

## Chapter 1 : PLEIS-NB - Public Legal Education and Information Service of New Brunswick :: Teachers'

*Legal Rights of Teachers and Students provides an applied treatment of the current status of the law governing public schools in the key areas that concern teachers AND students. Written for the growing undergraduate and returning professional audience of teachers, this text addresses legal principles applicable to pre-service and in-service.*

Teachers have a need for information in their classroom. They have to be fully aware of all learning, behavioral and medical problems that could occur and are responsible to be trained to deal with anything that may occur. From this, they need to be aware of any medications that may be needed during the day and how to administer them, as well as any support services that a student may be availing of. Teachers are responsible to all students equally - while one student or another might avail of their attention more often, a teacher is responsible for them no more or less than they are responsible for students who do not require their attention. If a teacher does not act accordingly to all students, then their duty of care and their responsibilities to all have been infringed upon, and the school authorities are responsible for dealing with this. A teacher has responsibilities to their students and the families of these students. Teachers are required to protect and care for their students as the parents of these students would. They have a duty of care owed to their students, that was described by a Supreme Court Judge in as that which.. This is a comparison only, as it is superseded somewhat by the fact that teachers are government workers. The Supreme Court has used this basis to make rulings on cases involving Teachers and their Students, and parents have grown to expect that when they drop their children off at school, they are being looked after with care and concern. Warrants and Searches From this, teachers have many legal and moral rights and responsibilities. One of these is the right to conduct warrantless searches. Teachers are the only professional groups with this right - police officers, for example, do not have this right. The Supreme Court made this ruling in November 27th, With the ruling, Mr. Justice Peter Cory wrote: Teachers must be able to protect their students from dangers and need to be able to do whatever it takes to provide a safe school environment, while maintaining order and discipline in their school. Suspension Teachers also have the right to suspend students from their class, for that class period, if they consider the suspension warranted. The School Act states: A teacher is required to report such a suspension to the principal "as soon as practicable, but in any event before the end of that school day" [S. Teachers should ensure that they make themselves aware of any School Board by-laws and Board or school policies respecting such "class suspension. Legal and Moral Relationship Yet with these rights, what responsibilities to Teachers have towards their students? Teachers have the responsibility to foster a relationship of trust - while they have the rights of a parental figure, they must also try to encourage the relationship that a child would have with this parental figure. They are responsible to ensure that every student in their care receives a quality education. Teacher-Parent i A teacher seeks to establish friendly and cooperative relationships with the home and to provide parents with information that will serve the best interests of their children If a teacher could have reasonably foreseen an event and did not act on it, then they are legally liable for the damages that occurred. For example, if a teacher knows that two of their students are planning to gang up on a third, they are legally responsible for any damages that may ensue, as they were aware before the fact of what was going to happen. However, had the teacher not been aware of the plan of the two students, they could not be held responsible for the damages. Teachers also have a responsibility towards students that they are supervising in activities. Board of Govan School Unit No. For activities which pose inherent risks, there should be sufficient, progressive instruction, demonstration and supervision Instructors should be qualified in the activities over which they take charge The administration of a school takes on responsibility for activities which it approves. If an activity requires special training or expertise, the teacher has a responsibility to ensure that they have this expertise - otherwise it could prove hazardous for the students involved. Child Abuse A teacher has the responsibility, by law, to report any suspicions of abuse. A teacher involved in such situations is protected under the Act from civil liability unless the report was made "maliciously or without reasonable cause.. It must be stressed that responsibility for reporting the suspicion of child maltreatment to Child Protection authorities rests with any person who performs professional or official duties with respect to a child and who has

reasonable grounds to suspect the abuse.. They have a responsibility past simply informing the principal of their school - teachers are responsible for reporting the abuse to a delegate of the Health and Community services. However, after they have reported this abuse, they are not permitted to contact the parents in regards interviews with the child that may occur on this matter - the responsibility has now shifted to the Health and Community delegate. However, from all of these concerns, a satisfaction can be formed, where teachers recognize that their actions are forming a positive and encouraging learning environment for all students - one where the students are safe and learning. To quote John Fischer..

## Chapter 2 : Teachers's Rights under the Law

*Readers get coverage of critical topics in a brief, reader-friendly, applied format that includes discussions of the implications of legal mandates and provides guideline for school personnel to follow in their everyday work with students and teachers.*

