

Chapter 1 : Student Rights and Responsibilities | Monterey Peninsula College

Student Rights and Restrictions Overview Chapter three highlights the school's authority to establish rules and regulations governing student conduct in schools.

In the Classroom A. Protection of Freedom of Expression Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled. Protection Against Improper Academic Evaluation Students shall not be evaluated in a prejudiced or capricious manner. At the same time, students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Standards relating to matters of class attendance, punctuality, dress e. Protection Against Improper Disclosure Information about student views, beliefs, and political associations which employees acquire in the course of their work is considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character for such matters as letters of recommendation and security checks may be provided under appropriate circumstances, normally with the knowledge and consent of the student. Such access shall be provided during regular office hours, and the appropriate College official will require identification and a written request from the student, provided that access is granted where authorized by law no later than five working days following the date of the request. Directory Information The College may release directory information when, in the opinion of the Dean of Student Success, Enrollment Services, the release of such information is in the best interest of the students. Directory information for students includes the following: Confidentiality of Records Information from Education Records will be available only to legally authorized persons. The express consent of the student is required for access by any other persons. No records will be kept which reflect the political and religious activities or beliefs of students. All college employees are to respect confidential information about students which they acquire in the course of their work. Access to student records may be permitted to the following: Officials and employees of Monterey Peninsula College, provided that any such person has a legitimate educational reason for inspecting a record. Federal and state officials so authorized access by Title 5. Upon written permission from the student, officials of other public or private schools where the student seeks or intends to enroll. Accrediting organizations in order to carry out their accrediting functions. Organizations conducting studies for, or on behalf of, educational agencies or institutions for purposes allowed in Title 5 and so long as that information that allows personal identification of a student is kept confidential and destroyed when no longer needed. Appropriate persons in connection with an emergency if the information is necessary to protect the health or safety of the student or other persons. A student whose record is impounded shall not be allowed to: Freedom of Association Students are free to organize and join associations to promote their common interests. The policies and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the organization and are enrolled at Monterey Peninsula College. Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition. Campus advisers are required; each organization is free to choose its own adviser. Institutional recognition will not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they will not have the authority to control the internal policies of such organizations. Student organizations are required to submit to ASMPC a statement of purpose, criteria for membership, rules of procedures, and a current list of officers as a condition of institutional recognition. They will not be required to submit a membership list as a condition of institutional recognition. Campus organizations, including those affiliated with an extra-mural organization, shall be open to all Monterey Peninsula College students without respect to race, creed, or national origin. Freedom of Inquiry and Expression Students and student organizations are free to examine and to discuss all questions of interest to them, to express opinions publicly and privately, and to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, students shall make it clear to the academic and the larger community that in their public

expressions or demonstrations students or student organizations speak only for themselves. Students are allowed to invite and to hear any person of their own choosing. Routine procedures are required by the College before a guest speaker is invited to appear on campus to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities is not used as a device of censorship. Those in charge of a program shall make it clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

Student Participation in Institutional Governance As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body may participate in the formulation and applications of institutional policy affecting academic and student affairs through student government. The Associated Students of Monterey Peninsula College ASMPC is the institutionally recognized system of student government which has express responsibility for a student activities program designed to benefit the College and contribute to the welfare of the students. The Student Council of ASMPC formulates and executes student government policies; administers a budget; plans and conducts social, club, recreational, and leisure-time programs in accordance with the ASMPC constitution and other laws and regulations; serves in a liaison capacity between the students and the administration on matters concerning the cafeteria and college center; makes student appointments to campus committees; assists in the coordination of club activities; and promotes opportunities in volunteer work. Any matter of student governance that conflicts with College policy shall be resolved by the Administration after opportunities have been given to the Student Council to either correct the matter or to discuss the matter completely with the Administration.

Student Publications Whenever possible, the student newspaper should be an independent corporation financially and legally separate from District sponsorship. Where financial and legal autonomy are not possible, Monterey Peninsula College, as the publisher of student publications, may bear legal responsibility for the contents of the publications under particular circumstances. In the delegation of editorial responsibility to students, Monterey Peninsula College provides sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary: The student press is free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage. Editors and managers of student publications are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes shall editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal. In the absence of an appointment agency, the regular hearing procedures of this statement should be utilized in the removal of an editor or manager. If such an agency does exist, the orderly and prescribed procedures for removal must be stated in writing and submitted to the Disciplinary Hearing Committee as outlined in V, Item E for approval. All Monterey Peninsula College published, financed, or recognized student publications shall explicitly state on the editorial page that the opinions there expressed are not necessarily those of the College or the student body.

Exercise of Rights of Citizenship Students enjoy the same freedom of speech, peaceful assembly, and right of petition as do other citizens. As members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should ensure that institutional powers are not employed to inhibit intellectual and personal development of students. Institutional Authority and Civil Penalties Activities of students may, upon occasion,

result in violation of law. In such cases, Monterey Peninsula College officials may apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities. Institutional action is independent of community pressure. Discipline In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. The following standards and procedures are intended to promote responsible student conduct and fair play:

Standards of Conduct Monterey Peninsula College considers the following principles essential to its educational mission and its community life: Mutual respect between students and faculty Pursuit of studies with honesty and integrity Respect for rights of others Courteous treatment of everyone Respect for college and personal property Compliance with all rules and regulations. Students shall be subject to College discipline for any of the following kinds of misconduct which occurs at any time on campus or at any off-campus facility or College-approved or -sponsored function: Dishonesty, such as plagiarism, or knowingly furnishing false information to the College; Violation of examination rules, such as communicating or transferring information to another student, using any materials such as books, notes, etc.

