

Philosophy

Before I started the course EDAD 622, a former public school principal said to me, “pay attention in that class, it’ll keep you out of the paper.” I thought that was a funny comment. After I had spent a couple days in class at North Hennepin Community College, I realized that those words are incredibly pertinent to being an administrator in education. My experience as a dean, social worker, 504 coordinator, and security team leader have given me a unique experience with public education law. My philosophy around public school law is that it is there to guide educators and families in relation to the United States constitution, the rights of students, and how school districts are awarded the ability to govern behavior within their own facilities to a broader extent.

According to Essex (2016), students do not abandon their constitutional rights when they walk into a public school, at least in the state of Minnesota. In my experience, per district policy, students have always been able to exercise their right to protest or demonstrate, when it is within the scope of reasonableness (Essex 2016),.

When it comes to the rights of individual students, I often defer to the school district policy. This is somewhat of a progressive stance on schools’ use of Individualized Education Plans for special education students. Many times, I have seen teachers forgo the student’s needs in both a general education setting, as well as a special education setting. This has caused litigation and even settlement from the district involved. According to Kleegeer (2019), the business sector is driven by corporate dividends. Public education has many more nuances to how it is implemented. For example, a student with an Individualized Education Plan has many more rights than a person working for a private company. In school, a student with an I.E.P. is

given more support for academic and social growth. In a private company based on profits, a person with a learning disability could be brought to management for lack of understanding. Law around public education can be considerate about that individual's disability.

With the constitutional rights given to students as they walk into public schools comes a caveat. This is called school district and school board policy. Individual school districts have the right to a certain extent, to create policy and regulations around what happens within the school district and its facilities. Constitutional rights like freedom of speech and religion can butt heads with school district policy. As an example, when I was in high school a friend of our group was expelled for having illegal contraband on their person. Somebody I knew chose to wear a shirt with her picture on it. School staff considered that a viable disruption to the education process. She was told to change.

Also, I believe that letting the courts handle cases outside the jurisdiction of the school district is essential to keeping the rights of employees and students safe, both inside and outside of the learning environment. We have all heard about companies over-stepping their boundaries when it comes to workers' rights, adequate pay, and quality of product they produce and distribute. The public school system is one of the last public forums where the constitution will help people fight against supervisor overreach.

References

Essex, Nathan L. (2016) *School law and the Public Schools a Practical Guide for educational leaders*. Boston, Pearson Education. Kindle Edition.

Kleeger, J. (2019). Legal Education Reform--Unmasking the Multidisciplinary Constitution of Law. *Journal of Multidisciplinary Research (1947-2900)*, 11(1), 65–86.