The Criminal Code provides protection for all Canadians from harm in many forms. The following are types of offences committed by those who harass, harm or threaten others as the sections of the criminal code define them. This includes, following the person, repeatedly contacting the person directly or indirectly, stalking the person, and threatening conduct towards the person or their family. Harassing telephone calls s. This section includes all forms of assault, which may range from verbal threats to very serious crimes like aggravated sexual assault. Human Rights Act R. H Sexual harassment is a violation of the Human Rights Code. The Code also protects against discrimination and harassment based on characteristics such as race, colour, sex, religion, marital status, sexual orientation and disability. To determine which procedure is appropriate for your situation you should refer to the policy. It can be read online at: Tips for teachers dealing with inappropriate behaviour: Ongoing harassment can affect your physical and mental wellbeing, concentration and job performance. Tell someone you trust. It is important to have emotional support. Write down what happened, dates, names of witnesses and how you reacted. Read up on the subject and ask questions. Cooperate in the investigation. If you lodge a complaint it is important to cooperate at all stages of the investigation. If you are uncomfortable or nervous, ask to have a friend come with you to the interview. Initiate or participate in workshops or events that engage discussion between parents, students and teachers about appropriate behaviour in and out of school. What should I do if I am a victim? If you feel you are the victim of inappropriate or harassing behaviour there are various ways to resolve the situation. You can meet with the person responsible for the inappropriate behaviour and tell them that their actions or comments are unacceptable. You do not have to do this alone. In some situations this may be enough to resolve the problem. If you are intimidated or uncomfortable dealing with the individual yourself, you should consider seeking help from your school, district, federation or professional association. If you are afraid for your personal safety or the safety of someone else, you should contact the police immediately. It may be wise to keep notes to ensure you have accurate information about the incidents should you choose to take further action. Write down the appropriate contact numbers and keep them in your purse or wallet where you can quickly access them should a problem arise. What can the school do? If this initial meeting is unsuccessful, the principal may be involved and attempt to bridge the gap between the people involved. Some schools may have restorative justice or mediation programs to help resolve conflicts. In cases where there has been a serious incident or ongoing problems with an individual, he or she may be barred from school property. What can my professional association or union do? What can police do? If you have been threatened, assaulted, or if you are worried about your safety, you should consider contacting the police or RCMP in addition to notifying school officials. They can intervene and in cases of criminal behaviour they can lay charges against the student, parent or other adult. For some cases they may recommend dealing with the situation outside of court by using a Community Justice Forum or other restorative justice models to help parties work together to resolve conflict. If you are concerned for your safety, your family or your property, the police may be able to assist you in obtaining a peace bond. If they do not agree, the court can order a peace bond, if there are reasonable grounds for your fears. As a victim can I get compensation for damage caused or harm done? If you have incurred harm or damage to property and wish to have compensation you should consult a lawyer who can advise you based on the details of your specific situation.

## Chapter 3 : Know Your Rights | United Federation of Teachers

*Legal Rights of Teachers and Students provides an applied treatment of the law governing public schools in the key areas that concern teachers and students. Written for the growing undergraduate and returning professional audience of teachers, this text addresses legal principles applicable to pre.*

**Request Information** What are your rights as a student or a parent? What recourse do you have if those rights are violated or ignored?

**Laws Regarding Services** The most important elements to remember when advocating for yourself or a child are that students with disabilities must have individualized education plans IEPs that include offers of free and appropriate public education FAPE , and that these students are entitled to receive their education within the least restrictive environment LRE. These offers of FAPE come in the form of goals, based upon the present levels of academic performance and functional performance; description of services needed with time and location; accommodations and modifications; and some legally required check points. This offer of FAPE is a binding contract for services between the school district and the parent. Violation of this law does not mean that school district officials will go to jail, or be faced with extreme financial penalties. It also means that under no circumstances should a parent be asked to pay for any or all of it.

**Least Restrictive Environment** The law also requires that students with disabilities be educated in the least restrictive environment LRE. Unless your student has severe medical or physical impairments that require specialized staff, districts should try to include him or her in the general education classroom as much as possible. If the district would like to offer services in a more exclusive environment, such as a special education classroom, it must prove that the student cannot be successful in a less restrictive environment.

**Timelines** Before a student can begin receiving special education services , he or she must be evaluated and the answer must be yes to the following three questions: Does your child have a disability? Does the disability cause an educational impact to his or her education? It is important to know that the medical personnel do not identify the child for IDEA services, that is still done by the group of qualified professionals on what is called the evaluation team. This is called a triennial review. It is also possible that the district has enough existing data to either continue or terminate service, and in that case there is no requirement to conduct additional testing. Until consent is obtained, a district cannot evaluate a student; to do so is a violation of the law.

**Native Language** The decision in the landmark case *Diana versus State Board of Education* made it illegal to identify students as disabled unless they have been tested in their native language. In addition, parents must be offered evaluation plans and IEPs in their native language before giving informed consent. The only exception is in the case where the home uses an alternative language, but the student is evaluated to be proficient in English.