Investigation of Student Conduct Except under extreme circumstances, such as bomb threats or medical emergencies, the personal possessions of students will not be searched. The student will be present, if possible, during the search. No form of harassment will be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons. Applicable Penalties In all situations a student shall be informed of the nature of the charges against him or her and be given a fair opportunity to refute them. Arbitrary actions shall not be taken by the College and a decision may be appealed. Disciplinary action that may be taken because of student misconduct includes a variety of sanctions. Such sanctions are listed below in degree of severity, and may be applied according to the severity of the offense: An oral statement to the student offender that the student has violated College rules. Notice to the student, orally or in writing, that continuation or repetition of the conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action. Written reprimand for violation of a specified regulation including the possibility of more severe disciplinary action in the event of conviction for the violation of any College regulation within a period of time stated in the letter of reprimand. Exclusion from participation in privileges or extracurricular activities as set forth in the notice of disciplinary probation for a specified period of time. Financial liability for damage to or misappropriation of property. Restitution may take the form of appropriate service to repair or otherwise compensate for damages. The time of the suspension shall be limited to that period necessary for the purposes of the suspension and in any case, no more than ten days. A conference shall be scheduled as soon as possible, but not later than 72 hours from the time of the suspension, to review the action with the student and to determine whether further sanctions are to be applied. Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time. Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion. Administration of Discipline Procedural fairness shall be the basis for all disciplinary actions. Practices in disciplinary cases will vary in formality with the gravity of the offense and the sanctions which may be applied. However, fairness requires that the student be informed of the nature of the charges against the student, that the student be given a fair opportunity to refute the charges, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. With fairness as a basis for action, the responsibility for such action is the responsibility of the following individuals or groups:

The Classroom Instructor May act when minor infractions disturb normal classroom procedure. May suspend, for good cause See V. The Vice President of Student Services shall be notified of such suspension, and the student shall be directed to report to the Vice President. The parents of a minor student shall also be notified of the suspension. May drop students from class for failing to meet academic and attendance requirements. The Campus Security Officer Shall act directly on parking and traffic violations. Shall act directly in matters of emergency and in harmony with local and state laws, but shall immediately notify the Vice President of

Student Services of such action.

Chapter 2 : FIRE - Defending individual rights in higher education.

As private institutions, private schools are not subject to any restrictions in terms of violations of the rights of students. Hence, while a public school might have to prove that its violations are for a higher purpose or stem from its in loco parentis responsibilities, a private school may set limits arbitrarily.

Policies and practices designed to respect free expression and encourage discourse and discussion are rarely, if ever, disturbed by courts. B. The decision to remove material is more vulnerable, and often places motivation for the removal at issue since actions motivated by hostility to particular ideas or speakers is not permitted. C. The deference frequently shown school administrators with regard to the curriculum is not always accorded when a dispute arises over material in the school library.

Introduction: This document describes in practical terms what the right to freedom of expression means for the public schools. We hope it provides students, teachers and administrators with a deeper understanding of their constitutionally guaranteed rights and responsibilities, as well as renewed respect for the power of free expression to enhance the educational experience. But education, they also knew, involved more than reading, writing, and arithmetic. Education in a democratic society requires developing citizens who can adapt to changing times, make decisions about social issues, and effectively judge the performance of public officials. In fulfilling their responsibilities, public schools must not only provide knowledge of many subject areas and essential skills, but must also educate students on core American values such as fairness, equality, justice, respect for others, and the right to dissent. Rapid social, political, and technological changes have escalated controversy over what and how schools should teach. While issues like sexuality and profanity have raised questions for generations, debates are becoming more and more contentuous thanks to increasing cultural, religious, ethnic, and religious diversity. Thus, educators frequently face a daunting task in balancing the educational needs of a diverse entire student body while maintaining respect for individual rights. The First Amendment establishes the framework for resolving some of these dilemmas by defining certain critical rights and responsibilities. It protects the freedom of speech, thought, and inquiry, and requires respect for the right of others to do the same. The First Amendment and Public Schools Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. The First Amendment The first provision of the Bill of Rights protects the rights essential to a democratic society and most cherished by Americans: It embodies human rights that are celebrated throughout the world. However, the First Amendment applies somewhat differently in schools than it does in many other public institutions. As many commentators have observed, a democracy relies on an informed and critical electorate to prosper. Given the complexity of these responsibilities, school officials are generally accorded considerable deference in deciding how best to accomplish them. Des Moines , speech is not quite as free inside educational institutions as outside. This does not mean that students and teachers have no First Amendment rights at school. Students cannot claim, for instance, that they have the right to have incorrect answers to an algebra quiz accepted as correct, nor can teachers claim a right to teach anything they choose. Understanding Censorship Censorship is not easy to define. Alternatively, many censors attempt to suppress speech simply because they disagree with it. In many countries, censorship is most often directed at political ideas or criticism of the government. Advocates for censorship often target materials that discuss sexuality, religion, race and ethnicity—whether directly or indirectly. Censorship demands require educators to balance First Amendment obligations against other concerns: There are practical and educational as well as legal reasons to adhere as closely as possible to the ideals of the First Amendment. School districts such as Panama City, Florida, and Hawkins County, Tennessee, have been stunned to find that acceding to demands for removal of a single book escalated to demands for revising entire classroom reading programs. Other jurisdictions have been pressed to revise the science curriculum, the content of history courses, sex education, drug and alcohol education, and self-esteem programs. Experience has shown far too many times that what appears to be capitulation to a minor adjustment can turn into the opening foray of a major curriculum content battle

