

School Law Review

June 2023

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Education Department Issues Guidance on Religious Expression in Schools

On May 15, 2023, The United States Department of Education issued a "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools" document. Coaches are referenced several times throughout the guidance, and it is likely that the guidance was issued in response to the decision of the Supreme Court of the United States in *Kennedy v. Bremerton School District*, which centered around a football coach engaging in private prayer at the end of each football game on the field.

The guidance opens with the reminder that when teachers, coaches, and other public school officials speak in their official capacities, they may not engage in prayer or promote religious views. However, the guidance notes that not everything a public school teacher, coach, or other official says in the workplace constitutes governmental speech. The guidance specifically states that where teachers, coaches, or other employees engage in personal speech, a school district may not prohibit them from doing so because the expression is religious in nature or because other observers, including students, might misperceive that the school is endorsing the expression. Absent some evidence that the teacher, coach, or other school official is pressuring or encouraging students to engage in religious expression, a school district has limited authority to regulate such speech. The guidance goes on to address such topics as prayer groups, religious expression during instructional time, moments of silence, student assemblies, teaching about religion, religious expression in school assignments or homework, excusal for religious activities, and baccalaureate ceremonies. A copy of the guidance can be found [here](#).

What this means for schools:

School districts may (and must, to avoid violating the Establishment Clause) restrict religious expression that suggests endorsement of religion or where the expression by staff is intended to compel or encourage student participation. However, staff remain free to engage in private religious expression such as private prayer, even when visible to others and even when it occurs at district sponsored activities. Of course, the devil is in the details, as they say. Confer with counsel as needed to interpret employee actions in light of the new guidance. 

School Law In Review 1986

Peter P. d'Errico



School Law In Review 1986:

School Law in Review, 1986 National School Boards Association, 1986 **School Law in Review** Naomi E. Gittins, Betty E. Landis, 1986 This volume of seminar presentations covers a broad range of legal issues affecting public schools The first chapter summarizes employee free speech developments since *Connick v Myers* 1983 a United States Supreme Court decision upholding a district attorney's right to dismiss a transferred assistant for circulating a controversial questionnaire to coworkers *Connick* and *Pickering* an earlier case balancing employee and employer interests are analyzed for their effects on recent court actions involving employee criticism of employer policy symbolic speech political affiliations sexual preference and other issues The second chapter discusses recent decisions concerning religion such as school prayer parochial school aid equal access home schooling compulsory attendance creationism and religious objections to curriculum The third chapter examines the application of the Fair Labor Standards Act to school boards while the fourth chapter treats the legal aspects of child abuse especially school personnel's legal obligation to detect and report it The fifth chapter examines a 1985 Supreme Court decision allowing school officials to search a student if reasonable suspicion exists The sixth chapter summarizes recent handicapped education law while the final chapter updates Supreme Court actions affecting schools Numerous case citations are given in footnotes and a subject index is provided MLH

National Child Protection Act of 1993 United States. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights, 1994 *Critical Legal Studies and the Campaign for American Law Schools* Paul Baumgardner, 2021-09-08 Recent political science research into the American legal academy has been captured by conservatism this research has framed the institutional and ideological developments occurring within the law schools over the past forty years solely through the prism of modern conservatism As a result political scientists have ignored the political struggles of one of the most important legal reform movements of the 1980s and overlooked the hope for leftist reform that existed within American law schools during this period *Critical Legal Studies and the Campaign for American Law Schools* tells the story of the critical legal studies movement This formidable movement sought to fundamentally reconstruct law schools train a new generation of leftist lawyers and replace the dominant form of legal consciousness governing the American legal system Instead of projecting a fatalism onto leftist reform this book relies on extensive archival research and interviews to illuminate the radical potential that lived in the American legal academy of the 1980s The critical legal studies movement was a towering presence in the law schools and its legacy continues to hold out political possibilities and reform lessons for leftist legal scholars today

Proof, Evidence and Hate Crime Tshepo Bogosi Mosaka, 2025-07-18 Proof is the property of a disputed fact being established inferentially from an extant fact This book explicates the structural components of this phenomenon in the context of hate crimes across various jurisdictions around the world It departs from the orthodox conception of evidence and proof as being a general value neutral or non normative and epistemic subject and offers a relativistic conception of this area

of law The core argument is that proof is both semantically and methodologically determined by three conditions of materiality process and probativity This argument is then justified by the context specific application of this relativistic theory of proof to hate crimes This theoretical application of proof is sustained throughout the book using multiple examples and illustrations of hate crimes around the world The discussion both at the level of proof and hate crimes while focusing on the grounds of race religion and ethnicity specifically is framed in jurisprudential cross jurisdictional and interdisciplinary terms The book will be of interest to academics and researchers working in the areas of criminal law legal philosophy and procedural law

