Education Law Research Guide

Purpose and Scope: This research guide is intended to help Campbell Law students locate resources on education law. To that end, it focuses on education law-specific resources and not on general resources. Prepared for Professor Lukasik’s Education Law Class, spring semester 2013.

Treatises
Education law treatises and looseleafs are located starting at call number KF4119. Also, please remember that if you find any relevant books that the library does not have, you can request them through interlibrary loan. Just fill out this form (found on our library’s homepage). Please keep in mind it typically takes 7-10 business days for a book to arrive. Listed below is a selected bibliography of treatises and looseleafs that we have available in our collection.

Education Law by James A. Rapp (1984- updated regularly)
- Authoritative analysis of federal and state statutes and cases affecting public and private educational institutions at all levels. It includes such topics as: banning of books, school prayer, AIDS-affected students, tax-exempt status for parochial schools, funding accreditations, tort liability, guidance on collective bargaining strategies, drafting codes of student conduct and conducting student searches, tables of state legislation concerning important issues facing educational institutions, and more.
- Lexis Advance → Browse Sources → search sources “Rapp, Education law”

- A practitioner-oriented treatise that covers topics such as admission policies, preferential hiring, search and seizure, release of students’ records, religion in schools, disciplinary procedures, home schooling requirements, civil rights and discrimination, controlling school violence, zero tolerance policies, regulation of student conduct, and more.
- KF4119.G47 2007

Practical Education Law for the Twenty-First Century by Victoria J. Dodd (2010)
- Single-volume treatise covering topics such as school finances, school search and crime issues, residency and fee issues, basic labor law, alternative education and vouchers, injuries to students, athletics, and the overall organization and regulation of public education.
- KF4119 .D63 2010

Public School Law: Teachers' and Students' Rights by Stephen B. Thomas et al. (2006)
- Single volume focusing on the law concerning public schools. Half of this treatise focuses on the rights of students, including such topics as religious rights, school attendance, privacy rights, free speech, extracurricular activities, student classifications.
(race, language, ability, age, and sex), students with disabilities, and discipline. The other half focuses on the rights of teachers, mostly covering employment law.

- KF4119 .M38 2009

**LAW REVIEWS**

To research law reviews there are 5 major databases Campbell Law students have access to. To conduct thorough research, it is important that you search multiple databases, because, while much of the content of these databases overlaps, not all of it does. If you only search one database (particularly Westlaw or Lexis) you are going to miss available articles.

**Westlaw**—Westlaw has access to over 1,100 journals, but full coverage begins in 1994 with only selected coverage before then. However, it has all full-text and sophisticated search capabilities.

**LexisNexis**—LexisNexis provides access to about 800 journals with coverage beginning in 1982 (Lexis is unclear as to whether that’s full-coverage or only selective). However, it has all full-text and sophisticated search capabilities.

**Index to Legal Periodicals and Books (full-text and retrospective)**—Indexes over 750 publications, many going back as far as 1908. Because it is an index, it does not provide full-text access to all the articles it indexes, however, you most likely have access to the full text through another one of our databases. Search for the publication title through Camelcat. If you have any difficulties finding the full-text, email a reference librarian (either Caitlin Swift at swiftc@law.campbell.edu or Stephen Chan at Chans@law.campbell.edu) and we would be happy to locate it for you.

**LegalTrac**—Indexes over 2,100 titles, so is much broader than Westlaw or Lexis, with coverage beginning in 1980.

**HeinOnline**—HeinOnline is a library of PDFs. It’s search function is archaic, so I don’t recommend using it to research a topic, but rather to retrieve a PDF of an article you found using any of the above databases. The collection contains over 1,700 publication with coverage beginning with the first issue.

**INTERDISCIPLINARY RESEARCH**

If you are looking for related articles that are not primarily focused on law, then you might want to search in interdisciplinary databases, particularly those focused on education publications. These are available to you through the main campus library webpage, and the full list of education databases available are listed [here](#). A selected few are highlighted below.

**ERIC (Education Resources Information Center) Database**

A national information system funded by the U.S. Department of Education’s Institute of Education Sciences to provide access to education literature and resources. It contains more than 1 million abstracts of education-related documents and journal articles going back to 1966.

**Academic Search Complete**

Index containing over 13,000 academic publications, over 9,000 of which are full-text.
FEDERAL STATUTORY RESEARCH
The bulk of federal statutes dealing with education are codified in Title 20 of the United States Code, BUT, not all. If you need a refresher on how to conduct statutory research, Georgetown Law Library has a good online tutorial, available here. DO NOT FORGET TO UPDATE your statutory research in Westlaw (keycite) or LexisNexis (Shepard’s) to ensure you haven’t missed any enacted or pending amendments.

- Westlaw Classic (NOT WestlawNext) has a database of only parts of the United States Code Annotated that deals with education.
  Database Identifier: FED-USCA

FEDERAL LEGISLATIVE HISTORY
Legislative history is comprised of the events and documents created during the enactment of a bill. This can include documents such as earlier versions of the bill, committee reports, transcripts of floor debates, etc. You use legislative histories to try to determine legislative intent—i.e. what Congress intended the law to accomplish.