involving warring factions of parents and politicians, teachers, students and administrators. Distinguishing Censorship from Selection Teachers, principals, and school administrators make decisions all the time about which books and materials to retain, add or exclude from the curriculum. They are not committing an act of censorship every time they cross a book off of a reading list, but if they decide to remove a book because of hostility to the ideas it contains, they could be. Not every situation is that simple. If professional educators can articulate a legitimate pedagogical rationale to maintain such material, it is unlikely that an effort to remove it would be successful. Most people do not consider it censorship when they attempt to rid the school of material they consider profane or immoral, or when they insist that the materials selected show respect for religion, morality, or parental authority. School officials who accede to such demands may be engaging in censorship. Efforts to suppress controversial views or ideas are educationally and constitutionally suspect. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. Yet profanity appears in many worthwhile books, films, and other materials for the same reasons many people use it in their everyday language—“for emphasis or to convey emotion. But even minor use of profanity has not shielded books from attack. Profanity, however, is only one of many grounds on which books are challenged. As these examples illustrate, censorship based on individual sensitivities and concerns restricts the knowledge available to students. Based on personal views, some parents wish to eliminate material depicting violence; others object to references to sexuality, or to racially-laden speech or images. If these and other individual preferences were legitimate criteria for censoring materials, school curricula would narrow to only the least controversial—and probably least relevant—material. Censorship also harms teachers. Teachers need latitude to respond to unanticipated questions and discussion, and the freedom to draw on their professional judgment, without fear of consequences if someone objects, disagrees, or takes offense. When we strip teachers of their professional judgment, we forfeit the educational vitality we prize. When we quell controversy for the sake of congeniality, we deprive democracy of its mentors. Censorship is an attitude of mistrust and suspicion that seeks to deprive the human experience of mystery and complexity. But without mystery and complexity, there is no wonder; there is no awe; there is no laughter. Norma Fox Mazur added: Censorship is crippling, negating, stifling.. It should be unthinkable in a country like ours. Readers deserve to pick their own books. Writers need the freedom of their minds. To allow the censors even the tiniest space in there with us can only lead to dullness, imitation, and mediocrity. When the classroom environment is chilled, honest exchange of views is replaced by guarded discourse and teachers lose the ability to guide their students effectively. How Big a Problem Is Censorship? The Numbers Censorship occurs every day. ALA states that between and , 5, challenges were reported to or recorded by its Office for Intellectual Freedom. During the school year alone, there were challenges to educational materials, according to People for the American Way PFAW. What Kind of Material Is Attacked? Almost 70 percent of censorship demands are directed at material in school classrooms or libraries. Most of the remainder are aimed at public libraries. Parents lodge 60 percent of the challenges. The ALA offers an instructive analysis of the motivation behind most censorship incidents: The term censor often evokes the mental picture of an irrational, belligerent individual. Such a picture, however, is misleading. In most cases, the one to bring a complaint to the library is a concerned parent or a citizen sincerely interested in the future well being of the community. Although complainants may not have a broad knowledge of literature or of the principles of freedom of expression, their motives in questioning a book or other library material are seldom unusual. Any number of reasons are given for recommending that certain material be removed from the library. Complainants may believe that the materials will corrupt children and adolescents, offend the sensitive or unwary reader, or undermine basic values and beliefs. Sometimes, because of these reasons, they may argue that the materials are of no interest or value to the community. While demands for censorship can come from almost anyone and involve any topic or form of expression, most involve concerns about sexual content, religion, profanity, or racial language. Many incidents involve only one complaint, but can nonetheless trigger a contentious review process. Often, parents who support free expression do not step forward to the same extent as those seeking to remove materials, leaving school officials and teachers relatively isolated. It is then their task to carefully assess the pedagogical value of the materials, to avoid

simply giving in to angry demands that could undermine educational objectives and invite additional challenges in the future. The objection usually comes up when the material concerns sexuality, reflecting a fear that exposure to this subject undermines moral or religious values. Since many non-objecting parents support informing even young children about sexual matters, it is clear that the content of the material as much as the age of the child lies at the heart of the objection. Acceding to pressure to censor in this situation can be tantamount to endorsing one moral or religious view over another. Education proceeds in stages, with increasingly complex material presented as students gain the intellectual ability and knowledge to understand and process it. For this reason, young children usually do not learn physics or read Shakespeare. Similarly, educators may decide that detailed scientific information about human reproduction might not be age-appropriate for six-year-olds, but would be appropriate for year-olds who have been introduced to basic biology. She observes, however, that the rationale for psychological descriptions of the age at which certain behaviors generally occur has limited relevance to the selection of educational materials and literature in the classroom. Indeed, for such adults a pristine vision of youth often forms a wall between themselves and any adolescents they happen to know. That likelihood is lessened by the exposure the typical student has had to the controversial subject. The books targeted by censors included both popular and classic titles, affecting almost every age group.

Chapter 3 : NYSED:SSS:Key Laws and Regulations

As the U.S. Supreme Court once declared, students do not "shed their constitutional rights when they enter the schoolhouse door." Still, school administrators may sometimes legally restrict the rights of those within their schools, universities, and educational institutions.

