

# School Law For Promising Principals

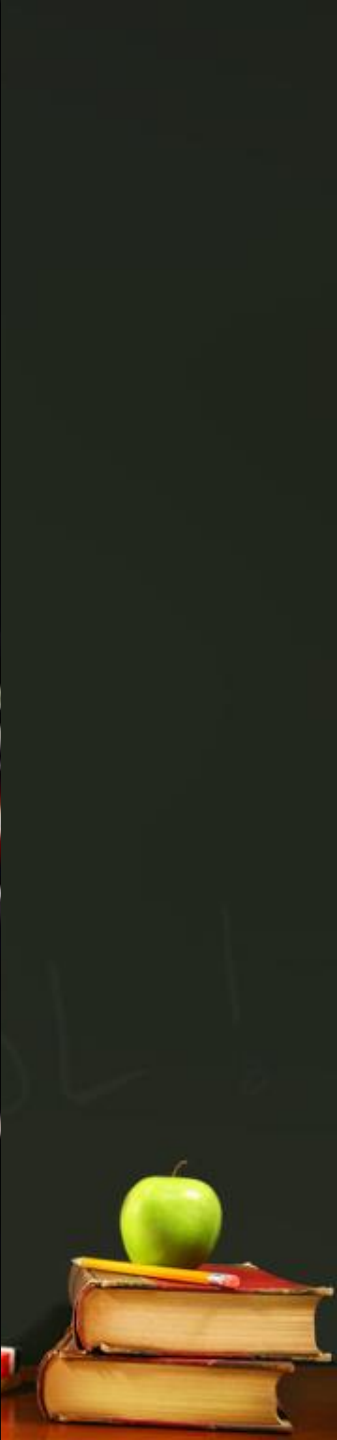
Margaret-Ann F. Howie, Esq.

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	a	a	a	a	a	a
Composition—Written	B	B	B	a	a	a
Grammar	B	B	B	B	a-	a
Arithmetic—Problem Solving	B	B	B	B	B+	a
Arithmetic—Abstract	B	B	a	a	a	a
History	a	a	B	a	a	a
Nature Study	B	a	a	a	a	a
Geography	a	a	a	a	a	a
Hygiene	a	a	a	a	a	a
Civics	a	a	a	a	a	a
Industrial Arts	a	a	a	a	a	a
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	191





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

Staff

Students

Services



# Unique to Maryland....







# Federal Constitution

"Congress shall make  
no law ....abridging 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*



# Hazelwood v. Kuhlmeier

SPECTRUM

Nov. 17, 1982

Nov. 17, 1982

SPECTRUM

Page 6

## Pressure describes it all for today's teenagers Pregnancy affects many teens each year

**By Anne Cohen**  
Sixteen-year-old Sue had it all—good looks, good grades, a loving family and a cute boyfriend. She also had a serious problem: She had never had sex. Each year, according to Claire Berman (Hawthorn, N.J.), who writes for *Teen*, about 1.1 million teenagers—a million that are not of every age—have girls—some pregnant—become mothers. Some 1.2 million more are the age of 15, between pregnancy in 1980, according to Reproductive Health Services of St. Louis. That number was 1,222,000 in 1981.

Unplanned pregnancies can no longer be dismissed as something that only happens to disadvantaged or lower socioeconomic groups. In fact, the highest rate of adolescent births has been among 15- to 17-year-old whites, according to Claire Berman. Thirty percent of births out of wedlock in Missouri were to young white mothers and to young white mothers in other states.

**Teenage necessity?** In the past, teenagers who plan teenage pregnancy are equally necessary. The rate of teenage pregnancy in the U.S. is alarmingly high. Of every teenager in the country, there are 10 who are pregnant. It seems as if every teenage girl and every teenage boy are getting together. This is the study done by the Alan Guttmacher Institute, which reports that 10 percent of teenagers "begin sexual activity at about age 15."

**Men and dad** (Parents

about 60 percent of girls who are sexually active before 16 are sexually active with their parents, according to a survey by the Alan Guttmacher Institute. However, 30 percent of all teenage girls say they had sex with someone other than their parents. Planned Parenthood affiliates of Missouri.

Sex education specialist, Ruth Westhead, says that parents have to talk more often with their children, talking about emotions as well as sex, and making their children aware of the parental standing and the reason for their standing in the house.

**Consequences:** The consequences of teenage pregnancy are alarming. The risk of death to babies born to teenage mothers is 10 percent greater than the risk to babies born to women in their 20's, according to Planned Parenthood. Teenagers are more likely to have premature babies and 23 percent more likely to suffer complications during pregnancy. Teenagers also have a 30 percent greater risk of having a major cause of infant death, illness, and defects.

teenage childbearing is the interruption of schooling. Teenage mothers who give birth before the age of 16 are only likely to graduate from high school as teens who give birth after the age of 16. In fact, 50 percent of girls who give birth before the age of 16 do not graduate from high school as teens who give birth after the age of 16.

