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The Journal of Law and Education includes articles on a wide range of education issues and includes a section on recent developments in the law. It is published quarterly by Jefferson Law Book Company, P.O. Box 1936, Cincinnati, OH 45201.

The Law of Public Education, Reuter, E. Edmund. 3d ed. Mineola, NY: Foundation Press, 1985.

School Law Bulletin is a quarterly magazine published by the Institute of Government, University of North Carolina at Chapel Hill, Chapel Hill, NC 27514-6059.

School Law News is a newsletter that describes recent developments in the field. It is published by Capitol Publications, Inc., 1300 North 17th Street, Arlington, VA 22209.

The Schools and the Courts contains briefs of selected court cases involving elementary and secondary schools. It is published quarterly by School Administration Publications, P.O. Box 8492, Asheville, NC 28814.

Specialty Law Digest: Education Cases is a monthly compilation of cases and comments published by the Bureau of National Affairs, Inc., Suite 204, 10301 University Avenue, NE, Blaine, MN 55433.

West's Education Law Reporter reprints the full text of Federal and State education law cases. Also included in this series are education articles and comments selected from legal periodicals. It is published by West Publishing Company, 50 W. Kellogg Blvd., P.O. Box 64526, St. Paul, MN 55164-0526.

OTHER SOURCES OF MATERIALS ON LEGAL ISSUES

NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS (NASSP) publishes periodic newsletters and monographs on legal issues, some of which relate to school discipline and student behavior. 1904 Association Drive, Reston, VA 22091. Telephone (703) 860-0200.

NATIONAL ORGANIZATION ON LEGAL PROBLEMS OF EDUCATION (NOLPE) is a nonprofit, nonadvocacy organization that disseminates information about current issues in school law. NOLPE publishes newsletters, serials, books, and monographs on a variety of school law topics; hosts seminars; and serves as a clearinghouse for information on education law. 3601 Southwest 29th, Suite 223, Topeka, KS 66614. Telephone (913) 273-3550.

COUNCIL OF SCHOOL ATTORNEYS, NATIONAL SCHOOL BOARDS ASSOCIATION, provides a national forum on the practical legal problems faced by local public school districts and the attorneys who serve them. This organization conducts programs and seminars and publishes monographs on a wide range of legal issues affecting public school districts. 1680 Duke Street, Alexandria, VA 22314. Telephone (703) 838-NSBA.

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What Schools Can Do

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How the Law Can Help

- 1 Bethel v. Fraser, No. 84-1667, 54 U.S.L.W. 5054, 5056 (July 7, 1986).
- 2 New Jersey v. T.L.O., 469 U.S. 325, _____ (1985).
- 3 2 J. Rapp, Education Law, § 9.06[2] at 9-128 (1986).
- 4 See 21 U.S.C. 845A.
- 5 See 21 U.S.C. 845.
- 6 See, e.g., Zamora v. Pomeroy, 639 F.2d 662 (10th Cir. 1981) (locker search conducted after trained police dog indicated presence of marijuana inside).
- 7 See, e.g., Horton v. Goose Creek Independent School District, 690 F.2d 470, 476-77 (5th Cir. 1982) (en banc) (citing cases and so holding), cert. denied, 463 U.S. 1207 (1983).
- 8 New Jersey v. T.L.O., 469 U.S. at _____.
- 9 Id. at ____.
- 10 Id.
- 11 Bahr v. Jenkins, 539 F. Supp. 483, 488 (E.D. Ky. 1982).
- 12 Martens v. District No. 220, 620 F. Supp. 29 (N.D. Ill. 1985).
- 13 See Horton v. Goose Creek Independent School District, 690 F.2d at 477 (1982); Jones v. Latexo Independent School District, 499 F. Supp. 223 (E.D. Tex. 1980).
- 14 See Doe v. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979), aff'd in relevant part, 631 F.2d 91 (7th Cir.), cert. denied, 451 U.S. 1022 (1981).
- 15 Horton v. Goose Creek Independent School District, 690 F.2d at 477.
- 16 See Odenheim v. Carlstadt-East Rutherford Regional School District, No. C-4305-85E (N.J. Super. Ct. Ch. Div. December 9, 1985); Anable v. Ford, Civ. No. 84-6033 (W.D. Ark. July 15, 1985), modified, (W.D. Ark. September 6, 1985).
- 17 Bethel School District v. Fraser, 54 U.S.L.W. at 5057 (July 7, 1986).
- 18 Goss v. Lopez, 419 U.S. 565 (1975).
- 19 One of the leading cases is Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir.), cert. denied, 368 U.S. 930 (1961).