**Laws Regarding Disputes and Behavioral Challenges** Laws are in place to protect students and parents during challenging times. They are not sequential and can be completed in any order. The least complex of the three is typically tried first. That case will be investigated and within 60 days a decision rendered. If that were not to work, or deemed not to work, a parent or district can ask for mediation. In this process, trained state employees or contractors work with both parties to mediate the situation to find a compromise. Both the district and the parent must agree to the mediation process before it can proceed. The final process is a due process hearing, which is very much like a trial. In this case, the parents and the district present their cases with witnesses, depositions, review of records, etc. An adjudicated law judge is an attorney, trained in special education law who is not normally a judge. They are typically referred to as an ALJ. With the reauthorization of IDEA , all states are now required to have these three dispute-resolution processes at a minimum. However, parents should first attempt to resolve those conflicts within the school district processes. Typically that process starts with a special IEP team meeting where parent concerns are voiced and resolutions are explored. The only time the parent signature is required to implement an IEP is for the initial placement. Subsequent signatures on IEPs merely document that a parent or other team member s approve or disapprove. The team determines if the behavior for which the child is being disciplined is a manifestation of i. If the team determines that the behavior is a manifestation of the disability then the child returns to school. The reason for the manifestation meeting after a 10 day time period is that any exclusion from school for behavior that reaches 10 days is

considered a change of placement; only the IEP team can authorize a change of placement. The manifestation meeting then determines if a change of placement is required. Often following continuing discipline, the IEP team has to revise the functional behavioral analysis and the behavior intervention plan to attempt to decrease the incidence of disciplinary action. It is best practice to do so when a student is continually disciplined for behavior issues.

## Chapter 4 : Moral and Legal Issues in Education

*of results for "legal rights of teachers and students" Legal Rights of Teachers and Students (3rd Edition) (The Allyn & Bacon Educational Leadership) Aug 2,*

Alix July 13, , While teacher unions warn of the "dangers" without these cumbersome union negotiated tools, they fail to mention that the majority of the states in the country have a thriving teacher workforce protected by state and federal laws free from collectively bargained contracts. While scare tactics and false claims about teachers being let go over their hair color or declining salaries are rampant, educators must realize that there are federal and state laws in place meant to protect rights. Federal law prohibits discriminatory actions and the U. Constitution guarantees due process for all Americans. The fourteenth amendment states, " As a result, whenever a liberty or property interest of a teacher is involved, the teacher must be given the basic due process rights guaranteed by the U. The unions claim that without contracts and strict tenure statutes, teachers will be let go without just cause. This is simply not the case, and teachers should understand their civil rights. With respect to teacher pay, in states without collective bargaining, educator pay is on par with that of collectively bargained districts. Further, in the states that have been affected by these labor reforms, not a single teacher has seen their pay decrease as a result of the loss of collective bargaining. Without a contract that dictates small pay increases where all teachers are paid the same, many teachers would benefit from a system that would allow educators to make additional money for more involvement. In districts with lengthy contracts, some teachers are actually barred from staying in the school building past 3pm. Clearly educators are looking for flexibility that some contracts do not provide. In Indiana where education and labor reforms were recently enacted , teachers have seen their professional lives carry on despite union hysteria. Teachers in the state have not lost their positions, have not been paid less, and due process rights are protected and respected. A healthy relationship between teachers, the district, and administrators should always be encouraged. While AAE is not anti-collective bargaining privileges as an organization, we find the model outdated and ineffective in serving diverse professionals that serve the diverse needs of students. Teachers in a modern workforce do not necessarily need one-size-fits-all salary and benefits packages that do little to recognize teachers who go above and beyond in their schools. While all teachers are given certain rights, it is critical to understand the laws in your state and school district. While all workers are guaranteed certain protections, educators everywhere should stay informed and protect their careers from frivolous lawsuits by having quality legal and liability insurance through AAE membership. Visit the NCTQ yearbook website to see how your state measures up. What do you think about the value of collective bargaining?

**Chapter 5 : What Legal Rights Do Teachers Have In Public Education**

*This section provides information and resources for students, parents, teachers and school administrators involving the right to student speech, religion, and school privacy. This section also provides an in-depth look at laws protecting student rights, drug testing, and school prayer.*

