

# Collision of Individual Rights in Schools

By Eric G. Rodriguez



## Schools are Unique Settings

“School attendance can expose students to threats to their physical safety that they would not otherwise face.”

“Students may be compelled on a daily basis to spend time at close quarters with other students who may do them harm. Experience shows that schools can be places of special danger.”

Justice Alito: *Frederick v. Morse* (2007)

## When Rights Collide

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- School Safety vs. Appropriate Education
- Parents and Schools – Balancing Interests under the IDEA
- Competing Accommodations and Services Animals
- Student Expression and School Safety

## Managing Student Behavior

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- Considerations under the Student Code of Conduct
  - Self-defense
  - Intent or lack of intent
  - Student's discipline history
  - Disability the substantially impairs the student's capacity to appreciate the wrongfulness of conduct
- Removal of Student by Teacher
- FAPE and Behavior

## The Dangerous Special Education Student

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*Wayne-Westland Community Schools v. V.S.*

- School's request for injunction – preventing student to return to campus
- Amount of evidence presented established extreme risk of imminent and irreparable harm to students and staff

## The Dangerous Special Education Student

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*Troy School District v. K.M.*

- Also a request by School for an injunction preventing student's return to school
- School's failure in implementing IEP resulted in the Court's denial of School's request for injunction

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## Title search: Collision of Individual Rights in Schools

Also available as part of the eCourse

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First appeared as part of the conference materials for the

32<sup>nd</sup> Annual School Law Conference session

"Collision of Individual Rights"