- 20 See Education of the Handicapped Act, 20 U.S.C. §§ 1400-20, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.
- 21 See generally 20 U.S.C. § 1232g and 34 C.F.R. Part 99.
- 22 The term "education records" is defined as records that are directly related to a student and maintained by or for the education agency or institution. The term does not include certain records maintained by a separate law enforcement unit of an education agency.
- 23 FERPA permits a school to disclose information from education records to its own officials (including teachers) who have a legitimate educational interest in the information. A school may determine in its FERPA policy that one such interest is the need to decide on the appropriateness of discipline.
- 24 An eligible student is a student who is 18 or older or attending an institution of postsecondary education.
- 25 See Board of Education of Rogers v. McCluskey, 458 U.S. 966, 970-72 (1982) (per curiam); see also Tarter v. Raybuck, 742 F.2d 977, 983 (6th Cir. 1984), cert. denied, 105 S. Ct. 1749 (1985).
- 26 See Harlow v. Fitzgerald, 457 U.S. 800 (1982); Wood v. Strickland, 420 U.S. 308 (1975). Under these cases, officials will be immune from personal liability so long as their conduct does not violate clearly established constitutional or Federal statutory rights of which a reasonable person should have known.
- 27 Memphis Community School District v. Stachura, No. 85-410, 54 U.S.L.W. 4771 (June 25, 1986).
- 28 Carey v. Piphus, 435 U.S. 247 (1978).

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Acknowledgments

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Ordering Information

To obtain additional copies of this handbook free of charge, please call the Department of Education's tollfree number:

(800) 424-1616

In the Washington, DC metropolitan area, call 626-9854.

Or write to:

Schools Without Drugs
Pueblo, CO 81009

The Resources Section contains lists of recommended readings and organizations to contact for information and help in combating student drug use.

We welcome your comments on or questions about the material contained in this handbook. Please contact the Department's Information Office at the tollfree number listed above, or write to:

Information Office
U.S. Department of Education
555 New Jersey Avenue, NW
Washington, DC 20208

MEMORANDUM

DEPARTMENT OF EDUCATION
REGION V — CHICAGO



TO: Julie Cave
Office of the Secretary

DATE: Sept. 18, 1986

THRU: Ted Sharp/OIIA ATTN: Andy Gaskins

FROM: David W. Howell *DWH*
Region V

SUBJECT: PRESIDENTIAL BRIEFING [5 pages]
Detroit, MI

Drugs in schools

EDUCATION ISSUES: Heads-up

Detroit

- There is concern that district high school students are carrying beepers to class as part of drug trafficking among students. School board member Joan Gacki is pushing a "beeper ban" because the pagers are disrupting classes.
- Although the Detroit News is supporting stiff penalties for pushers of hard drugs, an editorial (9/12/86) says it "might make sense to decontrol some less harmful substances, such as marijuana."
- With backing from top Wayne County criminal justice officials, the Detroit Public School System has alerted students and parents that random weapons searches -- sweeps -- will remain part of school policy. Although 106 guns were confiscated last year, the ACLU is filing a new lawsuit against such searches. The Detroit AFT supports the ACLU on this issue. Schools are promising to prosecute both young offenders and adults who let children take weapons to school. School safety has, in part, been responsible for a shortage of teachers in the Detroit Public School System.
- A discipline code approved by the Detroit Board of Education permits administrators to suspend high school students up to a semester for possessing drugs, chronic truancy and other serious misbehavior. Under the old policy, students in grades 9-12 could be suspended for only five days for serious infractions of the conduct code. The board was unanimous in approving the new code.

