Education Law

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Legal issues related to education may involve any of a number of areas of law and legal research (torts, constitutional law, etc.) this guide offers a valuable start.

Introduction

Because legal issues related to education may involve any of a number of areas of law and legal research (torts, constitutional law, etc.) the researcher is encouraged to start with a secondary source - book, article, ALR, etc., and then follow annotations to statutory law and court decisions.

Please contact your Law Library Research Services librarians during their scheduled hours, or via email to research.services@law.csuohio.edu for assistance in locating/using these or other resources to meet your needs.


Recommended One Volume Treatise

College and School Law by Michael Prairie; Timothy Garfield; Dominic Marino
KF4225 .P73 2010

Treatises
As education law encompasses such a wide range of concepts and issues, you will find both comprehensive and narrowly focused multi-volume treatises, as well as many one or two volume works and hornbooks. Search Scholar under headings such as Charter schools -- United States, Educational vouchers -- Law and legislation -- United States, Religion in the public schools -- Law and legislation, or Special education -- Law and legislation.

Browse the stacks in the library at call numbers KF4101 - KF4257. For Ohio materials, try KFO390.

In Westlaw, you'll find education law treatises and practice guides at All Databases > Topical Materials by Area of Practice > Education; in Lexis, follow the trail Legal > Area of Law - By Topic > Education Law.
Special Education Treatises

- Special Education Law
  Patricia H. Latham KF4209.3 .L38 2008

- Special Education Law: Statutes and Regulations 2d ed.
  Mark C. Weber, Ralph Mawdsley, and Sarah Redfield KF 4209.3 .W43b 2008

- When is Separate Unequal?
  Ruth Colker KF 480 .C655 2009

- Education of the Handicapped: Laws, Legislative Histories, and Administrative Documents

- A Legislative History of the Individuals with Disabilities Education Act: Public Law 101-476 as amended by Public Law 102-119

  KF4210 .A6 E38

Ohio Education Law Treatises
Ohio Education Law Treatises

- Anderson's Ohio School Law

- Baldwin's Ohio School Law

- Ohio School Law

- Ohio School Finance: A Practitioner's Guide

Tips on Searching for Treatises & Books

As education law encompasses such a wide range of concepts and issues, you will find both comprehensive and narrowly focused multi-volume treatises, as well as many one or two volume works and hornbooks. Search Scholar under headings such as Charter schools -- United States, Educational vouchers -- Law and legislation -- United States, Religion in the public schools -- Law and legislation, or Special education -- Law and legislation.

Browse the stacks in the library at call numbers KF4101 - KF4257 in the Atrium, A066 and Reference areas. For Ohio materials, try KFO390 in Reference and the Ohio room.

Statutes & Regulations
Ohio Statutes and Regulations

Statutes/ Codes

The Ohio Revised Code’s Title 33 contains the laws passed by the Ohio General Assembly relating to Education matters, however other sections of the ORC may also be important to education law.

Another useful source for Ohio legislative materials is the Ohio General Assembly website.

For information about how to search for Ohio statutory information and to locate annotated versions of the Ohio Revised Code, see the Law Library's Ohio Legal Research Guide.

Regulations

Chapter 3301 of the Ohio Administrative Code contains the regulations of the Ohio Department of Education. Other regulatory chapters may also be relevant to your research issues.

For detailed information on regulations in Ohio, see Ohio Legal Research Guide.

Federal Statutes

The United States Code's Title 20 relates to education matters, however other sections of the USC may also be important to education law. If you are researching the legislative history of an education statute, see our Legislative History Research Guide.

Selected federal laws include:

- No Child Left Behind Act of 2001  
  P.L. 107-110
- Americans with Disabilities Act  
  42 U.S.C. § 12101 et seq.
- Individuals with Disabilities Education Act (IDEA)  
  20 U.S.C. §§ 1400-1485
- Individuals with Disabilities Education Improvement Act  
- Title IX of the 1972 Education Amendments  
  20 U.S.C. § 1681 et seq.
- McKinney-Vento Homeless Assistance Act of 1987  
  as amended, Title VII, Subtitle B; 42 U.S.C. 11431-11435  
  (reauthorized as McKinney-Vento Homeless Education Assistance Improvements Act in the No Child Left Behind Act.)

Finding Federal Statutes and Regulations

For information on how to find and research the United States Code and its annotated versions, see the Law Library's Federal Legal Materials guide.

The U.S. Department of Education's General Administrative Regulations appear in Title 34, Code of Federal Regulations (CFR), Parts 74-86 and 97-99, but other sections of the CFR may be relevant to your research issues.

For detailed information on federal regulations research, see the Law Library's Administrative Law Guide - Regulations.
Tips on Searching for Caselaw

For a thorough listing of general caselaw sources on the web, see the Cases section of our guide Legal Research on the Web or How to Read a Legal Citation.

On Lexis Advance - Browse topics, then select Education Law.

