Current Legal Issues Facing K-12 Administrators

Allan G. Osborne, Jr., Ed.D.: Principal (Retired), Quincy Public Schools, Quincy, MA

Brad Colwell, J.D., Ph.D.: Vice President, Student and Academic Affairs, Southern Illinois University System, Carbondale, IL

Lois F. Berlin, Ed.D.: Superintendent (Retired), Falls Church City Public Schools, Falls Church, VA

This session has been offered for several years with attendance and audience participation increasing each year. Although it is designed specifically for administrators, each year it also attracts several attorneys and college professors. Attorneys and professors have found it to be useful in that current hot topics in education law are discussed and debated.

This session is designed to be an interactive overview of the topics in school law that have been most controversial during the past year. The session begins with a brief commentary by each presenter on a current “hot” topic that should concern K-12 administrators. The purpose of these introductory statements is to stimulate discussion. For the remainder of the session the presenters field questions from attendees with the presenters responding to each question from their unique perspectives. Depending on the questions raised, the presenters may agree or disagree. Attendees are encouraged to participate in the debate.

Due to the interactive nature of this session, it is impossible to predict what topics will arise during the session. The purpose of the session is to give attendees the opportunity to raise issues that are important to them, discuss those issue with other attendees, and learn from each other. The presenters do not set the agenda; the agenda is set by those who come to the session. The presenters act as facilitators.

A review of recent articles that have appeared in the Education Law Into Practice section of the Education Law Reporter indicate that the following topics are currently of interest to school administrators. Topics such as these may come up for discussion, but the session will not be limited to these topics.

Evolving FAPE requirements under the IDEA after Endrew F.


Decker & Hurwitz, Post-Endrew Legal Implications for Students with Autism, 344 Ed.Law Rep. 31 (2017)

Peer-on-peer bullying and harassment
Disciplinary procedures for students with disabilities


Religious issues in the public schools


Providing special education services to homeschooled and nonpublic school students


Family and Medical Leave Act


Accommodations for students with food allergies


School safety


Child find requirements under the IDEA


Disciplining employees for off-campus conduct


Liability for student suicide


Emerging issues for schools with the legalization of marijuana
Gender identity issues for students and staff

Conn, *After Ruling on Title VII Protection for Gender Orientation, the Seventh Circuit Opens the Door to Title IX Protection for Gender Identity*, 343 Ed.Law Rep. 641 (2017)

Curricular-related speech


**Learning outcomes:**

Attendees will gain a better understanding of current legal issues facing K-12 school administrators

Participants will generate ideas for dealing with common legal issues that arise in K-12 schools

Through discussion of topics raised in the session, participants will be better prepared to face the legal challenges that can arise in a K-12 school setting