

School Law For Promising Principals

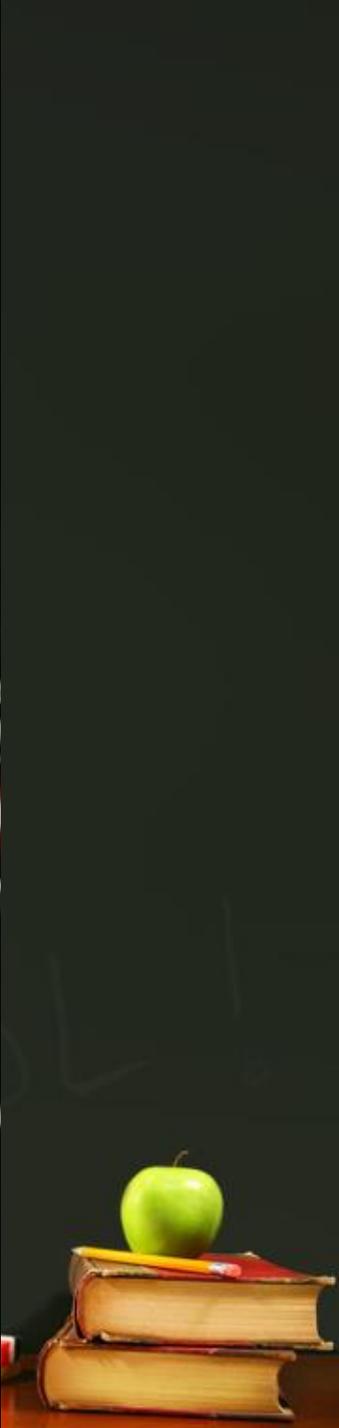
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General Counsel

Baltimore County Public Schools

Back
To
School!
Law





Legal Pillars

Systems

Staff

Students

Services



Systems

Staff

Students

Services



THE PUBLIC SCHOOLS

—OF—

BALTIMORE COUNTY, MARYLAND.

PUPIL'S REPORT CARD Elementary Schools

School No. 9 District 1

Name of School Westchester Consolidated

REPORT OF

Pupil Ruth Burgee

Seventh Grade

M. V. Kavanaugh Teacher

Year 1925-1926

CODE OF MARKING:

A—Excellent

C—Good

B—Very Good

D—Medium

E—Failure

Reports Sent Out On The First of November,
January, February, April and June.

Promoted to 8th Gr. Date June 25, 1926

Retained in _____ Gr. Date _____

Age, Sept. 1, 19____, Years _____ Months _____



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SCHOLARSHIP AND ATTENDANCE.

Studies, Etc.	Periods					
	1	2	3	4	5	6
	Sept. Oct.	Nov. Dec.	Mid Yr. Sum.	Feb. Mar.	Apr. May	Yr's. Sum.
Reading—Oral	a	a	a	a	a	a
Reading—Silent	B	a	B	a	a	a
Literature	a	a	a	a	a	a
Handwriting	a	a	a	a	a	a
Spelling	a	a	a	a	a	a
Composition—Oral	B	B	B	a	a	a
Composition—Written	B	B	B	B	a-	a
Grammar	B	B	B	B	B+	a
Arithmetic—Problem Solving	B	B	a	a	a	a
Arithmetic—Abstract	a	a	B	a	a	a
History	B	a	a	a	a	a
Nature Study						
Geography	a	a	a	a	a	a
Hygiene	a	a	a	a	a	a
Civics	a	a	a	a	a	a
Industrial Arts						
Domestic Sc. or Man. Tr.						
Drawing	a	a	a	a	a	a
Music	a	a	a	a	a	a
Sessions Tardy	0	0	0	0	0	0
Days Absent	6	1½	9	3½	2½	16
Days Present	29	34½	82	39½	38½	178
Total Possible Days	35	36	91	43	41	196



CITIZENSHIP.

A Check Below Means That Trait is not satisfactory.

"KEEP THE SLATE CLEAN."

Habits and Attitudes	Periods					
	1	2	3	4	5	6
	Sept. Oct.	Nov. Dec.	Mid Yr. Summ.	Feb. Mar.	Apr. May	Yr's. Summ.
Obeys Willingly and Promptly						
Does not interrupt others						
Attentive to work						
Works well independently						
Works well with others						
Neatness in care of books						
Neatness in care of Sch. Rm.						
Respects school property						
Makes wise use of time						

STANDARD TESTS.

Subjects	Month	Stand- ard	Class Median	Pupil's Score
Reading				
<i>Spelling</i>	<i>June</i>	<i>100</i>	<i>84</i>	<i>92</i>
Arithmetic				
Addition	Oct.		5	9
	Jan.		9	16
	May		8	13
Subtraction	Oct.		8	12
	Jan.		12	17
	May		12	16
Multiplication	Oct.		5	8
	Jan.		7	11
	May		10	17
Division	Oct.		6	8
	Jan.		9	11
	May		10	13



WHY PUPIL IS FAILING.

