**MASSACHUSETTS SCHOOL OF LAW**

**Education Law Fall 2025**

**Instructor**: Will Marmion
**Office Hours**: Tuesday and Thursday 5-6 PM

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**Materials:**

* M.G.L. Chapters 69-76 (Massachusetts General Laws on Education)
* Selected case law and journal articles (provided)
* 603 CMR 28.00 — Massachusetts Special Education Regulations
* Massachusetts General Laws (M.G.L.) Chapter 71B
* Individuals with Disabilities Education Act (IDEA)

**Grading: Mid-term 25%, Final 50%, 25% Student Paper Critique of a Prior BSEA Finding. Student participation and preparation for class is required. Students will be assigned one case to brief each class. The cases will be assigned the prior week.**

**Course Description:**

This course examines the legal foundations of education in the United States, with a focused lens on Massachusetts law. Topics include student rights, teacher protections, special education, discipline, finance, liability, and current legal controversies in public education. Emphasis is placed on statutory interpretation, constitutional analysis, and practical implications for educators and administrators.

 **Course Objectives:**

By the end of this course, students will be able to:

* Interpret and apply major legal principles affecting public education.
* Understand and analyze Massachusetts-specific education statutes and regulations.
* Evaluate the constitutional rights of students and teachers.
* Identify legal challenges and develop policies compliant with law and best practices.

**Weekly Schedule**

**Week 1 August 19 and 21: Introduction to Education Law & Legal Framework**

* Federal vs. state roles in education
* Massachusetts Right to an Education
* The **Massachusetts Constitution** guarantees the right to education through **Part II, Chapter V, Section II**
* Overview of MA Department of Elementary and Secondary Education (DESE)
* M.G.L. ch. 69
* M.G.L. ch.76
* *McDuffy v. Secretary of the Executive Office of Education (1993)*
* *Hancock v. Commissioner of Education (2005)*
* *City of Boston v. Board of Education (1979)*

**Week 2 August 26 and 28: The U.S. Constitution & Massachusetts Constitution**

* 1st, 4th, 5th, and 14th Amendments
* MA Declaration of Rights
* *Brown v Board of Education*

### ***San Antonio Independent School District v. Rodriguez (1973)***

### *Plyler v. Doe (1982)*

### *Lau v. Nichols (1974)*

**Week 3 September 2 and 4: Student Rights – Speech**

* Free speech in schools (including social media)
* *Tinker v. Des Moines*
* *Doe v. Superintendent of Schools of Stoughton (1994)*
* *Bethel School District v. Fraser (1986)*
* *Hazelwood School District v. Kuhlmeier (1988)*
* *Mahanoy Area School District v. B.L. (2021)*
* *Pyle v. South Hadley School Committee (1996)*

**Week 4 September 9 and 11: Student Rights – Religion**

* Establishment vs. Free Exercise Clauses
* Religious expression and curriculum
* Lemon Test
* *Engel v. Vitale (1962)*
* *Abington School District v. Schempp (196*3)
* *Wisconsin v. Yoder (1972)***)**
* *Santa Fe Independent School District v. Doe (2000)*
* *McCollum v. Board of Education*
* *Curtiss v. School Committee of Falmouth (1990)*
* *Lemon v. Kurtzman* *(1971)*
* *Kennedy v Bremerton School District (2022)*

**Week 5 September 16 and 18: Student Rights – Privacy**

* School searches and seizures (4th Amendment)

### ***New Jersey v. T.L.O. (1985)***

### *Board of Education v. Earls (2002)*

### ***Vernonia School District 47J v. Acton*** *(1995)*

### *Safford Unified School District v. Redding*

### *Commonwealth v. Snyder (1992, 413 Mass. 521)*

### *Commonwealth v. Smith (2008, 72 Mass. App. Ct. 175)*

**Week 6 September 23 and 25: Civil Rights and Discrimination**

* Title IX, Title VI, Title VII
* Bullying and harassment (M.G.L. ch. 71 §37O)
* Gender identity and LGBTQ+ protections
* *Cannon v. University of Chicago (1979)*
* *Grove City College v. Bell (1984)*

### ***Franklin v. Gwinnett County Public Schools (1992)***

### *Gebser v. Lago Vista Independent School District (1998)*

### *Davis v. Monroe County Board of Education (1999)*

**Week 7 September 30 and October 2: Compulsory Attendance & Homeschooling**

* M.G.L. ch. 76
* CRA (Child Requiring Assistance)
* Homeschooling legal requirements in MA
* ***Commonwealth v. Roberts****, 159 Mass. 372 (1893)*
* ***Commonwealth v. Edelin,*** *371 Mass. 497 (1976)*
* *Care and Protection of Charles case*
* ***Massachusetts Board of Education v. School Committee of Springfield,*** *382 Mass. 665 (1981)*
* *Millis Public Schools v MP, 478 Mass. 767*

**Week 8 October 7 and 9: Discipline, Suspension, and Expulsion**

* Student due process rights
* *Commonwealth v DOE*
* MA Student Discipline Law (M.G.L. ch. 71, §37H, 37H½, 37H¾)
* ***Doe v. Worcester Public Schools*** *(SJC‑12827, 2020)*
* ***Goodwin v Lee Public Schools***
* ***Honig v DOE (1988)***
* ***Doe v. Superintendent of Stoughton Schools (****2002)*
* Manifestation Meetings