McCarthy, Principal Analyst You asked whether other states, particularly in the Northeast, have enhanced criminal penalties or other provisions in their laws prohibiting consensual sex between an adult and a minor that apply specifically to cases involving a teacher and an elementary or secondary school student. In the Northeast, Connecticut, Maine, and New Hampshire have provisions in such laws that deal specifically with sex between teachers and students. The penalties for the proscribed behavior vary widely by state. Other Northeastern states prohibit consensual sex between adults and minors, but do not have specific provisions regarding teachers and students. In Massachusetts, the age of consent is New York considers a minor aged 16 or younger incapable of consenting to sexual acts, and has several offenses for sexual acts with such minors, with specific provisions when the minor is 14 or younger. Pennsylvania prohibits consensual sex with a minor under 16 if the actor is at least four years older. Rhode Island prohibits 1 consensual sex between a minor between 14 and 16 and a person who is 18 or older and 2 sexual contact or penetration with a minor under 14 under any circumstances. Among the states in other parts of the country with specific provisions dealing with teachers and students are Kansas, Maryland, North Carolina, Ohio, and Washington. In North Carolina and Ohio, as in Connecticut, these provisions apply even if the student is 18 or older. However, the crime also includes cases in which a school employee engages in sexual intercourse with a student enrolled in a school in which he works or a school under the jurisdiction of the local or regional school board that employs him. It also applies to 1 coaches and 2 school volunteers 20 and older who are in a position of power, authority or supervision over a person under age Sexual assault in the second degree is class C felony or, if the victim of the offense is under 16, a class B felony. In either case, the court may not suspend or reduce nine months of the sentence. In addition, the violator must register as a sex offender for 10 years. Maine Maine has three laws involving sexual conduct with a minor that have specific provisions when the actors are students and teachers or other school staff. These laws do not apply when the student and staff member are married. The provision applies to students in public or private elementary, secondary, or special education facilities. The adult is subject to this penalty if he has instructional, supervisory, or disciplinary authority over the student. If the adult does not have authority over the student, but the adult is 21 or older, the contact is a class E crime, or a class D crime if the act involves penetration. The underlying crime of unlawful sexual contact applies when the person other than the actor has not expressly or impliedly acquiesced to the contact. The provisions dealing with students apply even if the student has consented to the contact. Generally, sexual abuse of a minor occurs when a person engages in a sexual act with a 14 or 15 year old and the actor is at least five years older than the minor. There are heightened penalties if the actor is at least 10 years older than the minor or related to the minor within the second degree of consanguinity, e. However, it is also sexual abuse of a minor for a teacher or other educational staff member who is at least 21 to engage in a sexual act with a student who is 16 or The provision applies to sexual acts between students at public or private elementary, secondary, or special education institutions and to teachers, employees, and officials of schools, school districts, and other educational institutions. Again, there are heightened penalties if the actor is at least 10 years older than the minor or related to the minor within the second degree of consanguinity, A Maine Rev. The underlying crime applies when the person touched did not expressly or impliedly agree to the touching and is a class D crime. However, in cases involving students and educational staff having authority over them as defined above this penalty applies even if the student consents to the touching. It is a class E crime if the adult is at least 21, regardless of whether he has authority over the student. New Hampshire Under N. Case law has found that the statute covers teachers and that the coercion can take the form of undue influence, threats, or physical force, among other things. New Jersey Under N. While it appears that both sections apply to teachers, we did not find any case law that identified the actor as a teacher or other educational employee. Unlawful sexual

relations is classified as a severity level 10, person felony. Under Kansas law, the penalty for criminal offenses depends on the classification, whether the person has prior offenses, and several other factors. The law applies to a person who is 21 or older who 1 is a full-time permanent employee of a public or private preschool, elementary school, or secondary school and 2 because of his or her position or occupation, exercises supervision over a minor who attends the school. It includes principals, vice principals, teachers, and school counselors at public and private schools. If the offender had previously been convicted of this offense or other specified sex crimes, the maximum prison term is three years. Other laws prohibit 1 anyone from having sexual contact with a child under age 14, if the actor is at least four years older than the child and 2 anyone 21 or older engaging in vaginal intercourse or other sexual acts with a 14 or 15 year old. North Carolina Under N. The same penalty applies to other school employees, so long as they are at least four years older than the student. If there is a smaller difference in age, such school employees are guilty of a class A1 misdemeanor. Sentencing in North Carolina depends on several factors, including prior offenses and the presence of aggravating or mitigating factors. These provisions do not apply if the student and employee are married or if the offense occurred after the student graduated or otherwise was no longer a student. Ohio Under Ohio Rev. Both provisions apply to employees of public and private elementary and secondary schools who are not enrolled as students at the school. Other laws prohibit consensual sex between adults and minors who are under

*What Legal Rights Do Teachers Have In Public Education. First and foremost, before they are educators, public school teachers are citizens of the United States whose rights are and should be equally protected as the rest of the citizens of the US, and not diminished by being under the roof of public education.*

