South Dakota State University

SEED 410: Curriculum and Instruction in Middle and Secondary Schools
CTE 419: Methods of Teaching
AGED 434: Special Methods of Agricultural Education

Major Laws Related to Students’ Rights and Teacher Responsibilities: Equal education; appropriate education for students with special needs; confidentiality and privacy; appropriate treatment of students; and reporting in situations related to possible child abuse

The power to regulate education is a power that is reserved to the states by the U.S. Constitution. The federal government can only control and/or regulate education (e.g. NCLB) if that control is related to the provision of funds or the protection of citizens from discrimination or other violation of Constitutional rights.

Federal regulations that impact teachers.

- **No Child Left Behind (NCLB)** impacts all schools that receive Title I money. It includes provisions for “Adequate Yearly Progress” (AYP), “Highly Qualified Teachers” (HQT) in every classroom, and school choice for those families with children in low performing or unsafe schools.

- **Family Educational Rights and Privacy Act (FERPA)** 1974 This act guarantees a parent the right to his/her child’s educational records and precludes the school from sharing those records with anyone who does not have “genuine need” for such records or parental permission to see such records. FERPA does not forbid peer grading of papers, nor does it give the student the right to challenge a teacher’s grading system or assessment procedures.

- **The General Education Provisions Act** includes amendments that require all instructional materials, and all materials connected with research and experimentation to be available to students’ parents, and that ensure no student could be a participant in a federal or state mandated survey or evaluation without parental consent.

- **Constitutional Amendments 1, 8, and 14** Students rights to free expression and due process cannot be violated by the school or its agent unless there is a threat to the educational environment or the safety or welfare of other students.

- **Americans with Disabilities Act (ADA)** Prevents schools from discriminating against any individual on the basis of a disability.

- **Individuals with Disabilities Education Act (IDEA)** Guarantees children with disabilities access to a free and Development of this review sheet was made possible by funding from the US Department of Education through South Dakota’s EveryTeacher Teacher Quality Enhancement grant.
appropriate public education. It also requires that children be educated in the “least restricted environment” possible based on what the child needs to function effectively.

State regulations

• All states have compulsory attendance laws. Most states require students to attend until age 16 or until graduation from High School, whichever comes first.

• All states require teachers to report suspected cases of child abuse or neglect. The SD statute is verbatim below. It is typical of what other states have put in place.

26-8A-7. Child abuse or neglect reports by school personnel -- Failure as misdemeanor -- Written policy required. Any person who has contact with a child through the performance of services in any public or private school, whether accredited or unaccredited, as a teacher, school nurse, school counselor, school official or administrator, or any person providing services pursuant to § 13-27-3 shall notify the school principal or school superintendent or designee of suspected abuse or neglect. The school principal or superintendent shall report the information in accordance with the provisions of § 26-8A-8. Any person who knowingly and intentionally fails to make a required report is guilty of a Class 1 misdemeanor. Each school district shall have a written policy on reporting of child abuse and neglect.

• Some states specifically prohibit the use of corporal punishment. Although the U.S. Supreme court has ruled that corporal punishment is not “cruel and unusual”, it did establish very restrictive parameters under which corporal punishment can be delivered. Very few schools, even in the states where it is not expressly prohibited, allow corporal punishment because of the potential for abuse and the difficulty of using it in effective and legally acceptable ways.