**Week 9 October 14: Juvenile Law for Students**

* **Massachusetts Juvenile Justice Reform Act 2018**
* *Commonwealth v. A Juvenile (No. 1), 396 Mass. 108 (1985)*
* *Commonwealth v. Mogelinski, 466 Mass. 627 (2013)*
* *Commonwealth v. Humberto H., 466 Mass. 562 (2013)*
* Commonwealth v. Wallace W., 482 Mass. 789 (2019)

**Week 9 October 16: School Residency, and School Choice**

* MGL Chapter 76.5 Review
* School Choice, Inter‑District School Choice (Public schools)
* Charter Schools (Publicly funded, independent public schools)
* METCO (Voluntary desegregation public-transfer program)
* **McKinney‑Vento Homeless Assistance Act**
* Chapter 70 funding formula
* Student Opportunity Act (2019)
* *McDuffy v. Secretary of the Executive Office of Education*

**Week 10 October 21 and 23 Mid Term Review and Mid Term**

**Week 11 October 28 and 30: Teacher Rights and Employment Law**

* Tenure, evaluation, dismissal
* Collective bargaining in MA (M.G.L. ch. 150E)
* Mandated reporting (M.G.L. ch. 119, §51A
* *Board of Education v. School Committee of Quincy*
* *Jackson v. Birmingham Board of Education (2005)*
* *North Haven Board of Education v. Bell (1982)*
* *Atwater v. Commissioner of Education (2011)*
* Boston Teachers Union v. Boston School Committee (2024)
* *Sch. Comm. of Lexington v. Zagaeski (2014)*

### ***Garney v. Massachusetts Teachers' Retirement System (2014)***

**Week 12 November 4 and 6: IDEA Students with Disabilities in Education**

* *PARC v. Commonwealth of Pennsylvania and Mills v. Board of Education (1971)*
* 1975 – Education for All Handicapped Children Act (EAHCA) – Public Law 94-142
* 1990 – Reauthorization and Renaming to IDEA

###  ****Major Amendments (1997)****

* Strengthened the role of parents in the IEP process.
* Required students with disabilities to have access to the general education curriculum.
* Increased accountability by requiring measurable outcomes.
* Added discipline provisions for students with disabilities.

### ****2004 – IDEA Improvement Act (IDEIA)****

* Aligned with the No Child Left Behind Act (NCLB).
* Promoted early intervention services.
* Introduced the **Response to Intervention (RTI)** model.
* Allowed for alternative methods for identifying learning disabilities.
* Increased emphasis on qualified teachers and accountability.

**603 CMR 28.00 — Massachusetts Special Education Regulations**

**Massachusetts Oversight of IDEA and 603 CMR 28.00**

Bureau of Special Education Appeals (BSEA)

The **Bureau of Special Education Appeals (BSEA)** is an independent administrative body under Massachusetts's **Division of Administrative Law Appeals**. It handles due process hearings and issues rulings regarding special education rights, including eligibility, IEPs (Individualized Education Programs), placements, and procedural protections under both federal and state laws (IDEA, M.G.L. c. 71B, Section 504)

Administrative Exhaustion

**Week 13 November 13**

**Least Restrictive Environment**

* Roland M. and Miriam M. v. Concord School Committee (First Circuit, 1990)
* Kathleen H., Larry H., Daniel H. v. Massachusetts Department of Education (First Circuit, 1998)
* Cohasset Public Schools – BSEA #09‑4922 (2009)
* ***G.D. v. Swampscott Public Schools*** *(BSEA + federal appeal) (2018)*

**Week 14 November 18 and 20**

**FAPE**

* ***In re: Agawam Public Schools & Melmark‑New England (BSEA #15-04488)***
* *In Re: Georgetown Public Schools, BSEA # 2304527(2023)*

**Burlington Carter Test**

* *Burlington v. Department of Education — 471 U.S. 359 (1985)*
* ***In Re: Arlington Public Schools, BSEA # 1402072 (2014)***
* In Re: Student v. Boston Public Schools, BSEA # 2105319 (2021)
* In Re: Lincoln-Sudbury Regional School District, BSEA # 1509341 (2016)

**Substantive v Procedural Due Process**

**Week 15 November 25**

**Manifestation Determinations**

* *In Re: Nashoba Regional School District (BSEA #09-7512)*
* ***In Re: Student v. Boston Public Schools (BSEA #08-6662***
* *In Re: Student and Springfield Public Schools (BSEA #1709447)*
* In Re: Worcester Public Schools (BSEA #06-2540)

**Week 16 December 2**

**504 Plan**

### ***In Re: Marblehead Public Schools (BSEA # 04-5414)***

### *In Re: Barnstable Public Schools (BSEA # 06-4905)*

### *In Re: Student v. Boston Public Schools (BSEA # 1609343*)

### ***In Re: Newton Public Schools (BSEA # 01-3941)***

### *In Re: Wachusett Regional School District (BSEA # 07-2584)*

### Final - Date TBD