Constitution protects free speech and press freedom of all Americans, including students in school. Thomas Jefferson perhaps said it best: For our democracy to be truly participatory, JEA believes students must be empowered so they see the value of making a difference. Beyond the implications for citizenship education, there are other solid pedagogical reasons for supporting student press freedom. Instilling in students a sense of responsibility and teaching them to make wise decisions requires giving them responsibility to act independently. Administrators must properly define the role of the media adviser when it comes to censorship and press freedom. Asking advisers to impose their content choices on student editors both offends their professional standards and results in a publication less relevant and connected to the student audience the publication exists to serve. Many administrators have not considered an additional justification for protecting student press freedom: A federal appeals court decision helps illustrate this. In the case *Yeo v. His ad* criticized school policies relating to sex education; student journalists choose not to get involved in the ongoing political conflict. In rejecting his First Amendment claim, a federal appeals court determined student editors, not school officials, had made the decision to reject the ads. Thus, the court concluded there was no First Amendment violation. Had the school principal or even the media adviser made the decision to remove the ads, the First Amendment claim might have been successful. That choice by the officials parallels the allocation of responsibility for editorial judgments made by the First Amendment itself. Schools are most protected from legal liability when they leave content decisions to students. One additional benefit of providing students with an outlet for free expression in school under the guidance of a faculty adviser: Students are less likely to turn to social networking sites and other outside-of-school venues to express their frustration with school policies and officials. When they are given the opportunity to speak freely as part of a student media program that teaches ethical and journalistic principles including fairness, accuracy and context, they become stronger, more responsible speakers in their lives outside of school. Because the First Amendment is solely a limitation on government action, private schools are not limited by it in their ability to censor. However, in a number of states, most notably California, state law may provide press freedom protections to private school student journalists. And most high-achieving private schools follow the example of their public-school counterparts and provide students with a free press experience. Constitution that provides protection to free speech and press freedom, including for students. This frequently leads to prior restraint, a practice rejected by journalism educators as educationally unsound. This form of censorship is frequently the result of prior review. Supreme Court decisions define student free expressions rights a school administrator should understand: Iowa students who wore black armbands to school to express their concern about the Vietnam War were suspended. School officials claimed the message conveyed by the armbands was hurtful to others. Even in school, students are entitled to strong First Amendment protection. They are possessed of fundamental rights which the State must respect. When school officials can show student expression will result in a significant physical disruption of classes or school activities fighting, vandalism, etc. But controversial expression is entitled to strong First Amendment protection. *Hazelwood School District v. Kuhlmeier* Hazelwood School District v. A Missouri high school student newspaper was censored by a school principal after students prepared stories about teen pregnancy and the impact of divorce on children. *Bethel School District v. Fraser* Bethel School District v. A Washington state high school student nominated a friend for student government in a speech at a school assembly that included sexual innuendo and puns. School officials admitted the speech was not obscene but claimed the speech was disruptive and inappropriate. They suspended the student and refused to allow him to speak at graduation. The student sued for violation of his First Amendment rights. Vulgar and indecent language, used in the context of a school-sponsored assembly before a captive audience, is not protected by the First Amendment and can be punished by school

officials. Vulgar and indecent student speech, at least in a school-sponsored context or in the classroom, can be punished by school officials. Students had been released from school to watch the event. School officials suspended him for his actions, and he sued for violation of his First Amendment rights. The First Amendment allows school administrators to restrict student speech at a school event when that speech is reasonably viewed as promoting illegal drug use. In light of these four court decisions, most legal scholars conclude there are only four legally permissible justifications for censorship of student expression by school officials. When the expression will create a material and substantial disruption of school activities or an invasion of the rights of others – Tinker 2. When the expression is pervasively vulgar, lewd or indecent – Fraser 3. When the expression advocates illegal drug use – Morse 4. Only in the context of school-sponsored, non-public forum student expression, when the censorship is viewpoint neutral and is based on a reasonable educational justification – Hazelwood These court decisions make clear students in public schools do have significant First Amendment protections, even when working in school-sponsored student media. One federal court case helps illustrate that point. Student journalists at Utica High School in Michigan prepared a news story and an editorial about a lawsuit filed by community members against the school district. Members of the student newspaper staff believed the lawsuit was one relevant to its readers, noting the parking lot was also near the high school athletic field and an elementary school playground. School officials refused to comment for the story and ultimately ordered the newspaper adviser not to allow students to cover the topic. In the case *Dean v. Utica Community Schools E*. The court offered several justifications for its conclusion. First, it noted the newspaper had been operating as a designated public forum for student expression. Thus, the court concluded limitations of the Hazelwood standard did not apply, even though the publication was school-sponsored. Second, the court said even if the publication were subject to the Hazelwood censorship standard, the school could not meet it. In fact, the judge in the case concluded this was exactly the kind of substantive journalism the school should encourage students to engage in. The *Dean* decision is a wake-up call to administrators who censor simply because they fear news coverage will make the school look bad. The ruling emphasizes the First Amendment is alive and well in public schools.

Chapter 4 : Rights, responsibilities and restrictions | The University of Edinburgh

Student Rights: Violations of Search and Seizure Protections. A tactic undertaken by more and more schools of late is that of searching of student lockers, bags, and of their persons. The most relevant case is New Jersey v TLO (US []).

