



## ST. THOMAS UNIVERSITY LAW LIBRARY

### EDUCATION LAW SELECTED BIBLIOGRAPHY

**Overview:** The Education Law Selected Bibliography will identify useful Education Law resources available at the St. Thomas University School of Law, and also the several useful public internet resources. Education Law is an area of law covering legal issues within a school setting. Areas include laws governing school administration and finance, student rights, student responsibilities, and employee rights and responsibilities. Also, there are Constitutional issues concerning the separation of Church and State and discrimination against people on the basis of disability, national origin, race, and sex. Education Law is governed both by federal and state law. Accordingly, effective legal research includes understanding the need to research both federal and state laws affecting a particular legal issue.

This guide will be structured by (1) Education Law-Secondary Sources, (2) Education Law-Primary Sources, and (3) Education Law and Policy Internet Sources.

#### **(1) Education Law-Secondary Sources**

The Law of Schools, Students and Teachers in a Nutshell (4th ed. 2009) / by Kern Alexander & M. David Alexander.

- This nutshell summarizes the major Education Law topics, citing to major cases and statutes. Why use a nutshell? You will get an overview of major Education Law issues, you can learn Education Law legal terminology, and can build a good foundation to better understand case law and statutes.
- Call Number: KF4119.3 .A43 2009
- Location: St. Thomas University, Alex A Hanna Law Library Study Aids

Encyclopedia of Law and Higher Education Law (2010) / by Charles J. Russo.

- This encyclopedia, edited by Charles Russo, specifically covers various legal issues affecting higher education. The encyclopedia provides a clear and concise explanation for legal research, and arranges the entries alphabetically. This resource is also useful because each entry directs readers to related legal concepts that are discussed in the encyclopedia (whether entries or cases), provides a list of suggested readings (e.g., journal articles on the issue), and lists legal citations.
- Call Number: KF4225.A68 E53 2010

- Location: St St. Thomas University, Alex A Hanna Law Library Reference

Gale Encyclopedia of American Law (3d. ed. 2011)

- The topics include a general history, a description of federal and state law, First Amendment, Fourth Amendment Search and Seizure, Separation of Church and State, Racial Segregation, Education of Children with Disabilities, Employment Issues, and Administrative Issues. This source is written in plain English and designed to provide legal information to non-legally trained individuals. Still, the encyclopedia provides good background knowledge about key Education Law issues.
- Call Number: KF154 .W47 2011
- Location: St. Thomas University, Alex A Hanna Law Library Reference

Education Law (James A. Rapp ed. )

- This seven volume set provides extensive coverage of state and federal Education Law. The set also has forms and reference material that includes tables that list applicable state statutes for several major Education Law topics. By far the most inclusive Education Law source and is often utilized by practitioners.
- STU Law Access- Available on Lexisnexis (search RAPP in LexisNexis’s Find a Source).

Courts and Kids: Pursuing Educational Equity Through the State Courts (2009) / by Rebell, Michael A.

- This book outlined successful steps for litigating Education Law in state court, discussed policy and constitutional issues, and looked at legal mechanisms (e.g., injunctions) that courts used to ensure that students received a more equal education. A good read for those interested in a career related to Education Law.
- STU Access: St. Thomas University students have access to this work through EBSCO’s eBook Collection.

**(2) Education Law-Primary sources**

**Federal**

At the law library, you have access to the official United States Code and Annotated Codes, as well as the Code of Federal Regulation in print and online.

Resource	Call Number	Description	Location
United States Code (U.S.C.)	KF 62 1994.A2	Majority of education statutes are codified in	Unclassified Collection- North Reading Room

		Title 20 (Education).	
United States Code Annotated (U.S.C.A.)	KF62 .W4	West's annotated version can provide links to cases interpreting the education code.	Unclassified Collection-North Reading Room
United States Code Service (U.S.C.S.)	KF62 1972 .L38	LexisNexis's annotated version of the code.	Unclassified Collection-North Reading Room
Code of Federal Regulations (C.F.R.)	KF 70.A2	Majority of education regulations are in Title 34 (education).	Unclassified Collection-North Reading Room

**Research tip:** start your research with secondary sources and case law. This research will direct you to the specific code section, which could otherwise be difficult to find. The majority of education statutes may be in Title 20 of the U.S.C., but relevant education topics are found in various parts of the code. For example, Special Education Laws are primarily found in Title 20, but also are located in 29 U.S.C. §§ 701-718 (Rehabilitation Act of 1973) and in 42 U.S.C. §§ 12101 et seq. (The Americans with Disabilities Act (ADA)).

### **Key Federal Education Related Acts**

For those interested in significant education related acts, you can take a look at the statutes and the legislative histories for:

**Individuals with Disabilities Education Act (IDEA)**, P.L. 91-230, codified as amended at 20 U.S.C. §1400 et seq. The pivotal Special Education Law legislation that helped ensure children with special needs would receive an education that would account for their disabilities.

**No Child Left Behind Act of 2001**, P.L. 107-110, 115 Stat. 1425 (2001), majority codified in Chapter 70 of Title 20, 20 U.S.C. § 6301 et seq. This act created additional standards for secondary education to include: testing and teacher/school accountability.

**Post 9/11 GI Bill Education Assistant Act**, P.L. 110-252, codified in 33 U.S.C. §§ 3301, 3311-3324. This legislation revamped veteran's education benefits and ensured that veterans would have enough financial support to pursue a college education.).

**Regulations**- finding an authorizing statute's corresponding regulations.

### Parallel Table of Authorities and Rules *in* CFR Index and Finding Aids

- The Parallel Table of Authorities and Rules is a finding aid that helps locate a regulation's authorizing statute. The Index also has a subject based index to find relevant sections by subject.
- Call Number: KF4119.3 .A43 2009
- Location: Unclassified Collection- North Reading Room
- Public Access: Available at [http://www.gpo.gov/help/parallel\\_table.pdf](http://www.gpo.gov/help/parallel_table.pdf).

