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Evolving Legal Issues in Education: Introduction to the Special Edition

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Evolving Legal Issues in Education: Introduction to the Special Edition

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The articles in this edition of *The Clearing House* include some of the challenges currently facing public schools and institutions of higher education. Restrooms have become a bio-political battleground attempting to bring order and equilibrium to what is maleness, and what is femaleness. The rights of transgender students have brought disequilibrium to traditional gender mapping in public places. R. Stewart Mayers tells the story of *GG v. Gloucester County School Board* in his analysis of Title IX arguments. Paul Watkins and Edward Moreno review the challenges school districts face when transgender students request access to restrooms facilities that correspond to their gender identity.

Gretchen Oltman and Jeanne Surface bring teachers to the forefront as they describe the pressure they are under to understand law and policy. First, teachers are often ill prepared to handle legal issues that include the dangers of social media, prayer, guns, and the use of public school restrooms by transgender students. These four areas are rapidly changing within the political and legislative arenas. Similarly, Robert Hachiya discusses the dangers inherent in investigating allegations of sexting in school districts.

Teacher evaluation litigation was the topic addressed by Helen Hazi. Helen explores the impact of using value-added measures when evaluating teachers. Using these measures has resulted in teachers being rated as effective one year and the next year rated as ineffective. Her article concludes with a call to action for educators to be aware of what is happening in their states as teacher evaluations are being redesigned.

Ellery Miller and Eric Mondschein delineate the difference between sexual harassment and bullying. They offer schools strategies for preventing sexual harassment and bullying as well as much needed guidance on how to intervene to stop the harassment and the bullying. The need for action plans, training in how to implement the action plans, and the importance of collaborative efforts to create safe schools are all considered in this article.

Two evolving issues for institutions of higher education as they strive to keep campuses safe are sexual assault and the disruptions to campus life by increasing numbers of students with mental and cognitive disorders. Jodi Williams-Cunningham and David Stader introduce the theoretical construct of institutional betrayal and how the legal requirements of Title IX provide a framework to explore the problem of sexual assault on college campuses. The court decisions and settlements currently being heard should be a warning to college leaders that putting public relations above student welfare will no longer be tolerated. Kathryn Matthew, Lawrence Kajs, and Millard Matthew examine selected court cases arising from students' disruptive behaviors that threaten campus safety. Higher education institutions must balance the legal rights of the disruptive students with the legal rights of all students to maintain a safe campus environment conducive to learning.

Amy L. Dagley and Spencer C. Weiler pondered whether or not courts consider the degree of discipline imposed by school administrators when adjudicating students off campus speech. This analysis focuses on the guidance needed when determining whether or not the students' off campus speech caused a substantial disruption to the school environment.

Copyright, fair use, and free use for US K-12 Educators: A legal perspective was written by Mary Ciszek. US copyright, fair use, and free use are often unclear to K-12 educators. The laws that protect the creators of the materials have undergone many changes over the years and they are not often discussed in teacher preparation programs. Copyright infringement litigation is common, particularly in music, but most educators who violate copyright law in a classroom setting are rarely subject to legal action. Mary provides a review of selected court cases as well as a simple outline for guidance. Students and school personnel should understand the risks, including legal, financial, and academic, for fair use of materials.

In this issue, we have highlighted the critical challenges that are currently facing educators and public schools in our country. We hope that you develop a new understanding of how to address these complex problems in your schools.