Proquest Legislative Insight
A brand new resource that is very easy to use. Simply search for your law in the main search box (i.e. “Individuals with Disabilities Education Act”), click on the result that matches the law you are looking for, and find a compiled collected of PDFs of all the documents that make up the legislative history of your law.

- NOTE: Not every law is included in this database. If your law is not included, never fear, we have other resources (one of which is Proquest Congressional Publications—see below), they just aren’t quite as simple to use. Please see a reference librarian for assistance.

- NOTE: Legislative Insight ONLY includes legislative history of enacted laws, not for bills that were never passed.

Proquest Congressional Publications
Congressional Publications is another tool for finding legislative history materials. It is not as simple to use as Legislative Insight, however, it includes many more publications than Insight. For example, a report that was issued for an law which was never passed may be included in Congressional Publications but would not be in Legislative Insight because Legislative Insight only includes enacted laws. Use this database if the law you’re interested in is not available in Legislative Insight, or if you want to research congressional publications generally related to your research.

- NOTE: CRS Reports—The Congressional Research Service (CRS) is a nonpartisan research arm of the legislative branch which prepares research papers on topics of interest to members of Congress. These reliable reports cover a wide array of subject matter, and often include updates on the impact of a specific law.
CASE LAW
Westlaw Classic (NOT WestlawNext) and LexisNexis.com (NOT LexisAdvance) have education case law-specific databases.

Westlaw (NOT WestlawNext)
- Federal education cases (1789 - current): FED-CS
- U.S. Supreme Court education cases (1790-current): FED-SCT
- U.S. Courts of Appeal education cases 1891-current): FED-CTA
- U.S. District Courts education cases (1789-current): FED-DCT
- State education cases (coverage varies by state): MED-CS
- Also provides education case databases for each state. The database identifier is formed by the two letter state abbreviation then ED-CS. So North Carolina education cases is NCED-CS, Colorado is COED-CS, etc. (Coverage varies by state).

LexisNexis.com (NOT LexisAdvance)
- Federal education law cases (coverage varies by court)
  Legal → Area of Law – By Topic → Education Law → Find Cases “view more”→
  “Federal Education Law Cases”
- Federal and state education law cases (coverage varies by court)
  Legal → Area of Law – By Topic → Education Law → Find Cases “view more”→
  “Federal and State Education Law Cases”
- State education law cases (coverage varies by state)
  Legal → Area of Law – By Topic → Education Law → Find Cases “view more”→ “State Education Law Cases”

Print
  This product covers selected state and federal education cases beginning in 1982. To locate sections on your topic, use West’s Education Law Digest (see below).
- KF4110.A23

West’s Education Law Digest
- Digest using West’s Keynumber system. Use these books as you would any digest to locate relevant cases and materials in West’s Education Law Reporter.

FEDERAL ADMINISTRATIVE LAW
Much of education law is controlled by agency regulations so to conduct thorough research you will need to conduct some administrative law research.

Regulations
Most of the regulations implementing education policies are codified in Title 34 of the Code of Federal Regulations. You can browse or search the CFR in either Westlaw or LexisNexis,
among other places. If you need a refresher on how to conduct regulatory research, Georgetown Law provides a good tutorial [here](#). **DO NOT FORGET** to update your research!

- Westlaw Classic (NOT WestlawNext) also has a searchable database of only education-related regulations. Database Identifier: FED-CFR

**Federal Register**
The Federal Register is a daily publication of the US federal government that includes proposed and final administrative regulations of federal agencies. You can browse or search it either in Westlaw or LexisNexis, at [www.FederalRegister.gov](http://www.FederalRegister.gov), among other places.

A government website that has much of the same content as the Federal Register, such as agency notices and rules, but also includes other materials such as public comments and other related documents.

**U.S. Department of Education**
The U.S. Department of Education is the federal agency responsible for the vast majority of federal education regulations. Their website contains helpful materials such as guidance documents, policy statements, research reports, statistics, and more.

- Westlaw (NOT WestlawNext) has a database of U.S Department of Education Decisions going back to 1987. Database identifier: FED-ADMIN

**NORTH CAROLINA ADMINISTRATIVE LAW**

**NC State Board of Education**—State agency responsible for supervising and administering the public school systems of North Carolina.

**NC Department of Public Instruction**—department responsible for overseeing North Carolina public schools.

**MISCELLANEOUS WEBSITES**

**GAO Reports (1971-present)**
The Government Accountability Office is an independent, nonpartisan body that investigates how the federal government spends taxpayer dollars. It issues various reports on a variety of topics, such as education.


**National Conference of State Legislatures**
The NCSL is a nongovernmental, nonpartisan organization that provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing of state matters. Their website has a section specifically dealing with issues in education, available [here](#).

**Education Commission of the States**
A non-profit, non-partisan organization with representatives from almost all states, territories,
and the District of Columbia. State representatives include each state’s governor, along with legislators, chief state school officers, and state and local school board members. The organization provides compilations, summaries and/or comparisons of state policies, enacted or pending, on a wide variety of education topics.