This was the first incident where academic staff were found guilty of a criminal act as a result of a complaint made by a student and where those staff members had the full support of their institution. United States[ edit ] In the US, students have many rights accorded by bills or laws e. These have been proceduralized by the courts to varying degrees. The US does not, however, have a national Student Bill of Rights and students rely on institutions to voluntarily provide this information. While some colleges are posting their own student bills, there is no legal requirement that they do so and no requirement that they post all legal rights. Larsson found that what applied to private intuitions applied also to public. President and Trustees of Bowdoin College ruled that institutional documents are still contractual regardless if they have a disclaimer. Right to adherence to bulletins and circulars Students are protected from deviation from information advertised in bulletins or circulars. Larsson found that a student who completed degree requirements prescribed by an academic advisor was entitled to a degree on the basis that this was an implied contract. Right to a continuous contract Mississippi Medical Center v. Hughes determined that students have an implied right to a continuous contract during a period of continuous enrollment suggesting that students have the right to graduate so long as they fulfill the requirements as they were originally communicated. Petersen found also that contractual protections do not apply in the event that a student, who has failed to meet requirements, is readmitted into a program. This may also help avoid issues of discrimination. Right to notice of degree requirement changes Brody v. School determined that students have the right to notice of degree requirement changes. University of North Carolina at Wilmington found, however, that verbal agreements must be made in an official capacity in order to be binding Bowden, Umpqua Community College found a student was compensated because classes offered orally by the dean were not provided. Laws and court precedent on student rights in academic advising[ edit ] Right to fulfillment of promises and verbal promises by advisors Verbal contracts are binding. An advisor should, thus, be considered an official source of information. Right to a continuous contract during a period of continuous enrollment Mississippi Medical Center v. If a student, for instance, is absent for a semester and is not continuously enrolled they need to know if degree requirements have changed. While this case concerned a private school, Healy v. Information required on the DOE website includes: Institutions are also required to disclose transfer credit policies and articulation agreements. Right to protection from ability discrimination in academic recruitment The Americans With Disabilities Act ADA and Section of the Rehabilitation Act prohibits ability discrimination in academic recruitment. This includes ability discrimination in recruitment. Individuals designated with a disability by a medical professional, legally recognized with a disability [19] [24] [27] and deemed otherwise qualified are entitled to equal treatment and reasonable accommodations. It can be seen that this act also protects against such inquiry regarding inter-sexed, transsexual, transgender or androgynous individuals. Individuals designated with a disability by a medical professional, legally recognized with a disability [19] [24] [27] and deemed otherwise qualified are entitled to equal treatment and reasonable accommodations in both educational and employment related activities. Alternative testing must also be offered as frequently as are standard tests. Thus, testing policies which systematically discriminate, are unlawful according to the constitution. Fordice prohibited the use of ACT scores in Mississippi admissions, for instance, because the gap between ACT scores of white and black student was greater than the GPA gap which was not considered at all. Laws and court precedent on student rights in readmissions[ edit ] Right to equality in readmissions Institutions must be careful with readmissions after students have failed to complete necessary program requirements. Readmission raises questions as to why individuals were removed from the program in the first place and whether future applicants may be admitted under like conditions. Discrimination may be alleged regarding both the initial removal and also in the case that other students are not readmitted under like circumstances. If students take a voluntary leave of

absence, institutions must have a valid reason to refuse readmission. Right to the advertised course content Students are entitled to receive instruction on advertised course content. Pace University awarded damages on the grounds of negligent misrepresentation and breach of contract. Rosenblum found that "tight control over the curriculum was necessary to ensure uniformity across class sections". Departments may change grades issued by teachers which are not in line with grading policies or are unfair or unreasonable. New Hampshire [70] found that teachers have the right to lecture. They do not have academic freedom under the law. Ogbu [77] argued that for an effective teaching to take place, departments need to understand students at a group level as well as at an individual level because even students within the same minority groups are different. Given that students have the right to effective teaching, department involvement needs to understand cultural diversity and cultural differences before a curriculum development is considered. Right to protection from written or verbal abuse Teachers have the right to regulated expression [59] [64] but may not use their first amendment privileges punitively or discriminatorily [24] [78] or in a way which prevents students from learning by ridiculing, proselytizing, harassment or use of unfair grading practices. Act This includes ability discrimination in learning [19] [23] [27] and deemed otherwise qualified are entitled to equal treatment and reasonable accommodations in both educational and employment related activities. This includes equal accommodation of interests and abilities for both sexes, provision of equipment and facility scheduling for such activities as games and practices, travel allowance and dorm room facilities. It includes also equal quality facilities including locker rooms, medical services, tutoring services, coaching and publicity. They must provide athletic opportunities proportionate to enrollment, prove that they are continually expanding opportunities for the underrepresented sex or accommodate the interests and abilities of the underrepresented sex. This information is required to ensure equality standards are met. Laws and court precedent on student residence or residence hall rights[ edit ] Right to have visitors in residence hall rooms Good v. Right to sex equality in housing standards Students are entitled to housing of equal quality and cost and to equal housing policies. University of South Dakota , for instance, found that the institution may require all single freshmen and sophomores to live on campus. Watkins established that students are not required to waive search and seizure rights as a condition of dormitory residence. Otherwise institutions must ask for permission to enter. Connecticut found that the third, fourth, and fifteen amendments together constitute an inalienable right to privacy. Students are extended the same privacy rights extended to the community at large. Students have the right to access their records, dispute record keeping and limited control over the release of documents to third parties. Right to approve release of student information FRPA and the HOEA require students sign a release before their student records will be provided to third parties e. This legislation does allow schools, however, to release information without student approval for the purpose of institutional audit, evaluation, or study, student aid consideration, institutional accreditation, compliance with legal subpoenas or juvenile justice system officers [] or in order to comply with laws requiring identification of sex offenders on campus. Right to notice of information disclosures Under FERPA, schools may publish directory information, including the students name, address, phone number, date of birth, place of birth, awards, attendance dates or student ID number, unless students ask the school not to disclose it. The institution must inform students they are entitled to these rights. Laws and court precedent on student information rights[ edit ] Right to basic institutional facts and figures before admission The Higher Education Opportunity Act [26] requires that institutions disclose institutional statistics on the Department of Education DOE website to allow students to make more informed educational decisions. Right to financial aid information disclosures The HOEA [26] also requires institutions of higher education provide financial aid information disclosures, which essentially advertise the financial aid program, pre eligibility disclosures pertaining to the individual student, information differentiating federally insured or subsidized and private loans, preferred lender agreements, institutional rationale for the establishment of preferred lender agreements and notice that schools are required to process any loan chosen by students. Right to information about the full cost of attendance According to the HOEA, financial aid information disclosures must include the average financial aid awarded per person, cost of tuition, fees, room, board, books, supplies and transport. Forms must be clear, succinct, easily readable and disability accessible. Right to detailed third party federal student loan information The HOEA requires third party student loan