The Due Process Clause of the Fourteenth Amendment, like its counterpart in the Fifth Amendment, provides that no state may "deprive any person of life, liberty, or property, without due process of law. Note that in this context, due process does not prescribe the reasons why a teacher may be dismissed, but rather it prescribes the procedures a school must follow to dismiss a teacher. Note also that many state statutory provisions for dismissing a teacher actually exceed the minimum requirements under the Due Process Clause. *Loudermill* is the leading case involving the question of what process is due under the Constitution. This case provides that a tenured teacher must be given oral or written notice of the dismissal and the charges against him or her, an explanation of the EVIDENCE obtained by the employer, and an opportunity for a fair and meaningful hearing. The law of contracts applies to contracts between teachers and school districts. For a teacher to determine whether a contract exists, he or she should consult authority on the general law of contracts. This section focuses on contract laws specific to teaching and education. Ratification of Contracts by School Districts. Even if a school official offers a teacher a job and the teacher accepts this offer, many state laws require that the school board ratify the contract before it becomes binding. Thus, even if a principal of a school district informs a prospective teacher that the teacher has been hired, the contract is not final until the school district accepts or ratifies the contract. The same is true if a school district fails to follow proper procedures when determining whether to ratify a contract. However, this is not common, as many employee handbooks include clauses stating that the handbook is not a contract. For a provision in a handbook to be legally binding, the teacher must demonstrate that the actions of the teacher and the school district were such that the elements for creating a contract were met. Breach of Teacher Contract. Either a teacher or a school district can breach a contract. Whether a breach has occurred depends on the facts of the case and the terms of the contract. Breach of contract cases between teachers and school districts arise because a school district has terminated the employment of a teacher, even though the teacher has not violated any of the terms of the employment agreement. In several of these cases, a teacher has taken a leave of absence, which did not violate the employment agreement, and the school district terminated the teacher due to the leave of absence. Similarly, a teacher may breach a contract by resigning from the district before the end of the contract term usually the end of the school year. Remedies for Breach of Contract. The usual remedy for breach of contract between a school district and a teacher is monetary damages. If a school district has breached a contract, the teacher will usually receive the amount the teacher would have received under the contract, less the amount the teacher receives or could receive by attaining alternative employment. Other damages, such as the cost to the teacher in finding other employment, may also be available. Non-monetary remedies, such as a court requiring a school district to rehire a teacher or to comply with contract terms, are available in some circumstances, though courts are usually hesitant to order such remedies. If a teacher breaches a contract, damages may be the cost to the school district for finding a replacement. Many contracts contain provisions prescribing the amount of damages a teacher must pay if he or she terminates employment before the end of the contract. Teacher Freedom from Discrimination. These forms of discrimination are also barred through the enactment of Title VII of the Civil Rights Act of 1964, which was amended in 1972 to include educational institutions. This law provides that it is an unlawful employment practice for any employer to discriminate against an individual based on the race, color, religion, sex, or national origin of the individual. Title IX of the Education Amendments of 1972 provides protection against discrimination based on sex at educational institutions that receive federal financial assistance. A teacher who has been subjected to discrimination has several causes of action, though proof in some of these cases may be difficult. A teacher may bring a cause of action under section 1983 of the United States Code for deprivation of rights under the Equal Protection Clause or other constitutional provision. However, to succeed under this cause of action, the teacher would need to prove that the school had the deliberate intent to discriminate. Similarly, a teacher bringing a claim under Title VII must demonstrate

that the reasons given by a school for an employment decision were false and that the actual reason for the decision was discrimination. Teachers in public schools have limited freedoms in the classroom to teach without undue restrictions on the content or subjects for discussion. These freedoms are based on rights to freedom of expression under the First Amendment of the Bill of Rights. However, the concept of academic freedom is quite limited. Factors such as the age, experience, and grade level of students affect the latitude in which a court will recognize the academic freedom of a teacher. Teacher Freedom of Expression. The Supreme Court held that the school had unconstitutionally restricted the First Amendment rights of the teacher to speak on issues of public importance. Based on Pickering and similar cases, teachers generally enjoy rights to freedom of expression, though there are some restrictions. Teachers may not materially disrupt the educational interest of the school district, nor may teachers undermine authority or adversely affect working relationships at the school. Teacher Freedom of Association. These rights generally permit public school teachers to join professional, labor, or similar organizations; run for public office; and similar forms of association. However, teachers may be required to ensure that participation in these activities is completely independent from their responsibilities to the school. Teacher Freedom of Religion. Teachers may exercise their religious rights, though there are certain restrictions to such rights. This existence of restrictions is particularly relevant to the public schools, since public schools are restricted from teaching religion through the Establishment Clause of the First Amendment. Thus, for example, a teacher is free to be a practicing Christian, yet the teacher cannot preach Christianity in the classroom. Thus, for example, a teacher may be terminated from his or her position for such acts as ADULTERY or other sexual conduct outside marriage, and courts will be hesitant to overrule the decisions of the school board. The Age Discrimination in Employment Act of 1967, with its subsequent amendments, provides protection for teachers over the age of 40 against age discrimination. Under this act, age may not be the sole factor when a school district terminates the employment of a teacher. If a teacher charges a school district with age discrimination, the school district has the burden to show that some factor other than age influenced its decision. The Pregnancy Discrimination Act of 1978 provides protection for teachers who are pregnant. Under this act, a school district may not dismiss or demote a pregnant teacher on the basis of her pregnancy, nor may a district deny a job or deny a promotion to a pregnant teacher on the basis of her pregnancy. Each state provides laws governing education agencies, hiring and termination of teachers, tenure of teachers, and similar laws. Teachers may be dismissed on similar grounds. Additional Teacher Rights Resources. Oakstone Legal Publishing, Imber, Michael, and Tyll Van Geel, Oakstone Legal and Business Publishing, A Practical Guide for Educational Leaders.