Religion, Education and the State Mark Strasser, 2016-04-08 In the context of education Church and State issues are of growing importance and appear to be increasingly divisive This volume critically examines the developing jurisprudence relating to religion in the schools beginning with *Everson v Board of Education* where the US Supreme Court discussed the wall of separation between Church and State The study traces both how the Court's views have evolved during this period and how through recharacterizations of past opinions and the facts underlying them the Court has appeared to interpret Establishment Clause guarantees in light of the past jurisprudence when in reality that jurisprudence has been turned on its head The Court not only offers an unstable jurisprudence that is more likely to promote than avoid the problems that the Establishment Clause was designed to prevent but approaches Establishment Clause issues in a way that decreases the likelihood that an acceptable compromise on these important issues can be reached The study focuses on the situation in the US but the important issue of religion education and the state has great relevance in many jurisdictions

Federal Anti-Indian Law Peter P. d'Errico, 2022-09-27 Telling the crucial and under studied story of the U S legal doctrines that underpin the dispossession and domination of Indigenous peoples this book enhances global Indigenous movements for self determination In this wide ranging historical study of federal Indian law the field of U S law related to Native peoples attorney and educator Peter P d Errico argues that the U S government's assertion of absolute prerogative and unlimited authority over Native peoples and their lands is actually a suspension of law Combining a deep theoretical analysis of the law with a historical examination of its roots in Christian civilization d Errico presents a close reading of foundational legal cases and raises the possibility of revoking the doctrine of domination The book's larger context is the increasing frequency of Indigenous conflicts with nation states around the world as ecological crises caused by industrial extraction impinge drastically on Indigenous peoples existences D Errico rethinks the role of law in the global order imagining an Indigenous nomos of the earth an order arising from peoples and places rather than the existing hegemony of states

Right Turn Raymond Wolters, 1996-01-01 Raymond Wolters maintains that Ronald Reagan and William Bradford Reynolds made the right turn when they questioned and limited the use of racial considerations in drawing electoral boundaries He also documents the Reagan administration's considerable success in reinforcing within the country and reviving within the judiciary the conviction that every person black or white should be considered an individual with unique talents and inalienable rights This

book begins with a biographical chapter on William Bradford Reynolds the Assistant Attorney General who was the principal architect of Reagan's civil rights policies It then analyzes three main civil rights issues voting rights affirmative action and school desegregation Wolters describes specific cases at large elections and minority vote dilutions congressional districting in New Orleans legislative districting in North Carolina the debates over the Civil Rights Act of 1964 social science critiques of affirmative action the question of quotas and school desegregation and forced busing Because Ronald Reagan and William Bradford Reynolds were men of the right and because most journalists and historians are on the left Wolters feels the people of words have dealt harshly with the Reagan administration In writing this book he hopes to correct the record on a subject that has been badly represented **Military Law Review** ,2001 *Harvard Law Review: Volume 130, Number 9 - Bicentennial Issue 2017* Harvard Law Review,2017-11-01 U.S. Environmental Protection Agency Journal Holdings Report United States. Environmental Protection Agency. Library Systems Branch,1988 *Minnesota Law Review* ,1987 **The Experience of Tragic Judgment** Julen Etxabe,2013-05-02 Adjudication between conflicting normative universes that do not share the same vocabulary standards of rationality and moral commitments cannot be resolved by recourse to traditional principles Such cases are always in a sense tragic And what is called for in our pluralistic and conflictual world is not to be found as many would suppose in an impersonal set of procedures with which all participants could be treated as having rationally agreed The very idea of such a neutral system is an illusion Rather what is needed Julen Etxabe argues in this book is a heightened awareness of the difficulty of judgment The Experience of Tragic Judgments draws upon Sophocles play Antigone in order to consider this difficulty and the virtues that attend its acknowledgment Based on the transformative experience that the audience undergoes in engaging with this play what is proposed is a reconceptualization of judgment not as it is generally thought to occur in a single isolated moment like the falling of an axe but rather as an experience that develops in and through space and time *Women in the World's Legal Professions* Ulrike Schultz,Gisela Shaw,2003-04-08 Women lawyers less than a century ago still almost a contradiction in terms have come to stay Who are they Where are they What impact have they had on the profession that had for so long been a bastion of male domination These are key questions asked in this first comprehensive study of women in the world's legal professions Answers are based on both quantitative and qualitative analyses using a variety of conceptual frameworks 26 contributions by 25 authors present and evaluate the situation of women in the legal profession in both common and civil law countries in the developed world 15 countries from four continents are covered the United States of America Canada Australia New Zealand England Israel Germany the Netherlands Poland Finland France Italy Brazil Korea and Japan The focus ranges from judges and public prosecutors to law professors lawyers attorneys notaries and company lawyers National differences are clearly in evidence but so are common features cutting across national boundaries Experience of glass ceilings and revolving doors is as widespread and as real as success stories of women lawyers pursuing their own projects *The Supreme Court's New Workplace* Joseph A.

