

# Case study

Education



Education Case Brief Citation: Barr v Bernhard (1978) Issue: Was Bernhard's accident as a result of the school and some of its employees' negligence?

Holding: The court held that the statute got violated because the professional employees in school are not liable for acts committed by students or other employees and requires them to exercise their judgment or discretion (Leagle. com, 2014). Employees were liable in instances when there was use of excessive force when it came to student disciplinary actions that resulted in student injuries (Wasserman, 2004).

Reasoning: There were two weighing interests on Tivy High School. One, the court held that it was not accurate to say that negligence comes as a result of an act or omission of that individual. Secondly, employees were only liable for negligence when their acts result in students' bodily injury.

Significance: The Barr v Bernhard case served as a catalyst for the human rights movement to have the legislature change statutes that do not correlate with the legislative's intents in a constitution. This case was decided many years ago and eight years after the court's decision, the legislature had not changed the statute.

## Case Brief 2

Citation: Goss v Lopez (1975)

Issue: Is suspension from public schools without a hearing just to student's rights under the Fourth Amendment?

Holding: The United States Supreme Court held that before a student from a public school is subjected to a suspension, the student should get the chance to explain his or her actions in a hearing (Find Law, 2015). According to Emanuel and Emanuel (2008) and Wasserman (2004) giving suspensions without a hearing violates the American constitution. The court held that <https://assignbuster.com/case-study-essay-samples-38/>

suspending students from public schools without a hearing was in violation to the due process clause, stipulated in the Fourth Amendment of the constitution.

Reasoning: Central High School where the nine students got suspended violated the due process clause because the students got suspended without first going through the school board's hearing process. Though the students destroyed the school property which resulted to a disruption of learning the students were still entitled to education which was taken away when they got suspended. According to Cole & Smith (2007) and Alexander and Alexander (2011) students have an entitlement to their due process of the law stipulated in the constitution

Significance: This case forms a basis as an example for other future cases where students' rights to public education get violated.

#### References

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