lenders to disclose information concerning alternative federal loans, fixed and variable rates, limit adjustments, co-borrower requirements, maximum loans, rate, principle amount, interest accrual, total estimated repayment requirement, maximum monthly payment and deferral options. Right to financial aid awareness campaigns for underrepresented students in high education The HOEA requires institutions of higher education to engage in financial aid eligibility awareness campaigning to make students aware of student aid and the realities of accepting it. Right to information on use of student fees Van Stry v. State found institutions may not use student fees to support organizations outside the university. Right to the disclosure of athletics plans and expenditures The Higher Education Opportunity Act requires the disclosure of athletics information including male and female undergraduate enrollment, number of teams and team statistics including the number of players, team operating expenses, recruitment, coach salaries, aid to teams and athletes and team revenue HEOA, This ensures that institutions are abiding by Title IX of the Higher Education Act Amendments which limits sexual discrimination and requires institutions to offer equal sport, club and opportunities. There are many other implied information rights. If legislation states that students are entitled to certain information in pre-eligibility loan disclosures, this implies that they are also entitled to have a pre-eligibility loan disclosure. Right to information on the justification of policies Rosenberger v. Rector and Visitors of the University of Virginia found student fees must be allocated in a viewpoint neutral way. They cannot be based on religious, political or personal views Henderickson; Good v. Associated Students University of Washington and they cannot be levied as a punishment. Right to a course syllabus Students may be graded fairly and in accordance with criteria set forth by the course syllabuses and may be protected from the addition of new grading criteria. Laws and court precedent on student rights in discipline and dismissal[ edit ] Right to protection from ability discrimination in discipline and dismissal The Americans With Disabilities Act [ ] and Section of the Rehabilitation Act protect students against discrimination based on ability. Individuals shall be designated with a disability by a medical professional, legally recognized with a disability. Board of Trustees of Butler County Community College found that students are not entitled to due process rights when appealing rejected admissions applications. Right to due process in disciplinary with the potential to lead to a monetary loss Due process is required when actions have the potential to resulting a property or monetary loss or loss of income or future income etc. This includes degree revocation [3] [ ] or dismissal. Students have a property interest in remaining at the institution and have protection form undue removal. Federal district courts have, therefore, found that due process is required in cases involving charges of plagiarism, cheating [90] [ ] and falsification of research data. Horowitz found that fairness means that decisions, a may not be arbitrary or capricious, b must provide equal treatment with regard to sex, religion or personal appearance etc. Right to hearing before discipline Hearings must be conducted before suspension or discipline unless there is a proven threat to danger, damage of property or academic disruption. King determined that due process requires that the outcomes of investigation be taken seriously. A student cannot, for instance, be dismissed for cheating after a hearing has found him not guilty.

## Chapter 7 : Federal Laws, Regulations and Policy Guidance | United Federation of Teachers

*For law students, it is primarily written for teachers, school administrators, and other public school personnel taking a school law course at the graduate and master's levels, there is not a greater, more comprehensive resource on the market today than Public School Law, Seventh Edition.*

Karyth Cara Certified Educator The two dominant reasons that teachers be protected by rights are the same reasons applicable to other employees and other citizens or residents: Labor unions in the s and early s paved the way in America for sufficient wages, health protections, work environment safety and restricted work hours. These protections, which are now defined by legislation as rights, were needed because the change from The two dominant reasons that teachers be protected by rights are the same reasons applicable to other employees and other citizens or residents: Labor unions in the s and early s paved the way in America for sufficient wages, health protections, work environment safety and restricted work hours. These protections, which are now defined by legislation as rights, were needed because the change from the agrarian peasant and village based servant systems, under which landowners had paternal responsibilities for people under their oversight, to the urban industrialized system--which included manufacturing and raw material harvesting such as coal mining--caused a rent in the social and cultural fabrics of Western countries that resulted in human abuses and unprecedented accumulation of massive wealth in the hands of a few commoners. Teachers, along with other workers, now have--and should have--the benefit of these labor rights. Constitutionally mandated human rights, equally applicable to others in America, pertain to freedom from discrimination, protection against dismissal, freedom of personal and academic expression, and the protection of personal property. These rights are mandated and protected at both the federal and state levels by constitutions, statutes and regulations. The Civil Rights Act of is an example of how federal legislation underpins the rights applicable to both private and public school teachers. Private school teacher contracts may also set out comparable rights in the terms of employment, such as specification of dismissal only with cause, notice and a hearing where appropriate. Freedom of Expression of the First Amendment: Board of Education established the jurisprudence regarding protected forms of personal expression, such as writing newspaper editorial letters, though prohibitions exist against disrupting educational interest, undermining authority, and adversely affect working relationships. Privacy Rights Fourteenth Amendment; "nor shall any state deprive any person of life, liberty, or property": Age Discrimination in Employment Act of Pregnancy Discrimination Act of Certification Rights While states require and regulate teaching credentials--certificates of competency assuring that all requirements have been met to satisfactory levels and by accredited institutions--the state agencies overseeing teacher certification may not act arbitrarily in creating or changing rules for certification nor may these agencies deny or revoke teacher certification on an arbitrary basis. Yet certificates may be revoked for carefully defined "just cause" as specified in regulations and teacher contracts. Some instances of just cause are: Immoral conduct or indecent behavior Incompetency.