Specialty education reporters

- West's Education Law Reporter
  Education-related court cases and commentary/articles in each volume (check table of contents.) There is a Digest at the end of the set. KF 4110 .A2 W47 Note C|M|Law Library has print through August 2007. Cases and articles also available on the Westlaw Version Search Westlaw.
- Individuals with Disabilities Education Law Report
  Special education case citations are found in this multi-volume publication. Available through 2008. KF4210 .A6 E38

Supreme Court Cases

- Landmark Supreme Court Cases
  Gives very brief summaries of key U.S. Supreme Court cases, many of which are relevant to education and students' rights - United States Courts website

Journal Articles & Blogs
Websites

Specialized Education Law Journals

For information about locating law review and journal articles in databases such as LexisNexis, Westlaw, or HeinOnline, or in print form in the library collection, see the Library’s research guide Finding Articles in Law Reviews & Journals. Articles on education issues can appear in general interest journals and law reviews as well as specialty publications such as those listed below:

- Brigham Young University Education and Law Journal
  1997 -. Available in print: K 2 .R44
  Available online through HeinOnline, LexisNexis Academic, Westlaw and Lexis Advance

- Journal of College and University Law
  1973 -. Law Library print: K 10 .O835 Available online through Lexis Advance and Westlaw

- Journal of Law and Education
  Available online through HeinOnline, LexisNexis Academic, Westlaw and Lexis Advance

Current Awareness Resources and Blogs

- The Chronicle of Higher Education
  A major current awareness title for the higher education community.

- Special Education Law Blog
  An attorney-written blog covering a wide range of special education topics.

- The School Law Blog
  Written by a contributing editor for Education Week, this blog covers news and analysis on legal developments affecting schools, educators, and parents.

Ohio Education Law Blog

An attorney-written blog for state and federal education law updates that relate to education law in Ohio.

- Tenured professor provided due process, 6th Circuit rules
  Jun 13, 2014

- Lucas County Court of Appeals holds that charter school management company and employees not immune from liability
  Mar 19, 2014

- U.S. Supreme Court refuses to hear "I heart boobies" appeal.
  Mar 19, 2014

- Supreme Court of Ohio upholds teacher's firing for "his refusal to eliminate religious symbols from the classroom – excluding a Bible."
  Nov 19, 2013

- State university not liable for hockey puck injury, court of claims rules
  Aug 19, 2013

Search HeinOnline

Search Law Journal Library

Search Law Journal Library by Citation

Vol. Abbreviation Page

Get Citation

When searching off campus, you will first need to enter via the proxied link.
From the U.S. Department of Education's ED.gov website, access materials such as:

- **Education Statistics**
  Information about research and statistics from the U.S. Department of Education.

- **Federal Office of Hearings and Appeals (OHA)**
  Provides independent forums for the fair, impartial, equitable, and timely resolution of disputes involving the U.S. Department of Education and recipients of federal education funds.

- **Guidance and policy documents**
  U.S. Department of Education legislation, regulations, guidance, and other policy documents for the American Recovery and Reinvestment Act, No Child Left Behind, and other topics.

- **Dept of Education Office of Civil Rights Reading Room**

- **Dept of Education Office of Hearing and Appeals Decisions 2004-**

### Ohio Education Law Related Web Sites

- **Ohio Board of Regents**
  The Ohio Board of Regents, is a nine-member advisory board to the Chancellor of the University System of Ohio. Responsibilities of the Board include developing an independent annual report on the Condition of Higher Education in Ohio, and issuing an annual performance review of the Chancellor. The Board is also responsible for advising the Chancellor on issues of statewide importance affecting higher education.

- **Ohio Department of Education**

- **Disability Rights Ohio**
  Ohio’s Protection and Advocacy Agency for Adults and Children with Disabilities.

- **Ohio School Boards Association**
  The Ohio School Boards Association is a private, not-for-profit statewide organization of public school boards. Its purpose is to encourage and advance public education through local citizen responsibility.

### Other Education Law Web Sites

- **National Center for Education Statistics (NCES)**
  NCES is the primary federal entity for collecting and analyzing data related to education in the U.S. and other nations. NCES is located within the U.S. Department of Education and the Institute of Education Sciences.

- **Campus Legal Information Clearinghouse**

- **Center for Law and Education**
  Nonprofit organization strives to make the right of all students to quality education a reality and to help enable communities to address their own education problems effectively, with an emphasis on assistance to low-income students. Website includes legislative and administrative advocacy documents and pleadings and memoranda.

- **Disability and Education Laws**
  NICHCY, the National Dissemination Center for Children with Disabilities provides text of statutes and full-length articles on special education and disability law, including IDEA, Section 504, state laws, and other topics.

- **Education Law Association**
  National, nonprofit member association offering unbiased information to its members about current legal issues affecting education and the rights of those involved in education in both public and private K-12 schools, universities, and colleges. Publications for members include ELA Notes and the School Law Reporter.