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EDUL 6010

Legal Research Exercise

Using the Internet, legal research services such as Westlaw and LexisNexis (available on UGA Library link), or other sources of law, please find the following and answer any accompanying questions. When possible, locate the primary sources and do not rely on commentary and secondary sources of law:

1) U.S. Constitution: Find the U.S. Constitution. According to Article V, what is required to amend the Constitution?

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution....”

2) Federal Statute: Find the Federal Equal Access Act, 20 U.S.C. § 4071: The principal of your school has assigned you to supervise a Neo-Nazi student club. This is contrary to your beliefs, and you strongly object. The principal states that according to 20 U.S.C. § 4071(d)(4) you must supervise this group regardless of your beliefs. Is the principal correct? Why or why not?

The principal is incorrect. According to part D of 4071, “with respect to certain rights, nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.”

3) Federal Regulation: In writing a memo concerning 34 C.F.R § 104 and eligibility under § 504 of the Rehabilitation Act, you used the term “handicapped.” One of your colleagues objected that this term is no longer used in the statute. Check 34 C.F.R § 104.3(j). Is this objection correct?

No. 34 C.F.R. § 104.3(j) uses the term “handicapped” and defines such condition in 34 C.F.R § 104.3(j)(1) as any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

4) Federal Case Decision: Find *Plyler v. Doe*, 457 U.S 202 (1982). According to the Court, what exactly is the question presented in this case? In your own words, what did the Court decide concerning this question?

This case deals with an individual’s Equal Protection Rights under the fourteenth amendment of the US Constitution. The law states that no state shall “deny to any person within its jurisdiction the equal protection of the law.” The plaintiffs of the case argued that regardless of their citizenship/immigration status, they are still a “person” so they cannot be denied the rights afforded to citizens such as the right to a

public education for their children. Therefore, a school cannot deny enrollment to a student who is not a legal resident of the United States.

5) Federal Executive Order: Find Executive Order 12999. What is the subject of this Order?

The executive order encourages agencies, to the extent permitted by law, to transfer computers and related peripheral equipment excess to their needs directly to schools and some educational nonprofit organizations. Executive Order 12999, also known as “Educational Technology: Ensuring Opportunity for All Children in the Next Century” makes “computer technology an integral part of every classroom; providing teachers with the professional development they need to use new technologies effectively; connecting classrooms to the National Information Infrastructure; and encouraging the creation of excellent educational software. This Executive order streamlines the transfer of excess and surplus Federal computer equipment to our Nation's classrooms and encourages Federal employees to volunteer their time and expertise to assist teachers and to connect classrooms.”

6) State Constitution: Find your state's Constitution. What article of your state's Constitution most directly addresses public education?

Article VII of Georgia's constitution addresses public education.

7) State Case Decision: Find an online source for case decisions from your state. Find a case related to public education.

Using <http://www.megalaw.com/ga/gacases.php>, I looked up the case DOE v. Dekalb County in which the county wanted to transfer a teacher who was HIV infected from his position at the local psychoeducation center to another position claiming that they feared he may have blood to blood contact with a student since he works with students classified as having a severe emotional and/or behavioral disturbance. The district court blocked the district's transfer of “doe” citing ADA 42 U.S.C. § 12101 *et. seq.* In this case, Dekalb is arguing that the district court failed to make adequate findings of fact regarding the effect of Doe's illness on his qualifications and that Doe has not suffered an “adverse employment action”. The courts reversed the decision, vacated the injunction and remanded for further proceedings.

8) State Statute: Find information about your state's statutes addressing “home schooling.”

Home Schooling in Georgia is addressed in 20-2-690 and can be found at http://www.legis.state.ga.us/legis/2003_04/gacode/20-2-690.html

9) State Regulations: Find your state's Department of Education web page. Does this web page have a link to the rules and regulations governing education in your state?

At the [GADOE's website](http://www.gadoe.org), there is a link on the left in a blue sidebar that will direct you straight to the state rules and regulations governing education. Clicking this link will take you to the following address: http://www.gadoe.org/pea_board.aspx?PageReq=PEABoardRules

10) State Board of Education Decisions: Find information about your State Board of Education. Does your state Board of Education publish state board decisions online?

After visiting the [Georgia department of education's web page](#), you can navigate directly to the state board decisions online by accessing the appropriate link in the left sidebar. This [link](#) will take you directly to links for each case by docket number or year.

11) Local School Policies: Are your local school or school board policies available online? If not, where can you find a hard copy of these policies? Can you find your school's policy on student dress and grooming?

Clayton County's school board policies are available online and can be accessed directly from the "Administration" link at the [Clayton County Public Schools](#) website. After clicking on "Board of Education", you can select the link to "Board Policy". Clayton's policy on student dress and grooming can be found under "students" on the table of contents. The section regarding dress can be found at <http://www.clayton.k12.ga.us/policydocs/JCDB-A.pdf>.