Chapter 5 : FERPA Primer: The Basics and Beyond

Teacher and Staff Rights. Teacher and School Staff including food services, maintenance and operations, office and clerical, paraeducators, special services and administration enjoy a number of rights pertaining to their employment, including recognition of certain freedoms, prohibition against certain forms of discrimination, and significant protections against dismissal from their position.

Department of Education, comply with certain procedures with regard to disclosing and maintaining educational records. The regulations provide that attendance includes, but is not limited to, attendance in person or by correspondence. This disclosure is prohibited whether it is made by hand delivery, verbally, fax, mail, or electronic transmission. With respect to third parties, even if the initial disclosure of protected information is permissible, FERPA limits the subsequent disclosure of the information by the third party. As such, once an educational institution discloses protected information to a third party, it must ensure that the third party does not itself improperly disclose the information in violation of FERPA. Although personally identifiable and directory information are often similar or related, FERPA provides different levels of protection for each. Personally identifiable information can only be disclosed if the educational institution obtains the signature of the parent or student if over 18 years of age on a document specifically identifying the information to be disclosed, the reason for the disclosure, and the parties to whom the disclosure will be made. On the other hand, with respect to directory information, FERPA does not bar disclosure by the educational institution. Directory information can be disclosed provided that the educational institution has given public notice of the type of information to be disclosed, the right of every student to forbid disclosure, and the time period within which the student or parent must act to forbid the disclosure. Therefore, an educational institution cannot release such information even after a student is no longer in attendance. However, the revisions to the act prohibit a student from opting out as a way to prevent schools from requiring students to wear an identification card or badge. The revised regulations also reduced the burden on educational institutions of receiving consent prior to the disclosure of information for routine uses of student information. Educational institutions are now permitted to adopt a limited directory information policy that allows the schools to disclose designated information to designated parties. To create such a policy, however, educational institutions must provide notice to parents or eligible students. FERPA precludes the disclosure of educational information without the prior approval of the student or parent. Rather, the information is created and maintained by another student. This exception, however, stops at the time the test or assignment is collected and recorded by the teacher. The revisions allow for the disclosure of educational records in connection with certain emergencies. An educational institution can release such records if it determines that there is an articulable and significant threat to the health and safety of a student or other individuals. The educational institution must maintain records of any such disclosures. Educational institutions are also now permitted to disclose, without consent, information concerning registered sex offenders. Further, FERPA now requires educational institutions to disclose to the alleged victim of any crime of violence or a sex offense the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. Also, the revisions permit educational institutions to disclose educational information and personally identifiable information without prior consent to contractors, volunteers, or other nonemployees performing services for the educational institution. The request must be based upon a legitimate educational interest. FERPA also allows the disclosure of information without consent if all personally identifiable information has been removed from the records. In order to disclose such information, a school has to remove all information that, alone, or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. The revisions further clarified how educational institutions could disclose information to audit the effectiveness of its programs. FERPA allows educational institutions to disclose information to third parties to audit or evaluate its programs. Previously, educational institutions could only disclose such information to entities or individuals under their direct

control. The institution must enter into a written agreement with any third party to which it discloses information. Such an agreement must contain provisions that protect against the redisclosure of the information, provide plans to handle a data breach, and offer methods to record the data provided. If a student does request the right to inspect, the educational institution must comply within 45 days of the receipt of the request. In many cases, students have seen, or are aware of, the contents of their files. If the student file has changed in any way, e. The law merely provides that an education record may not be destroyed if there is an outstanding student request to inspect the file. The school has the discretion to develop a record retention policy and communicate that policy to its students. Once the deadline has passed, and there has been no request for retention, the records may be destroyed. Obtain signed, written consent from a student before a school official, administrator, career services staff member, or faculty member releases personally identifiable information to an employer, third-party recruiter, or resume referral data base; Train and retrain faculty members with respect to the requirements and prohibitions of FERPA; Notify employers, employment agencies, contract recruiters, resume data bases, and other entities that student records are subject to FERPA, and that such entities cannot subsequently disclose these records without student consent; and Notify third parties that improper disclosure will result in future denials of access to such records. Determine, clearly define, and communicate to students what information will be considered directory information prior to disclosure and provide students with a reasonable time to notify the educational institution if they want to restrict access to directory information. Obtain a new consent form if any student information is changed, such as revisions to a letter of recommendation, prior to fulfilling an information request. Each educational institution is responsible for establishing and consistently enforcing its own policies with respect to this issue. Draft and maintain policies with regard to the retention of records that pertain to the disclosure of information for health and safety concerns. Review and revise any and all third-party agreements to ensure such agreements comply with FERPA requirements. Implement policies that include how an institution will respond to data breaches or unauthorized disclosures and conduct an investigation into how such a breach occurred. Advise students with respect to the implications of waiving their right to inspect their files or letters of recommendation. Penalty for Noncompliance Courts have routinely held that FERPA does not create a private right of action against the educational institution. Complaints, however, may be filed with the Department of Education, which will investigate all issues. It should be noted, however, that some states allow for monetary damages for the disclosure of private information. In May , several U. The proposed bill would restrict federal money provided to schools that do not have information security policies and procedures in place. While this is only a proposed bill, it further indicates the heightened scrutiny educational institutions face when disclosing student information. Therefore, it is imperative that all educational institutions understand the existing restrictions and limitations imposed by FERPA. Copyright by the National Association of Colleges and Employers.

