

Overview of School Law

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Key concepts, sources, and practical implications for educators, administrators, students, and parents.

1. Foundations of School Law

Element	Description	Typical Sources
Constitutional Basis	Sets limits on government power and protects individual rights in schools.	U.S. Constitution (e.g., 1st, 4th, 5th, 14th Amendments), State constitutions
Statutory Law	Legislatively enacted rules that govern public education.	Federal statutes (e.g., IDEA, FERPA, Title IX), State education codes
Regulations & Administrative Rules	Detailed directives issued by agencies to implement statutes.	Department of Education (ED) regulations, State education department rules
Case Law (Judicial Decisions)	Courts interpret statutes, regulations, and constitutional provisions.	Supreme Court decisions (e.g., <i>Brown v. Board of Education</i> , <i>Tinker v. Des Moines</i>), appellate rulings
Local Policies	School/district policies that must be consistent with higher authority.	Board of education policies, student handbooks, codes of conduct

2. Major Federal Statutes Affecting K-12 Schools

Statute	Purpose	Core Requirements
Individuals with Disabilities Education Act (IDEA)	Guarantees a free appropriate public education (FAPE) for children with disabilities.	Individualized Education Program (IEP), due process hearings, transition planning.
Section 504 of the Rehabilitation Act	Prohibits discrimination based on disability in programs receiving federal funds.	504 plans, reasonable accommodations, grievance procedures.

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Statute	Purpose	Core Requirements
Family Educational Rights and Privacy Act (FERPA)	Protects the privacy of student education records.	Parental consent for disclosure, rights to inspect and amend records.
Title IX of the Education Amendments (1972)	Bars sex-based discrimination in education programs receiving federal assistance.	Policies on sexual harassment, athletics equity, grievance processes.
Every Student Succeeds Act (ESSA)	Reauthorizes the Elementary and Secondary Education Act; emphasizes state control, accountability, and equity.	State accountability plans, evidence-based interventions, support for low-performing schools.
Protection of Pupil Rights Amendment (PPRA)	Limits the collection of certain personal information from students.	Parental consent for surveys on sensitive topics, opt-out rights.
Civil Rights Act of 1964 (Title VI)	Prohibits discrimination based on race, color, or national origin in programs receiving federal funds.	Anti-discrimination policies, complaint mechanisms.
Gun-Free Schools Act (1994) & Related State Laws	Requires schools to adopt policies to prevent firearms on campus.	Development of safe-school plans, reporting procedures.

3. Constitutional Rights in the School Setting

Right	Landmark Cases	Practical Implications
Free Speech (1st Amendment)	<i>Tinker v. Des Moines</i> (1969) – students do not “shed” rights at the gate.	Schools may regulate speech that materially disrupts learning or is vulgar, lewd, or obscene.
Due Process (5th/14th Amendments)	<i>Goss v. Lopez</i> (1975) – notice & hearing before suspension >10 days.	Provide written notice, opportunity to be heard before most disciplinary actions.
Search & Seizure (4th Amendment)	<i>New Jersey v. T.L.O.</i> (1985) – reasonable suspicion	