**Teenage pregnancy** is becoming an epidemic. It has become a major health, social, and economic problem for the country. Millions of teens get pregnant each year and millions will be born in the next few years.

**Sexual law** by Christine Lee Hess. The legal responsibility for the death of a fetus is determined by the state. In Missouri, it is determined by the state. In Missouri, it is determined by the state.

Proponents say that the rate would decrease if parents put into effect, however, experts say that if the rate was put into effect, teenage pregnancy would increase by 100,000 a year. For all parents, the rate is not of date in a world where many teenagers are available at the local drug store.

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### Teenage marriages face 75 percent divorce rate

**By Beth Carter**  
In getting married young it's crucial to get it right. If it's not, then you're not only getting married, you're getting divorced. This is the reality of teenage marriages. In fact, 75 percent of teenage marriages end in divorce. This is the reality of teenage marriages. In fact, 75 percent of teenage marriages end in divorce.

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### Runaways and juvenile delinquents

**By Mary Williams**  
"My dad wouldn't let me go to the movies," said a 15-year-old girl. "I'm not even 16 yet." This is the reality of teenage runaways. In fact, 10 percent of teenagers run away from home. This is the reality of teenage runaways. In fact, 10 percent of teenagers run away from home.

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### are common occurrences in large cities

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### Divorce's impact on kids may have lifelong effect

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# But What About Here In Maryland?

