

The meant to protect
the people of

Education



The above flowchart shows the different levels of the U. S. court system from the federal Supreme Court down to the local courts of Philadelphia.

Pennsylvania is unique in the fact that they have the State Supreme Court, and under that they have two courts, the superior court and the commonwealth court. The commonwealth court will only hear and proceed over government cases, where the superior court hears and deals with civil or criminal appeals. The PA Supreme Court will then hear appeals from these two courts and determine if they will be reconsidered and heard in the PA Supreme Court. The importance of the Bill of Rights when looking at educational law cases is analyzed as well as examples of cases that were heard from each level of the judicial process in Pennsylvania. The Bill of Rights plays a very important role when it comes to student's rights, school laws, and court cases that may have come from the public education system. The Bill of Rights is the first 10 amendments of the US Constitution, and they are rights that are meant to protect the people of the United States and limit the power of the government.

These rights allow freedom of religion, speech, protection from illegal search and seizure, as well as general rights and liberties of citizens. The impact that the Bill of Rights has on school laws ties directly to students rights as well as schools acting as a public affiliation that must obey the constitutional rights of its citizens. An example would be the 4th amendment, and schools who may try to illegally search students or student's belongings. If a student were suspected of having or bringing drugs to school to sell, the school 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 then search the same student's home. Another example is the freedom of speech and freedom to practice religion. Schools cannot force students to say the pledge of 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 the protection of citizens under these rights. Federal Case- Church-State Interaction United States Supreme Court ABINGTON SCHOOL DIST. v.

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

Government cannot have an established religion, and in a public school cannot have children forced to participate in a religious activity. His court case went all the way to the top and made it to the U. S Supreme Court. Schempp won the case in a 8-1 decision and the supreme court ruled that a violation of the School to forcibly make students participate 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 Decided This case also hits very close to home and has to do with state funding and is still currently in the PA Supreme Court.

It is also very important as it has forced school districts as well as state governments to look at how schools are funding, and ensures equal funding to all students. The basis of the lawsuit states that state education officials and the Governor failed to provide a system of public education that gives students in Pennsylvania an equal opportunity to have success in today's world as well as meet statewide educational standards. This case looks at the way schools are funded, and how school funding is driven by the wealth of specific communities. The suit says that school districts are not receiving proper funding or do not have adequate funds to provide a quality education.

I felt this case was important because it is very current, and shows that the question of equal education needs to be more clearly defined in the court systems. Local Case: Teachers Rights The SCHOOL DISTRICT OF PHILADELPHIA, Petitioner v. Ellis JONES, Respondent. Ellis Jones, Petitioner v. The School District of Philadelphia, Respondent. Nos.

2150 C. D. 2013, 2230 C.

D. 2013. Decided: June 02, 2016 The Case above was settled in the Commonwealth Court of Philadelphia regarding a teacher who had been fired for inappropriate behaviors. He then sued the school district stating that they failed to properly follow Pennsylvania School Code in terminating him. The court ruled in favor of Jones, and ruled that he be reinstated and receive retroactive salary payment. The district used evidence gathered from students and other staff to report that Jones had used vulgar or inappropriate language in front of children on a variety of occasions. The actions were

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actually not denied or claimed to be false, it was the 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 is directly related to teacher's rights as well as protection of teacher's contracts under union laws.