(To Be Filled In Only If Pupil Is Failing)

Improvement would probably follow if attention is given to the point checked.

Poor Attendance									
Homework poorly prepared									
Does not try									
Does not follow directions									
Too many outside interests									

School



Systems

Staff

Students

Services





PUBLIC SCHOOL
No. 49



Federal Constitution

“[N]or shall any
State...deny to any
person within its
jurisdiction the equal
protection of the laws”

Equal Protection Clause





***Brown v. Board of Education of Topeka, Kansas,
347 U.S. 483 (1954)***



Systems

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Unique to Maryland...





Federal Constitution

"Congress shall make
no lawabridging the
freedom of speech"

*First Amendment
Free Speech Clause*







Tinker v. Des Moines Independent Community School District,
393 U.S. 503 (1969)



Bethel School District v. Fraser



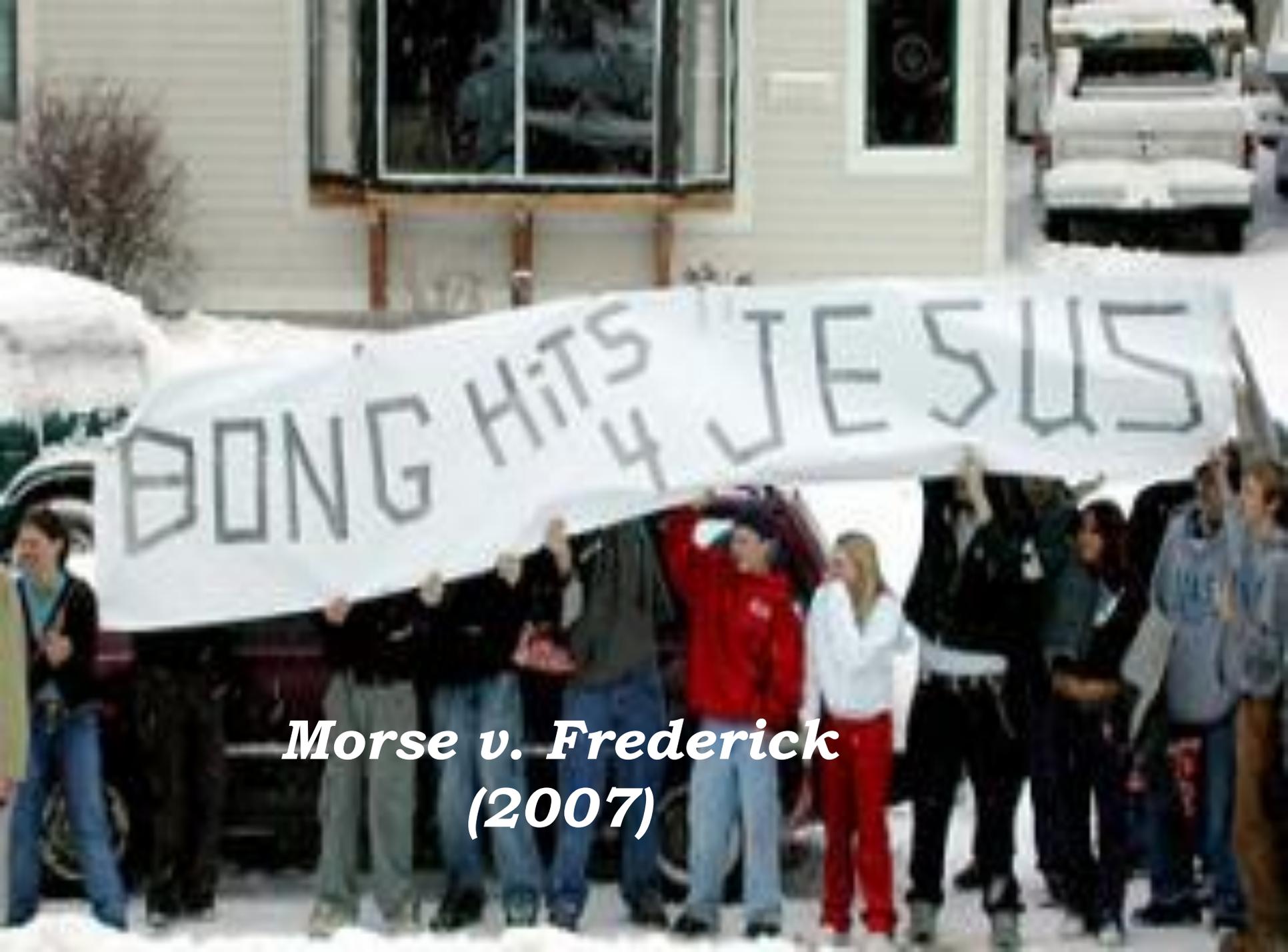
But What About Here In Maryland?



