

EDUCATION POLICY AND THE LAW

CASES AND COMMENTARY

Second Edition

BERNARD JAMES

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Most of the texts in education law today present court cases that are heavily edited Unfortunately the editing usually occurs in the facts The facts contain the essence of what must be known to educators in order to develop policies and practices Facts are essential in deciding whether the case is on point and useful in building clarity for a present legal challenge However in the interest of economy of space which faces all publishers today the decided to remove the concurrences and descents but leave the majority opinions with its facts and footnotes untouched The vast majority of education law courses today are taught in colleges of education It is typical for graduate students to study only the majority opinions for their coursework Therefore the majority opinions with all of the facts and footnotes are

preserved in the original Also of value is the precision with which the authors have chosen the seminal U S Supreme Court cases still controlling well informed school practices In this new edition the authors have meticulously edited the cases to eliminate extraneous material and then explain how each case has contributed to the rules of law that govern schools today This care has produced a book that is concise accurate and understandable The authors nearly 75 years of combined education law teaching experience has also helped create one of the most well written and user friendly books on the market today

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Best Interests of the Student presents both a theoretical model for guiding educators as they confront legal and ethical dilemmas in their schools as well as highly accessible and annotated court cases for exploration The authors introduce an ethical decision making model that focuses on strategies for determining what actions are in the best interests of the student and demonstrates the application of this theoretical model for examining legal and ethical dimensions of court cases Discussion questions at the end of each case encourage readers to examine issues from differing viewpoints helping them to become more self reflective school leaders who can effectively address legal dilemmas in their own contexts This important text is a valuable resource for both aspiring and practicing school administrators and leaders This thoroughly revised edition features An entirely new chapter on conceptual and empirical insights grounding our understanding of students best interests 10 new legal cases reflecting recent developments in school law including educational needs of transgender students immunity for student searches conflicts between religious expression and free speech educators access to students cell phone data education for children of undocumented immigrants and access to literacy as a fundamental right A focus on preparing school leaders to meet the Professional Standards for Educational Leaders PSEL Updated information and references throughout to reflect current context resources and education policy

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