**Chapter 8 : Student Rights in Public Education**

*Teacher and Staff Rights. Teacher and School Staff including food services, maintenance and operations, office and clerical, paraeducators, special services and administration enjoy a number of rights pertaining to their employment, including recognition of certain freedoms, prohibition against certain forms of discrimination, and significant protections against dismissal from their position.*

The Due Process Clause of the Fourteenth Amendment, like its counterpart in the Fifth Amendment, provides that no state may "deprive any person of life, liberty, or property, without due process of law. Note that in this context, due process does not prescribe the reasons why a teacher may be dismissed, but rather it prescribes the procedures a school must follow to dismiss a teacher. Note also that many state statutory provisions for dismissing a teacher actually exceed the minimum requirements under the Due Process Clause. *Loudermill* is the leading case involving the question of what process is due under the Constitution. This case provides that a tenured teacher must be given oral or written notice of the dismissal and the charges against him or her, an explanation of the EVIDENCE obtained by the employer, and an opportunity for a fair and meaningful hearing. The law of contracts applies to contracts between teachers and school districts. For a teacher to determine whether a contract exists, he or she should consult authority on the general law of contracts. This section focuses on contract laws specific to teaching and education. *Ratification of Contracts by School Districts.* Even if a school official offers a teacher a job and the teacher accepts this offer, many state laws require that the school board ratify the contract before it becomes binding. Thus, even if a principal of a school district informs a prospective teacher that the teacher has been hired, the contract is not final until the school district accepts or ratifies the contract. The same is true if a school district fails to follow proper procedures when determining whether to ratify a contract. However, this is not common, as many employee handbooks include clauses stating that the handbook is not a contract. For a provision in a handbook to be legally binding, the teacher must demonstrate that the actions of the teacher and the school district were such that the elements for creating a contract were met. *Breach of Teacher Contract.* Either a teacher or a school district can breach a contract. Whether a breach has occurred depends on the facts of the case and the terms of the contract. Breach of contract cases between teachers and school districts arise because a school district has terminated the employment of a teacher, even though the teacher has not violated any of the terms of the employment agreement. In several of these cases, a teacher has taken a leave of absence, which did not violate the employment agreement, and the school district terminated the teacher due to the leave of absence. Similarly, a teacher may breach a contract by resigning from the district before the end of the contract term usually the end of the school year. *Remedies for Breach of Contract.* The usual remedy for breach of contract between a school district and a teacher is monetary damages. If a school district has breached a contract, the teacher will usually receive the amount the teacher would have received under the contract, less the amount the teacher receives or could receive by attaining alternative employment. Other damages, such as the cost to the teacher in finding other employment, may also be available. Non-monetary remedies, such as a court requiring a school district to rehire a teacher or to comply with contract terms, are available in some circumstances, though courts are usually hesitant to order such remedies. If a teacher breaches a contract, damages may be the cost to the school district for finding a replacement. Many contracts contain provisions prescribing the amount of damages a teacher must pay if he or she terminates employment before the end of the contract. *Teacher Freedom from Discrimination.* These forms of discrimination are also barred through the enactment of Title VII of the Civil Rights Act of 1964, which was amended in 1972 to include educational institutions. This law provides that it is an unlawful employment practice for any employer to discriminate against an individual based on the race, color, religion, sex, or national origin of the individual. Title IX of the Education Amendments of 1972 provides protection against discrimination based on sex at educational institutions that receive federal financial assistance. A teacher who has been subjected to discrimination has several causes of action, though proof in some of these cases may be difficult. A teacher may bring a cause of action under section 1981 of Title 42 of the United States Code for deprivation of rights under the Equal Protection Clause or other constitutional

provision. However, to succeed under this cause of action, the teacher would need to prove that the school had the deliberate intent to discriminate. Similarly, a teacher bringing a claim under Title VII must demonstrate that the reasons given by a school for an employment decision were false and that the actual reason for the decision was discrimination. Teachers in public schools have limited freedoms in the classroom to teach without undue restrictions on the content or subjects for discussion. These freedoms are based on rights to freedom of expression under the First Amendment of the Bill of Rights. However, the concept of academic freedom is quite limited. Factors such as the age, experience, and grade level of students affect the latitude in which a court will recognize the academic freedom of a teacher.