Student Journalists in Maryland

S.B. 764





***Morse v. Frederick
(2007)***

(Anti) Social Media

Add as Friend



But What About Here In Maryland?



“The right of the people to be secure in their persons, houses, papers and effects, **against unreasonable searches and seizures** shall not be violated...”

Fourth Amendment



But What About Here In Maryland?

(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.

(2) The right of the school official to search the locker shall be **announced or published previously** in the school.

Section 7-308 (d)
Maryland Education Article



Systems

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services



Federal Statutes

- Individuals With Disabilities Education Act
- Section 504 of the Rehabilitation Act
- Americans With Disabilities Act
- Clean Water Act
- Family Education and Privacy Rights Act
- Title IX





Legal Challenges

- Federal District Court (Trial)
- **Fourth Circuit Court of Appeals**
- U.S. Supreme Court
- **Fourth Circuit Court of Appeals**



Title IX

**GG v.
Gloucester
County School
Board**

**Gender based
discrimination**

**“Dear
Colleague”
Letter**

**Gender
Identity**

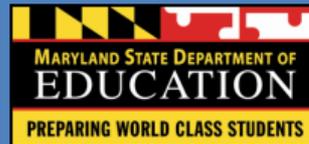


But What About Here In Maryland?



PROVIDING SAFE
SPACES FOR
TRANSGENDER AND
GENDER NON-
CONFORMING YOUTH:
GUIDELINES FOR
GENDER IDENTITY
NON-DISCRIMINATION

*A guide to laws,
regulations, and
best practices for
use in schools.*



October 2015







FERPA

- “Education Records”
 - 20 U.S.C. §1232g(a)(4)(A)(i)
 - 34 CFR 99.3
- “directly related to the student”
- “maintained by the educational agency or institution or any party acting for the agency”

Maryland "Flavor"



Systems

Staff

Students

services



The Constitution

“No State shall ...
deprive any person of
life, liberty or **property**
without due process of
law.”

*Fourteenth Amendment
Due Process Clause*



Due Process

A green rectangular sign with a white border, tilted upwards from left to right. The sign features the words "Due Process" in a bold, white, sans-serif font. The sign is supported by two silver poles. The background is a clear blue sky with a few wispy white clouds and a bright sun in the upper right corner.

School Law Overview

Federal Constitution

Federal Statutes

Maryland Constitution

Maryland Statutes: Education Article

Annotated Code of Maryland

Code of Maryland Regulations (“COMAR”)

Board of Education Policies

Superintendent’s Rules

(Master Agreements)



Md. Ed. Code Ann., §6-202

(1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

- (i) Immorality;
- (ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5-704 of the Family Law Article;
- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.



Appeal Rights

- §4-205 of the Education Article
 - A “decision” of a county superintendent may be appealed to a county board of education if
 - Taken in writing
 - Made within 30 days after the county superintendent’s decision
 - The decision may be “further appealed” to the **State Board of Education** if
 - Taken in writing
 - Made within 30 days of the county board’s decision



Principal/Administrator

Hears issues that may later be appealed to the Superintendent's level concerning evaluations, discipline, discharge for certificated and non-certificated employees

Superintendent

Decision (evaluation rating; teacher contract non-renewal; non-certificated employee termination)

Recommendation (Certificated Employee Discipline or discharge)

Local Board

Upholds, Rejects or Modifies the Superintendent's **Decision**, upon appeal

Local Hearing Examiner makes recommendations after fact finding hearings

State Board

Reviews the Decision of the Local Board

Administrative Law Judge makes recommendations

Issues formal opinions

State Board decisions can be appealed to circuit court



Maryland State Board of Education

“the totality of the various statutory provisions concerning the State Board quite plainly invests the State Board with **the last word on educational policy** or the administration of the system of public education.”

Resetar v. State Board of Education, 284 Md. 537 (1979)



Diana Williams Cases



Other Issues...

Systems

Staff

Students

Services



Maryland Public Information Act

“All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.”

Md. General Provisions Article, §4-103



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Does not follow directions						
Too many outside interests						

Next Steps For New Administrators

1. Familiarize myself with my local board's policies and rules
2. Know the Master Agreement's provisions
3. Know the organizational chart and Board members
4. Know which issues are being discussed at Board of Education meetings
5. Improve my writing and communications skills
6. Baltimore or Maryland "hello"...





Questions?

COLORED TRAINING SCHOOL

BY AUTHORITY OF THE  STATE OF MARYLAND



*Never forget
why you're
here...*