Statewide

- Gov. James Blanchard is pressing the Republican State Senate to pass his state sponsored plan [BEST -- Baccalaureate Education System Trust] which would allow parents to contribute toward the tuition cost of young children to avoid higher tuition fees when the student enrolls in a state institution of higher education. BEST has been passed by the House but GOP Senate Majority Leader John Engler has requested more information before throwing his support toward the plan.

"ENERGYWISE



ECONOMIZE"

- ° For the first time in 10 years, the state will not have to borrow money for education. State Superintendent of Schools Philip E. Runkel has praised the Governor and the MI legislature for approving a \$1.973 billion state school aid bill. Public schools will receive \$545.96 million -- \$304 per pupil. Public education increases included special education, school transportation, compensatory education, and gifted and talented. Some \$700,000 has been earmarked for a pilot program to prevent school dropouts, and \$1 million for early childhood education.
- ° In discussing NCAA Proposition 48 -- the pass/play rule for college athletes, the Detroit News (8/27/86) calls the standards "embarrassingly minimal. University of Michigan's top basketball recruit as well as seven other MI public post secondary recruits will be affected. The editorial suggests that the new rule will force public elementary, junior and high schools "to expand their educational missions to include kids who can hit a curve ball or drill a baseline jump shot."
- ° At the opening of this school year, four MI school districts were on strike: Port Huron, Cass City, Mt. Clemens and Harbor Beach.
- ° In a strike related issue, Lake School school district of St. Clair Shores -- one of 18 Metro Detroit districts -- has been threatened by a strike because of an unprecedented school board proposal to test teachers for drug use. Lake Shore has experienced some drug abuse recently among teachers and other employees. About 200 teachers are employed by the district.
- ° A Republican candidate for the State Board of Education, Patricia Hartnagle, is being supported by Pat Robertson's Freedom Council. A Roman Catholic, Mrs. Hartnagle is one of four candidates nominated by the state GOP convention. She has received a qualified endorsement from GOP gubernatorial candidate William Lucas.
- ° MI schools winning the National Elementary School Recognition Program Award:
Public
 - Ann J. Kellogg School, Battle Creek
 - Doherty Elementary School, West Bloomfield
 - Longstreet Elementary School, Saginaw
 - Orchard Hills Elementary School, Novi
 - Parkwood-Upjohn School, Kalamazoo
 - Quarton Elementary School, Birmingham
 - Shay Elementary School, Harbor Springs
 - Sylvester Elementary School, Berrien Springs
Private
 - Dickinson Area Catholic School, Iron Mountain
 - Holland Christian Middle School, Holland
 - St. John Lutheran School, Rochester
 - St. Lorenz Lutheran School, Frankenmuth
 - St. Mary Cathedral School, Gaylord

LOCAL ACHIEVEMENTS: Items the President may want to mention

- Mrs. Jacquelyne S. Caffey, a reading teacher at Detroit's Davison Elementary School, was been named MI Teacher of the Year for 1986. The first Detroit teacher to win the statewide award, Mrs. Caffey was one of the top four finalists for the National Teacher of the Year. She has a B.S. degree from Tennessee State University and a Master of Education from Wayne State.

Mrs. Caffey will be a panelist for the U.S. Department of Education-funded "Business and Education -- A Time for Plain Talk" conference in Chicago, October 23-24. Co-sponsored by DePaul University and Illinois Bell, the conference will bring together top-level business and education leaders as well as textbook publishers from across the nation to discuss strategies for infusing "work ethic values" into the education curriculum at elementary, secondary and postsecondary levels. Funding is from a Secretary's "3 Cs" discretionary grant.

[Special Higher Education Information attached -- 2 pages]