

# [The meant to protect the people of](https://assignbuster.com/the-meant-to-protect-the-people-of/)

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The above flowchart shows thedifferent levels of the U. S. court system from the federal Supreme Court downto the local courts of Philadelphia.

Pennsylvania is unique in the fact thatthey have the State Supreme Court, and under that they have two courts, thesuperior court and the commonwealth court. The commonwealth court will onlyhear and proceed over government cases, where the superior court hears anddeals with civil or criminal appeals. The PA Supreme Court will then hearappeals from these two courts and determine if they will be reconsidered andheard in the PA Supreme Court. The importance of the Bill of Rights whenlooking at educational law cases is analyzed as well as examples of cases thatwere heard from each level of the judicial process in Pennsylvania. The Bill ofRights plays a very important role when it comes to student’s rights, schoollaws, and court cases that may have come from the public education system. TheBill of Rights is the first 10 amendments of the US Constitution, and they arerights that are meant to protect the people of the United States and limit thepower of the government.

These rights allow freedom of religion, speech, protection from illegal search and seizure, as well as general rights andliberties of citizens.  The impact that the Bill of Rights has onschool laws ties directly to students rights as well as schools acting as apublic affiliation that must obey the constitutional rights of its citizens. Anexample would be the 4th amendment, and schools who may try to illegal searchstudents or student’s belongings.  If astudent were suspected of having or bringing drugs to school to sell, theschool has rights within the school to search the student’s bags or locker.

However, the school would need to obtain a court issues search warrant to thensearch the same student’s home. Another example is the freedom of speech andfreedom to practice religion. Schools cannot force students to say the pledgeof allegiance if the student decides they do not want to because of the line” under God”. Such examples are tied directly to the Bill of Rights and theprotection of citizens under these rights.  Federal Case- Church-State InteractionUnited States Supreme CourtABINGTON SCHOOL DIST. v.

SCHEMPP,(1963)No. 142Argued:     Decided: June 17, 1963 This case was looked and in 1963 when a family ofAbington Township (Where my fiancé went to school), felt as if the studentswere being forced to participate in a bible reading program. At the time, aPennsylvania state law required that students start each day with verses fromthe bible. Schempp argued that this was against the 1st and 14thamendment.  The argument that was usedwas simple, and stated that the U. S.

Government cannot have an establishedreligion, and in a public school cannot have children forced to participate ina religious activity. His court case went all the way to the top and made it tothe U. S Supreme Court. Schempp won the case in a 8-1 decision and the supremecourt ruled that a violation of the School to forcibly make studentsparticipate in a school sponsored religious activities.  State Case: School Funding William Penn SDet. al.

v. Pa. Dept. of Education et. al. (Pa., 2015)            Not Yet DecidedThis case also hits very close to home and has todo with state funding and is still currently in the PA Supreme Court.

It isalso very important as it has forced school districts as well as stategovernments to look at how schools are funding, and ensures equal funding toall students. The basis ofthe lawsuit states that state education officials and the Governor failed toprovide a system of public education that gives students in Pennsylvania anequal opportunity to have success in today’s world as well as meet statewideeducational standards.   This case looksat the way schools are funded, and how school funding is driven by the wealthof specific communities. The suit says that school districts are not receivingproper funding or do not have adequate funds to provide a quality education.

Ifelt this case was important because it is very current, and shows that thequestion of equal education needs to be more clearly defined in the courtsystems.  Local Case: Teachers Rights The SCHOOL DISTRICT OF PHILADELPHIA, Petitioner v. EllisJONES, Respondent. Ellis Jones, Petitioner v. The School District ofPhiladelphia, Respondent. Nos.

2150 C. D. 2013, 2230 C.

D. 2013. Decided: June 02, 2016 The Case above was settled in the CommonwealthCourt of Philadelphia regarding a teacher who had been fired for inappropriatebehaviors. He then sued the school district stating that they failed to properly follow PennsylvaniaSchool Code in terminating him.  Thecourt ruled in favor of Jones, and ruled that he be reinstated and receiveretroactive salary payment.  The districtused evidence gathered from students and other staff to report that Jones hadused vulgar or inappropriate language in front of children on a variety ofoccasions. The actions were actually not denied or claimed to be false, it wasthe fact the SD of Philadelphia failed to follow the proper termination steps, and therefore he was reinstated and reimbursed for lost work time.

This case isdirectly related to teacher’s rights as well as protection of teacher’scontracts under union laws.