

Education Law

Introduction

This research guide includes resources at the Deane Law Library that cover various areas of education law. Special Topics include higher education, special education and discrimination.

Getting Background

For background on education law or for help getting started with research, take a look at the following recommended resources:

The Law of Schools, Students and Teachers in a Nutshell/ by Kern Alexander and M. David Alexander: KF4119.3 .A43 Law Reserve

Education Law/by James A. Rapp
KF4119 .R36 Law Classified

Also available in Lexis using the following database: Rapp, Education Law

Primary Sources

Federal Statutes

Many education-related statutes are located in Title 20 (Education) of the United States Code. To find specific statutes, consult the General Index or the Popular Name Table.

Major education statutes include:

Department of Education 20 U.S.C. § 3401 et seq.

Equal Education Opportunities Act (EEOA) 20 U.S.C. §§ 1701-1721

General Education Provisions Act, 20 U.S.C. § 1221 et seq.

Higher Education Act of 1965, 20 U.S.C. §1001 et seq.

No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.

Major special education statutes include:

The Americans with Disabilities Act (ADA) 42 U.S.C. §§ 12101 et seq.

Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 1400, et seq.

Rehabilitation Act of 1973 (Section 504) – 29 U.S.C. §§ 701-718

The *United States Code* can be found in the Reading Room. In addition two commercial annotated editions of the Code are available: the *U.S.C.A. (United States Code Annotated)* and the *U.S.C.S. (United States Code Service)*. Online sources for the United States Code include:

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

The United States Code Service can be found in the following database: **United States Code Service - Titles 1 through 50**

Westlaw (requires a Westlaw password)

<http://lawschool.westlaw.com>

Use the “USCA” database identifier to find the United States Code Annotated.

Cornell University Law School’s Legal Information Institute: US Code Collection (free on the internet)

<http://www4.law.cornell.edu/uscode/>

Contains the most recent official version made available by the US House of Representatives.

New York State Statutes

Many New York state statutes related to education can be found in Chapter 16 (Education) of the New York Consolidated Laws. To find specific statutes, consult the General Index.

The Deane Law Library owns two annotated editions of the New York Consolidated Laws--*McKinney's Consolidated Laws of New York (McKinney's)* and *New York Consolidated Laws Service*. Both can be found in the Reading Room. Online sources for the Consolidated Laws include:

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

The *New York Consolidated Laws Service* can be found in the following database: **NY - New York Consolidated Laws Service.**

Westlaw (requires a Westlaw password)

<http://lawschool.westlaw.com>

Use the “NY-ST-ANN” database identifier to find the New York Statutes Annotated.

New York State Legislature (free on the internet)

<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

An unannotated version of the Consolidated Laws is posted on the website of the New York State Legislature.

Case Law

West's Digests

Use Topic "345 Schools" to find relevant cases in West's Federal Practice Digest or a state digest. Key numbers are as follows:

Private Schools and Academies, Key Numbers 1-8

Public Schools, Key Numbers 9-179

Interscholastic Associations, Key Numbers 180-183

West's Education Law Reporter

KF4119 .W45 Law Classified

Contains selected federal and state cases on education issues. Cases include headnotes, topics and key numbers.

Databases of Federal and State Education Law Cases

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

A database of federal and state education law cases can be found in the following database:
Federal and State Education Law Cases.

Westlaw (requires a Westlaw password)

<http://lawschool.westlaw.com>

Use the "MED-CS" database identifier to find a database of state education cases. Use the "FED-CS" database identifier to find a database of federal education cases.

Federal Regulatory Law

Code of Federal Regulations

Regulations created by the different Department of Education offices are located in Title 34 of the Code of Federal Regulations (CFR). The CFR can be found in the Reading Room. Online sources of the CFR include:

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

A database of the CFR can be found in the following database: **CFR - Code of Federal Regulations.**

Westlaw (requires a Westlaw password)

<http://lawschool.westlaw.com>

Use the “CFR” database identifier to find a database of the CFR.

HeinOnline (access limited the Hofstra community)

http://0-www.heinonline.org.libweb.hofstra.edu/HOL/Index?collection=cfr&set_as_cursor=clear

Editions of the CFR from 1938 to the present are available on HeinOnline.

GPO Federal Digital System (free on the internet)

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

Editions of the CFR from 1996 to the present are available on GPO Federal Digital System.

Administrative Decisions

Decisions of the Secretary are issued by the Secretary as a part of the Department of Education's decision-making through administrative adjudication. Online Sources for the Decisions of the Secretary include:

The Department of Education website

<http://www.ed-oha.org/secretarydecisions.html>

Contains Decisions of the Secretary. Coverage begins in 1989.