Seiner,2017-07-25 The US Supreme Court has systematically eroded the rights of minority workers through subtle changes in procedural law This accessible book identifies and describes how the Supreme Court s new procedural requirements create legal obstacles for civil rights litigants thereby undermining their substantive rights Seiner takes the next step of providing a framework that practitioners can use to navigate these murky waters allowing workers a better chance of prevailing with their claims Seiner clearly illustrates how to effectively use his framework applying the proposed model to one emerging sector the on demand industry Many minority workers now face pervasive discrimination in an uncertain legal environment This book will serve as a roadmap for successful workplace litigation and a valuable resource for civil rights research It will also spark a debate among scholars lawyers and others in the legal community over the use of procedure to alter substantive worker rights American Lawyers Richard L. Abel,1989 This comprehensive picture of the contemporary American legal profession traces its development over the last hundred years Abel examines a variety of topics including the nature and effect of entry barriers the rise and fall of restrictive practices efforts to create demand for lawyers services self regulation the income and status of lawyers the growth of public and private employment the displacement of solo and small firms and the allocation of lawyers to roles *From Maverick to Mainstream* David J. Langum,Howard P.

Walthall,2010-01-01 Founded in 1847 in Lebanon Tennessee the Cumberland School of Law holds a unique place in the history of American legal education As the premier law school in the South in the nineteenth century Cumberland trained two United States Supreme Court justices nine senators a secretary of state and scores of other federal and state judges representatives and governors Cumberland is among the oldest law schools in the southeast and is the first law school to have been sold outright from one university to another passing from Cumberland University to Birmingham Alabama s Howard College now Samford University in 1961 This book is a comprehensive narrative analysis of the school s pedagogical and social history in the context of legal education throughout the South and the nation **Loyola University New Orleans College of Law** Maria Isabel Medina,2016-05-18 Maria Isabel Medina s chronicle of Loyola University New Orleans College of Law examines the prominent Jesuit institution across its hundred year history from its founding in 1914 through the first decade of the twenty first century With a mission to make the legal profession attainable to Catholics and other working class persons Loyola s law school endured the hardships of two world wars the Great Depression the tumult of the civil rights era and the aftermath of Hurricane Katrina to emerge as a leader in legal education in the state Exploring the history of the college within a larger examination of the legal profession in New Orleans and throughout Louisiana Medina provides details on Loyola s practical and egalitarian approach to education As a result of the school s principled focus Loyola was the first law school in the state to offer a law school clinic develop a comprehensive program of legal skills training and to voluntarily integrate African Americans into the student body The transformative milestones of Loyola University New Orleans College of Law parallel pivotal points in the history of the Crescent City demonstrating how local culture and environment can

contribute to the longevity of an academic institution and making Loyola University New Orleans College of Law a valuable contribution to the study of legal education **Same Difference** Carol Lee Bacchi, 2024-09-30 Are women the same as or different from men Should women seek equality with men or admit their difference First published in 1990 Same Difference explores these highly charged political questions by examining how the women's movement has engaged with them over time and in three countries Australia Britain and America Case studies include disputes about maternity leave protective legislation affirmative action custody pornography rape and women's supposed metaphysical differences from men their greater nurturing and caring capacity Challenging a common view of the women's movement as perpetually riven into sameness and difference camps Same Difference highlights the political conditions which impel some feminists to argue in these terms The implication of the analysis is that debates about sexual difference divert attention from important social issues such as how society is to reproduce itself and what kind of society we wish to create This book will be a beneficial read for students and researchers of feminist theory women's studies and sociology *Naval Law Review* ,1988

School Law In Review 1986 Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the energy of words has be more evident than ever. They have the ability to inspire, provoke, and ignite change. Such may be the essence of the book **School Law In Review 1986**, a literary masterpiece that delves deep in to the significance of words and their affect our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall impact on readers.

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