Chapter 6 : The First Amendment and student media | Principal's Guide to Scholastic Journalism

Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student.

Tier 4 Student Attendance and Engagement Policy You should respond as soon as possible to any contact you receive from your School, Personal Tutor or any other member of staff of the University. The School may offer you support, or refer you to other specialist sources of support. The message will highlight how to contact relevant members of support staff to discuss any issues. Please note you may be excluded due to failure to attend a census or failure to confirm attendance at matriculation. In the light of any relevant information, it will be decided by the School whether a more formal discussion with a Personal Tutor or Supervisor is merited.

What happens if I suspend my study? When a Tier 4 visa is granted, it is done so with the expectation that students will attend their study. Students who suspend their study are not attending study of any kind tutorials, lectures, lab classes, PhD supervisions. If you hold a Tier 4 visa and decide to suspend your study, the University of Edinburgh will normally withdraw your sponsorship. This will usually result in the UKVI stopping your visa and you will be expected to leave the United Kingdom within 60 days and return to your home country. You will need to apply for new visa by making a new application when you are ready to re-start study in the UK. It is not possible to retrospectively suspend any student holding a Tier 4 visa. This means you cannot ask to be suspended using a date in the past. The University of Edinburgh has taken this decision in order to help protect your immigration status in the UK. The UKVI will assume that you have not been in attendance for this period of time, meaning that they will think you have not followed the rules of your visa.

You need to withdraw from study at the University: This means that UKVI will cancel your visa and you will have to return home.

You are repeating a year of your study: If you repeat and remain in attendance in other words, you stay at the University, you will be expected to attend your study. This will allow the University to carry on sponsoring you. If you repeat and do not attend in other words, you leave the University, we will not be able to keep sponsoring you. The UKVI say that, if you repeat any part of your study away from the University, you are not attending full time study. This means that the University cannot sponsor you if you repeat study away from the campus. When you have finished repeating your study away from the University, you would need to request a new CAS from the Immigration Compliance Officer. You will be studying away from the University remote study:

Any student may withdraw permanently from the University at any point in the year. However, a student may not voluntarily withdraw after a Head of College or delegated authorising officer has decided to exclude the student. These include such matters such as: Students wishing to withdraw must signal their intention by completing a standard University form.

Chapter 7 : The First Amendment in Schools: A Resource Guide

A: A student publication is a public forum for student expression when school officials have given student editors the authority to make their own content decisions. Schools can do that through an official policy or by simply allowing a publication to operate with editorial independence.

This Topic Page concerns Student Rights. Generally speaking, the Constitution applies equally to everyone, regardless of age, color, race, religion, or any other factor. However, minors are a special category of person, and in many cases, the rights of minors can be suppressed in ways that the rights of adults simply may not be. The most obvious reason for this is simply age. Or perhaps better stated, maturity. A four-year-old, or even a ten-year-old, cannot make, nor be expected to make, the same sorts of decisions that an adult can make. Where an adult might be perfectly free to wander the streets at night, a child seen wandering the streets at night would be taken into some sort of protective custody, even if against his will. The most common such violations are of the rights of students. That is, of children attending school. The rights of free speech, free press, free association, and freedom from unwarranted search and seizure are points of contention between school administrators and students, and have been for decades. In loco parentis There are several reasons why violations of student rights are upheld by the courts. One of the most basic reasons is known as in loco parentis. This Latin phrase basically means that while a student is in the custody of a school, the school can and often should act as a parent. In this duty of the school, many decisions can be made that are outside the normal governmental purview. The other basic reason for violation of student rights has to do with the goal of school "to educate. If an act of a student can interfere with the educational process, that act may, in many cases, be suppressed. A few things should be noted here. First, most of this essay applies only to public schools. As private institutions, private schools are not subject to any restrictions in terms of violations of the rights of students. Hence, while a public school might have to prove that its violations are for a higher purpose or stem from its in loco parentis responsibilities, a private school may set limits arbitrarily. Second, students in public schools are not stripped of their rights completely. In *Board v Barnette* US [] , for example, the Supreme Court ruled that students could not be forced to recite the Pledge of Allegiance nor otherwise salute the flag against their will. In *Tinker v Des Moines* US [] , the Supreme Court ruled that students wearing black arm bands to protest the Vietnam War could not be forced to remove the arm bands by school officials. As written in *Tinker*, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. Violations of Free Speech The Supreme Court said in *Tinker* that "[If] conduct by the student, in class or out of it, which for any reason " whether it stems from time, place, or type of behavior " materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech. In *Bethel School v Fraser* US [] , the Court ruled that a school was not violating a students rights when it suspended a student for the use of crude language in a speech to a school assembly. The determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board. The difference between the tolerance of expression, as in *Tinker*, and in promotion of student views, is the key. By wearing an arm band, a student is expressing his view and the school is not taking a stand, nor endorsing the student. But in a student newspaper, the school itself is represented in the newspaper, and by publishing a student piece, is now no longer a passive observer but an active participant. In *Hazelwood School v Kuhlmeier* US [] , the Supreme Court ruled that articles in the school paper that were counter to the educational mission of the school were subject to censorship. Though untested in court, it is probably true that students are protected in publication of "underground" newspapers, and perhaps web pages, but the distribution of those papers or use of school computers to view web pages could be restricted. Violations of Free Expression *Tinker* was all about freedom of expression. The students in *Tinker* merely wore black arm bands. They did not disrupt school activities in any other way. The actions of the students are often used to distinguish the right of speech and expression for students from the rules that can govern those rights. Again the distinction hinges on the impact of the expression on the educational process. In *New Rider v Board* US []