Decisions are also issued by the *Office of Hearings and Appeals (OHA)*. OHA consists of four units: the Office of Higher Education Appeals (hears cases arising under Title IV of the Higher Education Act of 1965; the Office of Administrative Law Judges (adjudication of cases involving Federal impact aid, recovery of funds, civil rights, and any other matter delegated by the Secretary of Education); The Civil Rights Reviewing Authority (responsible for the supervision of administrative hearings and issuance of decisions upon appeals and reviews in accordance with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 relative to educational programs receiving federal financial assistance); and the Informal Dispute Resolution Center provides all U.S. Department of Education employees and job applicants with an informal process to resolve disputes, disagreements, or complaints on a wide range of work-related matters. Online sources for decisions from the Office of Hearings and Appeals include:

The Department of Education website

Office of Hearings and Appeals: <http://www.ed-oha.org/ohadecisions.html>

Searchable database of decisions by judges within the Office of Hearings and Appeals.

Coverage begins in 1989.

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

A database of decisions from the Office of Hearings and Appeals can be found in the following database: **Department of Education, Office of Hearings & Appeals Decision**. Coverage begins in 1989. A database of decisions from the Civil rights Reviewing Authority can be found in the following database: **Education Civil Rights Reviewing Authority Decisions**. Coverage begins in 1966 and ends in 1997.

Westlaw (requires a Westlaw password)

<http://lawschool.westlaw.com>

Use the “FED-ADMIN” database identifier to find a database of decisions from the Office of Hearings and Appeals. Coverage begins in 1987.

New York Regulatory Law

New York State Code of Rules and Regulations

New York regulations are contained in the *New York State Code of Rules and Regulations* (NYCRR). Education regulations are located in Title 8 of the NYCRR. The NYCRR can be found in Law Reserve. Online sources for the NYCRR include:

The New York State Department of State Division of Administrative Rules (free on the internet)

<http://www.dos.state.ny.us/info/nycrr.html>

Provides access to the unofficial NYCRR.

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

A database of the NYCRR can be found in the following database: **New York Codes, Rules, and Regulations**.

Westlaw (requires a Westlaw password)

<http://lawschool.westlaw.com>

Use the “NY-ADC” database identifier to find an unofficial version of the NYCRR.

Decisions of the Commissioner

Education Law §310 provides that persons considering themselves aggrieved by an action taken at a school district meeting or by school authorities may appeal to the Commissioner of Education review. The Decisions of the Commissioner can be found in the Education Department Reports located in the Reading Room at KFN5648 .A555. Online sources for the Decisions include:

The New York State Education Department - Office of Counsel

<http://www.counsel.nysed.gov/Decisions/>

Decisions from July 1991 through the present are available.

Lexis (requires a Lexis password)

<http://www.lexisnexis.com/lawschool/login.aspx>

A database of the Decisions of the Commissioner can be found in the following database: **New York Department of Education Commissioners Decisions.**

Secondary Sources

Article Finding

Legal Periodicals

The *Index to Legal Periodicals* and *LegalTrac* are services that index hundreds of legal periodicals. They are both available via the Deane Law Library's website at

http://law.hofstra.edu/Library/Research/libres_online.cfm?alphaview.

Education Literature

ERIC is the premier searchable database of bibliographic records for education related articles and other literature. It is available via the Axinn Library's website at:

http://www.hofstra.edu/library/library_db.cfm#E.

Treatises

General education law resources, including secondary sources are located in the Law Classified section between call numbers KF4101 – KF4258. New York education law resources are located in the Reading Room between call number KFN5648 – KFN5658. Selected education law secondary sources include:

Education Law/by James A. Rapp

KF4119 .R36 Law Classified

Also available in Lexis using the following database: Rapp, Education Law.

Education Law: First Amendment, due process, and discrimination litigation / by Ronna Greff Schneider

KF4119 .S358 Law Classified

Also available in Westlaw using the database identifier "EDULAW".

Checklists for Searches and Seizures in Public Schools/ by Jon M. Van Dyke

Available in Westlaw using the database identifier "SRCHSCHLS".

Special Education law and litigation treatise / by Mark C. Weber

KF4210 .W4 Law Classified

Internet Resources

Department of Education: <http://www.ed.gov/index.jhtml>

Department of Education: Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

Department of Education: Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/about/offices/list/osers/index.html?src=mr>

Cornell University Law School's Legal Information Institute – Education Law:
<http://topics.law.cornell.edu/wex/Education>

Yasmin Alexander, 12/2009

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