

STUDENT RIGHTS/DISCRIMINATION

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10.1 OVERVIEW

Much of the recent state and federal legislation and case law focuses on student rights. Passage of the Family Educational Rights and Privacy Act by Congress in 1974 opened an entirely new range of issues for educational administrators (discussed in Section 10.5); so did passage of the Americans with Disabilities Act in 1990 (explored in Section 10.4). In addition, courts have struggled with how to prevent sexual harassment of students (the subject of Section 10.2), the role affirmative action should play in the admission of students (Section 10.3), how far the First Amendment should be applied in protecting student speech (Section 10.6), and how to avoid discrimination in financial aid (Section 10.7). (This chapter does not address

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student rights relating to religion. Section 9.5 analyzes restrictions on prayers, religious observances, and interjections of religion into the classroom and curriculum, and Section 11.4 discusses religious organizations and use of campus facilities for extracurricular activities.)

Administrators who are familiar with the scope and substance of student rights—and who follow the preventive law practices discussed throughout this chapter—can help minimize student litigation against educational institutions.