**Teacher Freedom of Expression.** The Supreme Court held that the school had unconstitutionally restricted the First Amendment rights of the teacher to speak on issues of public importance. Based on *Pickering* and similar cases, teachers generally enjoy rights to freedom of expression, though there are some restrictions. Teachers may not materially disrupt the educational interest of the school district, nor may teachers undermine authority or adversely affect working relationships at the school.

**Teacher Freedom of Association.** These rights generally permit public school teachers to join professional, labor, or similar organizations; run for public office; and similar forms of association. However, teachers may be required to ensure that participation in these activities is completely independent from their responsibilities to the school.

**Teacher Freedom of Religion.** Teachers may exercise their religious rights, though there are certain restrictions to such rights. This existence of restrictions is particularly relevant to the public schools, since public schools are restricted from teaching religion through the Establishment Clause of the First Amendment. Thus, for example, a teacher is free to be a practicing Christian, yet the teacher cannot preach Christianity in the classroom. Thus, for example, a teacher may be terminated from his or her position for such acts as ADULTERY or other sexual conduct outside marriage, and courts will be hesitant to overrule the decisions of the school board.

**The Age Discrimination in Employment Act of 1967**, with its subsequent amendments, provides protection for teachers over the age of 40 against age discrimination. Under this act, age may not be the sole factor when a school district terminates the employment of a teacher. If a teacher charges a school district with age discrimination, the school district has the burden to show that some factor other than age influenced its decision.

**The Pregnancy Discrimination Act of 1978** provides protection for teachers who are pregnant. Under this act, a school district may not dismiss or demote a pregnant teacher on the basis of her pregnancy, nor may a district deny a job or deny a promotion to a pregnant teacher on the basis of her pregnancy. Each state provides laws governing education agencies, hiring and termination of teachers, tenure of teachers, and similar laws. Teachers may be dismissed on similar grounds.

**Additional Teacher Rights Resources.** Oakstone Legal Publishing, Imber, Michael, and Tyll Van Geel, Oakstone Legal and Business Publishing, *A Practical Guide for Educational Leaders*.

**Chapter 9 : A Guide to Student and Parent Rights in Special Education**

*Know Your Rights As a UFT-represented employee of the Department of Education, you have the right to professional and fair treatment and to working conditions that help make a tough job more doable. Your rights are the product of plus years of negotiations between the UFT, the Department of Education and the City of New York.*

Receive free lesson plans, printables, and worksheets by email: Student rights in public education usually relate to what a student can and cannot do, how far they can argue their point of opinion, and in general basic human rights. The constitution is for everyone to enjoy, regardless of age, color, race, religion, or any other factor of discrimination. However, minors are a special category of person, and in many cases, the rights of minors can be suppressed in ways that the rights of adults simply may not be because of age or the level of maturity. Although there is a list of guidelines or policy concerning student rights, one must fully absorb the rules and regulations that are implemented by the school and must be abided. The basic human rights correspond to student rights in public school, and this means that students have a right to personal privacy. Public school student rights have the right to their own beliefs and practices and should therefore have the freedom to make a choice in relation to activities that goes against their belief. A public school student should not be forced or not be allowed to join in an activity that they feel uneasy with. Student has the right to practice their beliefs in religion in the school, although practicing them in an extreme way that causes commotion or any disturbances in the classroom is usually not permitted. All students shall be required to show proper attention to personal cleanliness, health, neatness, safety and suitability of clothing and appearance for school activities. Students have the right for freedom of expression. Students do not give up their constitutional rights when they walk onto school grounds. That includes your right to free speech. But in some cases, your speech can be restricted at school even if it would be protected if you were in the school grounds. Freedom of speech lets students to hand out leaflets and express their selves in official or unofficial school journals. They are also given the freedom to conduct polls and circulate petitions that would address to their issues in the school. Other activities that expand this right are the organization of clubs, posting notices on bulletin boards and organization of a rally or demonstration at school. Moreover, students have the right of equality and freedom from discrimination. Unfortunately, discrimination might still occur at your school, and it can come in a variety of forms. It might come up in the context of assigning students to academic opportunities, extracurricular activities or special school programs. Other rights of students may include the freedom of access to school records. This right can be exercised by passing a written consent of the parents for their children to have access to his or her student files. However, Schools may give school records to outsiders if there is a lawful court order and they make a reasonable effort to contact the parent beforehand. Living through and abiding with the public school student rights ensures that students are performing at the very peak of their abilities without second thoughts brought about by fright of pressure or any discomfort while feeling and exercising their right to freedom of speech and choice in any environment that they live in.