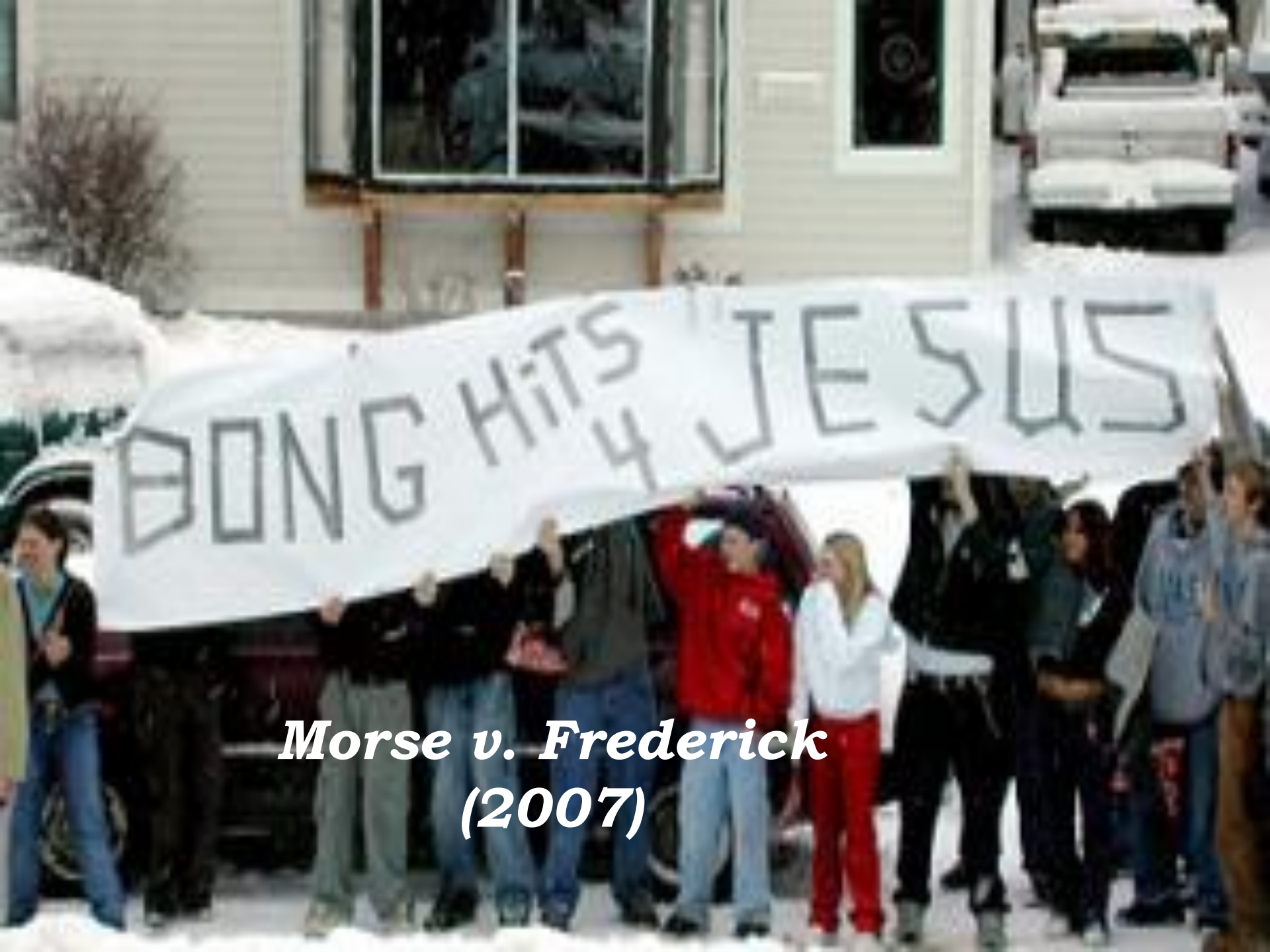




# Student Journalists in Maryland

## *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

Staff

Students

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*







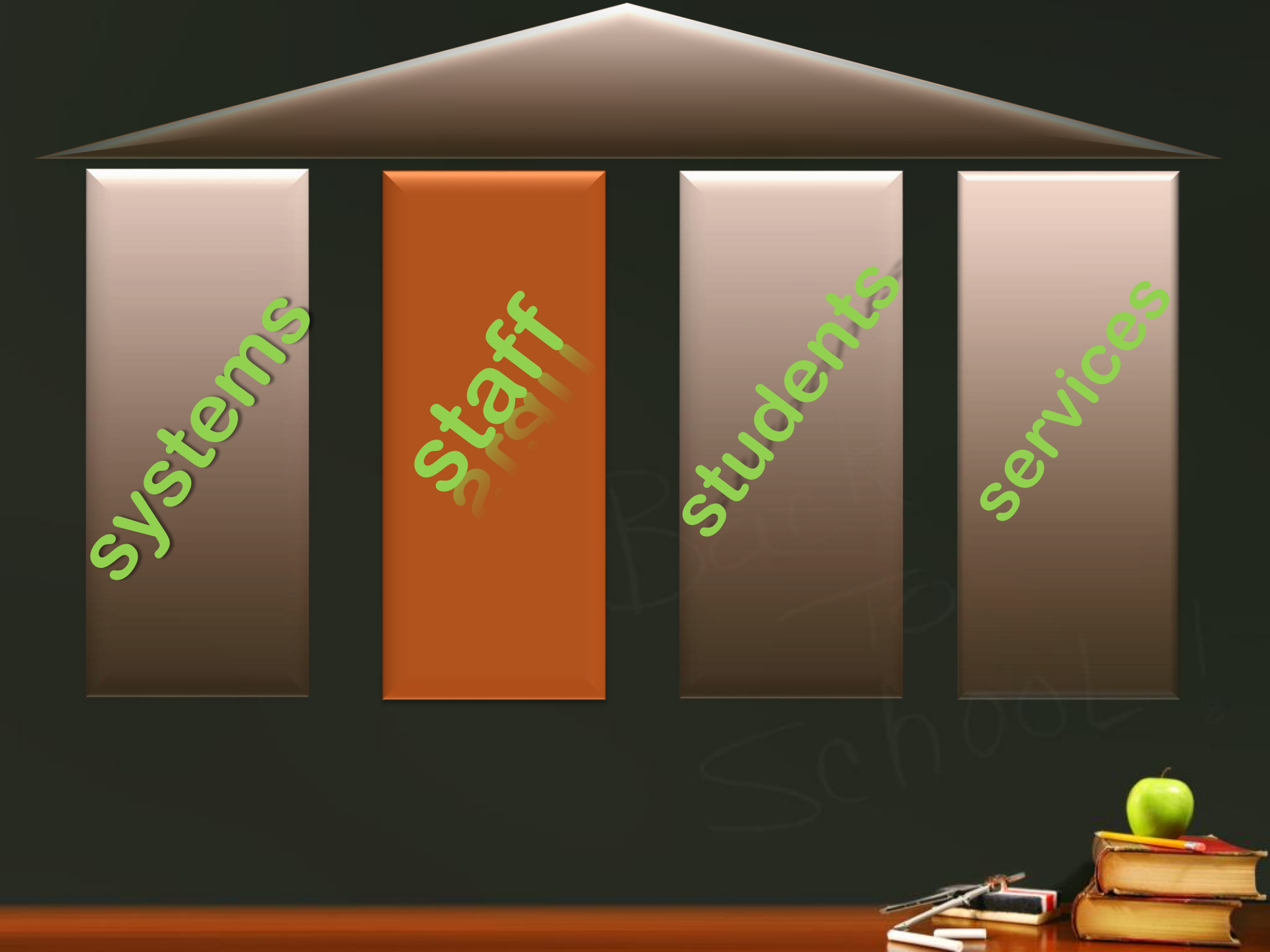
# FERPA

- “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**



# 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



## 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						

# 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...*