**FEDERAL ADMINISTRATIVE DECISIONS-** Congress has granted the Department of Education's Secretary the authority to adjudicate certain education legal issues. A Secretary's decision constitutes a final agency decision, and is generally the last administrative adjudicatory act before being appealed to federal court. You may end up researching these cases out of interest in the type of disputes heard, or are researching a federal case's procedural history.

**Decisions of the Secretary** (1989-present): resource that has final agency decisions over cases adjudicated by the Secretary . Available online through the Department of Education (<http://www.ed-oha.org/secretarydecisions.html>).

The Department of Education also has decisions issues by the Office of Hearings and Appeals (OHA). This office has divided education legal issues amongst four adjudicatory units:

- Office of Higher Education Appeals (adjudicates cases arising under Title IV of the Higher Education Act of 1965). (Public online coverage is from 1989-present).
  - Public Access: US department of Education, <http://www.ed-oha.org/ohadecisions.html>.
- The Office of Administrative Law Judges (adjudicates cases that involve Federal impact aid, civil rights, recovery of funds, and general matters delegated by the Secretary of Education).
  - Public Access: United States Department of Labor—Office of Administrative Law Judges, <http://www.oalj.dol.gov/>
- The Civil Rights Reviewing Authority (supervises administrative hearings and reviews and issues decisions for administrative appeals that fall under the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973).
  - STU Law Access: Available on LexisNexis (<http://www.lexis.com/xlink?source=EDLAW;EDCRR> - coverage from January 14, 1966 through January 14, 1997)
- The Informal Dispute Resolution Center (description of the center) is set up to oversee an informal process that resolves U.S. Department of Education employee and job applicant disputes, work related complaints, and disagreements. The

organization maintains an internal database of complaints/grievances that is not accessible to the public

- Public Access: Department of Education,  
[http://www2.ed.gov/offices/OCIO/archived\\_information/foia/18-05-12.html](http://www2.ed.gov/offices/OCIO/archived_information/foia/18-05-12.html).

### **Education Case Law Searching (Federal and State):**

- Westlaw's Education Tab
  - STU Law Access: STU law students, faculty, and staff can add the Education Law tab. This tab education various West databases, including the ability to search Education Law cases.
- Lexis Nexis Education Law subtab
  - STU Law Access: STU law students, faculty, and staff can add the Education Law tab. This tab education various West databases, including the ability to search Education Law cases

### **State Law and Regulations**

Education Commission of the States- Statutes and Administrative Codes page

- The Education Commission of the States compiled links to online state statutes and administrative codes. Note: while states provide online copies of the statutes and administrative codes, these are typically unofficial sources and should not be cited as the official source.
- Public Access: [http://www.ecs.org/html/statesTerritories/50state\\_Leg\\_info.asp](http://www.ecs.org/html/statesTerritories/50state_Leg_info.asp)

### **(3) Education Law and Policy Internet Sources.**

#### **Education Databases and Resources**

ERIC

- The U.S. Department of Education sponsors the ERIC (Education Resources Information Center) database, which is the most comprehensive education database, with over a million records. (1966 to present)
- STU ACCESS: ERIC Databases- links on the Main Library e-Research Page, <http://www.stu.edu/Library/tabid/395/Research/tabid/398/Default.aspx>

EBSCO- Academic Search Premier

- Academic Search Premier is an extensive academic database with thousands of titles and assists cross-discipline research.
- STU ACCESS: Academic Search Premier - link on the Main Library e-Research Page.

#### **Free Legal Education Law Resources**

Findlaw's Education Law Center

- Findlaw's Education Law Center is a part of Findlaw's website that provides legal access to the public. There are statutes, regulations, and limited federal and state cases. This link brings you to the Education Law center, which provides articles that summarize key education topics.
- Public Access- FindLaw, <http://public.findlaw.com/education/>

### **Public Interest Groups**

#### Editorial Projects in Education

- The Editorial Projects in Education (EPE) publishes Education Week, tracks Education Law developments, and whose mission is to raise awareness of issues facing American schools. This website has links to Education Week articles, there are blogs, and there are various education studies.
  - Public Access: Editorial Projects in Education, <http://www.edweek.org/info/about/>

#### National Education Association (NEA)

- NEA is the largest education association and provides instruction tools for educators and reports education issues. The organization also tracks and comments on major statutes and cases affecting schools and educators.
- Public Access: NEA, <http://www.nea.org/>

#### Education Commission of the States

- Education Commission of the States is a nonprofit, nonpartisan organization that encourages discourse among today's educators and school officials. The organizations goal is to promote the development of sound policies and standards that will improve the American education system. The website has a page for current reports, information on state government (officials, laws and regulations), and has resources for education resources.
- Public Access: Education Commission of the States, <http://www.ecs.org/>

### **Education Law Research Guides**

#### Special Education Law / Georgia State University College of Law

- This Libguide's full title is "Special Education Law: Resources to Help You Advocate for Your Special Education Child." This resource concentrates on special Education Laws and legal options available to parents. Content is divided by home, secondary, primary, and interest groups and associations.
- Public Access: Special Education Law / Georgia State University College of Law, <http://libguides.law.gsu.edu/specialed>

#### Georgetown Law Library's Education Law Research Guide

- This research guide is one of the better Education Law research guides available. Beyond providing legal primary and secondary source information, this guide can direct you to sources that will help you keep up

with the changes in Education Law (e.g., identifies think tanks, news sources, and legislative material for proposed laws and regulations).

- Public Access: Georgetown Law Library,  
<http://www.ll.georgetown.edu/guides/education.cfm>