education to transfer Ian to another school to have a fresh start.

2.3 Admission Requirements

* Immunization
* Residency Requirements
  + McKinney-Vento Homeless Assistance Act in 1988 requires states to ensure that children of homeless parents and homeless youths have equal access to the same free, appropriate, public education.
  + No Child Left Behind Act
* Immigration Status could not be held against a student receiving an education.

2.4 The Regulation of Private Schools and Home-Based Education

***Meyer v. Nebraska***

U.S. Supreme Court case that held that a 1919 Nebraska law restricting foreign-language education violated the Due Process Clause of the Fourteenth

* Court declared the Nebraska law unconstitutional.
* The Court explained, liberty means more than freedom from bodily restraint.
* A teacher has a right to teach German to a student, and the right of parents on their child’s upbringing
* Most private schools today include the three Rs

**Private schools still required**

* Proficiency testing
* Standardized testing
* Reporting attendance to the state
* Qualified teachers
* Background checks or teachers
* Private schools can make students attend a particular church.
* Can not discriminate admission based on race.
* Private schools can refuse special education students if they don’t have the services to provide them with an appropriate education.
* ADA requires private schools to make modifications to accommodate students the only case they don’t have the services.

**Home-based education**

* Until the 1990s homeschools was illegal in many states
* Some states require parents to submit documentation to the local district superintendent.
* Four general categories of homeschooling requirements
  + Instructor Qualification- Few states require parents must be qualified or competent to teach. Others require they hold at least a high school diploma or GED.
  + Assessment- Some states require standardized testing, not all of the states require parents to submit scores.
  + Graduation- Must complete 4 credits of English, 3 of social studies, 2 credits of math, science and physical education, 1 credit of are or music, ½ credit of health and 3 credits of electives
  + Programmatic- provide instruction that is equivalent to that of public schools
* Participating in public school programs
  + Some school boards may adopt a policy allowing private or homeschooled students to enroll part-time for particular courses or activities( they are not required by the law to do this).

**2.5 Government Assistance to Cyber Schools**

* Almost 200,000 students in the US are enrolled in an online charter school
  + Rely on certified teachers to provide tutorial support to students.

***Pennsylvania School Boards Association v. Zogby***

* Department sent letters to school districts stating the department would withhold state education subsidies from school districts that refused to pay tuition bills submitted by cyber charter schools.
  + They deducted $839,665 from a lot of schools
* Petitioners seek an order from the court declaring that cyber schools are illegal and therefore the Department and Secretary have no authority to deduct more from state subsidies to pay cyber schools.
* The decision to withhold subsidies is vacated and is remanded the case to the Pennsylvania Department of Education so that they can provide an expedited opportunity for Petitioners to challenge the deductions but without permitting a challenge to the legality of cyber schools.

2.6-Government Assistance to private schools

* Many state constitutions required the legislature to grant property tax exemptions.
* Lemon test (purpose, primary effect, and entanglement) holds the government policy or violates the Establishment Clause
  + Its purpose is to endorse or disapprove of religion
  + The primary effect is to aid or inhibit religions
  + It either creates excessive administrative entanglement between church and state or is conducive to religiously-based political divisiveness.
  + Neutrality doctrine

2.7 Voucher program and the Establishment Clause

***Zelman v. Simmons-Harris***

* Pilot Project Scholarship Program provides financial assistance to families in any Ohio school district
  + Tuition aid in K-3rd grade expanding each year through 8th grade to attend public or private school.
  + Also provides aid for student who chooses to remain enrolled in public school
  + The program is part of a broader undertaking by the state to enhance educational options Clevelands students.
  + Schools can have no religious affiliation and are required to accept students by lottery.
* was a 5-4 decision of the United States Supreme Court
* upheld an Ohio program that used school vouchers.
* The Court decided that the program did not violate the Establishment Clause of the First Amendment even if the vouchers could be used for private, religious schools.

Imber, M., van Geel, T., Blokhuis, J.C., & Feldman, J.  (2014). *Education law*, (5th ed.) New York, NY: Routledge.

Reflection

A big factor that I have never had experience with is McKinney-Vento Homeless Assistance Act in 1988. Living in Grand Island, you never know what is happening with a student’s home life. While I’m early in my educational career, teaching high school students, I haven’t had a student drop out of school, but I know it will happen someday. I wish there was a way to ensure students would complete school. I know this is something that isn’t realistic but in this day and age, it’s so hard to find careers without a diploma. It makes my heart hurt because of my grandma's experience with education. When she was in 8th grade, she was forced to quit school because her brother was drafted for WWII. She knew that was what had to be done so she could help on the farm. When all of her grandkids graduated from high school and college, she always got emotional because that was always something she wished she could have done. Seeing that students are given great opportunities at an education and they choose to quit always makes me sad for them.

Enforcement of attendance at school needs to increase. Currently, I have a student that hasn’t been to school for two weeks. The student is in special education and it makes me worry because school is already hard for the student. When you add being gone for two weeks on top, it will be hard for the student to get caught back up. I have always gone to a small town in Iowa to visit the Amish Colony. I knew kids didn't have to stay in school past 8th grade but I didn't know about the court case *Wisconsin v. Yoder. The Amish lived by the three R's* order to read the Bible, to be good farmers and citizens and to be able to deal with non-Amish people when necessary in the course of daily affairs.

Fourm

The areas I found interesting were charter schools, cyber school programs, and private schools. I know very little about about these schooling options. When it comes to homeschooling curriculum, I have seen one online tool: Odysseyware. Students I have that are in credit recovery, use Odysseyware to recover class credits they have lost. Being a special education teacher, I was aware of our special education director providing services to a few students at the local private school. Age requirements are another aspect that I question why we wouldn't get it more consistent for the age requirement of students starting school. I was talking to my sister as she’s a preschool teacher about the age requirements. She was sharing with me all the requirements that preschoolers should know before Kindergarten. She can have students starting preschool at the age of 3. When a student doesn’t start school until the age of 6, there is a big gap in academic performance between the students. When a parent asks if they should test their child into Kindergarten, she advises them to make the choice that they feel is right but an extra year of preschool never hurts. The content that students are required to learn in their early grades seem to get more and more rigorous. When students leave Kindergarten, the goal is for students to be able to read at a level D in Nebraska.