, a pair of male Pawnee Indian students were suspended from school for wearing long hair in the tradition of their ancestors. The suspension was for violation of a school rule which forbade the wearing of hair that extended past the collar or ears. The Court refused to hear the case, but Justices Douglas and Marshall wrote a stinging dissent of the denial, "Petitioners were not wearing their hair in a desired style simply because it was the fashionable or accepted style, or because they somehow felt the need to register an inchoate discontent with the general malaise they might have perceived in our society. They were in fact attempting to broadcast a clear and specific message to their fellow students and others – their pride in being Indian. No other cases appear to have been decided by the Court on this issue, and circuit courts have made conflicting rulings. The Court ruled that the presence of a printed vulgarity cannot be sufficient cause for an arrest and day imprisonment. Dress codes that prohibit certain kinds of dress like cut-off shorts or shirts with obscene or commercial messages have not been challenged at the level of the Supreme Court, but have generally been upheld as promoting the educational process. In , in the widely-reported case of *Morse v Frederick* [], better known as the "Bong hits 4 Jesus" case, the court narrowly decided that student speech off campus can be suppressed by school administrators if the speech promotes illegal activity – drug use, in this case. In the case, Joseph Frederick erected a banner along a route used to transport the Olympic torch. Drawing on both *Tinker* and *Fraser*, the Court decided that the message and its most reasonable interpretations, and not the place the message was displayed, was the deciding factor: Here the Court recognized two things. First, it reaffirmed the role of the school in loco parentis, but it also recognized that school officials are representatives of the State. These two roles can come into conflict, but the Court said that students in public school are not able to assert the same rights as adults in other settings. Rules were established for searches, such as reasonableness, not excessively intrusive, and related to the offense that is being investigated. Urine tests of student athletes were upheld in *Vernonia School v Acton* US [], when the court again used in loco parentis, a lowered expectation of privacy for athletes, and the need for deterrence of drug use, particularly among athletes, as justifications for forced testing. A matter which has not yet been reviewed is what powers school officials have to search students before they are on school grounds. It is clear the that power exists on school grounds; since the power exists to provide a safe environment for learning, it may be a short leap for some schools to make to insist that they also have the power to prevent drugs or weapons from even entering school grounds. Where the limits of such a power lie, or if such a power exists at all, is subject to debate until they are taken up by the courts.

This does not mean that students and teachers have no First Amendment rights at school. Quite the contrary. But within the educational setting, the right to free speech is implemented in ways that do not interfere with schools' educational mission.

This information applies to K public school students in Rhode Island. Rules for colleges and private schools will differ. Additionally, public school district policies on these issues will vary greatly, and there will sometimes be disagreements about what constitutes appropriate clothing. People often express who they are and what they believe by what they wear. Because students maintain certain constitutional rights to free expression when they are in a public school, their decisions about their appearance are, to some extent, protected as well. In the case of *Tinker v. Supreme Court* ruled that students had a constitutional right to wear a black armband to school to protest U. Since then, courts have continued to hold that students generally have a right to express political views through their clothing. This can include, for example, wearing clothing that endorses or criticizes a politician or, as in more recent cases, wearing t-shirts supporting or opposing gay rights. Additionally, schools cannot prohibit students from wearing clothes that are in observance of their religion, such as a Muslim wearing a hijab in school. As a general rule, schools cannot bar you from wearing clothing simply because they disapprove of the message that the clothing conveys. Of course, students and school officials can often disagree about what may or may not be disruptive. There is no simple answer. Back in , in a case called *Gardner v. However*, if there is a social, political or religious message associated with what you are wearing, the courts will be more sympathetic. However, any policies along those lines would have to be clearly and reasonably drafted, and specific as to what was not allowed. On the other hand, removable body piercings may be held to not fall within the realm of constitutionally protected expression at school. However, the ACLU believes that to punish you for your hairstyle or body piercings, your school should have to show that they were disruptive or caused a valid health or safety risk. There is no direct case on this issue in Rhode Island, but the ACLU believes that forcing students to wear uniforms infringes on their right to free speech and expression, and violates the standards set out in the previously-mentioned *Gardner* case. However, schools can promote a voluntary student uniform policy, which a number of schools in Rhode Island have done. In , the Rhode Island ACLU successfully sued a school district that had banned a student from wearing medieval garb and holding a prop broadsword in his senior yearbook photo. More recently, the ACLU of Mississippi successfully challenged a school district that would not allow a female student to wear a tuxedo in her senior photo. You have the right to peacefully protest a dress code policy, but that does not mean you can violate the policy or engage in other activity legitimately banned in school. In a Rhode Island case, students walked out of school one day to protest a new dress code. Although the school had the right to punish the students for walking out of school and missing classes, they were given a longer suspension than if they had simply bunked class. The state Commissioner of Education held that it was illegal for school officials to punish the students for missing school to participate in a political protest more harshly than if they had missed school for any other purpose.