

TRENDS IN EDUCATION-RELATED LITIGATION: 1986-2004

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TRENDS IN EDUCATION-RELATED LITIGATION: 1986-2004

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Dedicated in Loving Memory of my father,

Lark M. Anderson

“Better to light a candle than curse the darkness”

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Trends in Education-Related Litigation: 1986—2004

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ABSTRACT

TRENDS IN EDUCATION-RELATED LITIGATION: 1986-2004

Much of what is believed about the amount and types of litigation in education is based on hunches and impressions rather than empirical research. This study provides a more accurate statistical picture of trends in education-related litigation in recent years than has previously been available. The study has two main parts. The first part is an analysis of reported cases from 1986-2004 found in the Westlaw database. The second part is a national survey of litigation experience of school districts across the country for the years 2001-2004. The main findings of this study are that the total amount of education-related litigation has grown only modestly during the years studied, that the rate of growth has been about the same as the growth of the number of students attending school in the same period, that the major area of litigation growth has been in the category of special education, that the two largest areas of litigation are negligence and special education and that, on average a school district can expect to be sued once per 3200 students per year. The study concludes that although there is not a litigation crisis in education, schools could and should do a more effective job preventing litigation. Knowing which areas of educational practice carry the greatest risk of litigation and accurately understanding the trends in litigation in general can help equip school administrators to improve practice and avoid unnecessary lawsuits.

TRENDS IN EDUCATION-RELATED LITIGATION: 1986-2004

Introduction

The law both creates and limits the powers of public schools. The law empowers school boards to create and fund schools and school districts, but also protects the rights of the individuals who make up the school system. For example, school boards have the legal right to set forth disciplinary policies for pupils, but each and every pupil is protected by the same legal system to provide for their right to due process. Although the legal system is designed to work for the benefit of all, many times it results in conflict. School districts are charged with the important task of providing every child a high quality public education. Schools serve many different individuals and are faced with the challenging task of finding the policies and practices that will benefit all. Inevitably, conflict will arise when trying to accommodate for so many different people, their different needs and even different desired outcomes.

As school districts come under more and more scrutiny both in the public eye and by high stakes testing required by the government, knowledge of the law by school administrators is becoming more and more crucial. Legislation has changed and evolved throughout recent years to hold schools and school districts more accountable for the services it provides and the outcomes achieved by its students (Zirkel, 1998).

The two-fold purpose of this study is to determine the magnitude of education-related litigation from 2001-02 to 2003-04 and to examine the rates of change in

education-related litigation overall and within selected categories from 1986 to 2004. The interpretation of these results will yield direction and recommendations for school districts so that they might reduce their vulnerability to future lawsuits.

Without accurate knowledge of the trends of education-related litigation, school decision makers are left to make policy choices based on guesses, faulty assessments, and emotions, rather than more accurate choices based on empirical research. Moreover, school administrators are faced with many decisions daily, and accurate knowledge and awareness of the trends in education-related litigation as well as the implications of education law will help them to reduce the threat of litigation and improve practice. The more well-informed school leaders can become concerning the trends in education litigation, the more well-informed will be their faculties and staff personnel.

Previous Studies

By the 1980s, many commentators had become concerned with what was considered an already excessive amount of litigation in school law. Imber and Gayler (1988) acknowledge Valente (1987): “Anyone interested in school law must be impressed, if not overwhelmed, by the flood of new court decisions that constantly affect the operation of schools” (p. iv). Their review of statistically analyzed trends in education-related litigation also notes the observation of Lieberman (1981): “No other single institution has been the defendant in so many diverse lawsuits as the public school” (p.56). Imber and Gayler (1988) further rely on Strickland, Phillips and Phillips (1970), Joyce (1980), Flygare (1981), and Rebell and Block (1982), all of whom postulated that the courts had been and would continue to be increasingly active in education. As early as 1981, Leary

(1981) observed: “Potential exposure to lawsuits is so great that it is realistic to predict that over one-half the nation’s principals will be named in a lawsuit by 1990...some of them several times” (p.56). Thus, in their 1988 study, Imber and Gayler stated:

“Statements and predictions such as these are potentially important to educators and policymakers for the purposes of budgeting and planning and in the making of personal career decisions” (p. 56).

In response to fears of increased litigation, Imber and Gayler (1988) conducted a study that analyzed rates of change in education-related litigation from 1960 to 1986. The study’s primary purpose was to provide an accurate statistical picture of growth (positive or negative) of education-related litigation in the United States from 1960 to 1986. Data from the fifty states and from the federal court system were collected, aggregated, and analyzed to determine (a) the rate at which the frequency of litigation, not only in each jurisdiction, but also overall, had increased or decreased, (b) the rate of litigation compared with the rate of growth in the number of educators in each state and overall, (c) the rate at which frequencies of selected subcategories of educational litigation such as teacher dismissal cases had changed, (d) the correlation of selected demographic characteristics with different rates of change in litigation, and (e) the comparison of the overall rate of change in education-related litigation to the overall rate of litigation in the fields of medicine, law, and civil service. Imber and Gayler (1988) then used these findings to make predictions of the possible future trends in education-related litigation.

Research data obtained by Imber and Gayler (1988), refuted the concept of increasing litigation. In fact, their research indicated that although litigation in education

had increased markedly from 1960 to 1970, such litigation had been decreasing after 1977. Imber and Gayler studied the rates of change of education-related court cases from 1960 to 1986. Their analysis shows that by 1986, the last year of the study, education-related litigation was steadily declining: “The federal court heard only about half as many cases in 1986 as 1970, but this was still five times more than in 1960” (Imber & Gayler 1988, p.62). Perhaps because education-related litigation had increased overall from 1960 to 1987, the general concern, or assumption, among practitioners and researchers had also been that such litigation would continue to increase. The 1988 study by Imber and Gayler revealed, however, that when the rate of change over time was scrutinized, it became clear that the trend had reversed itself, and undoubtedly, at the time of the 1988 study, education-related litigation was actually decreasing.

Imber and Gayler (1988) found that though the total amount of education-related litigation per year doubled from 1960 to 1977, it decreased twenty per cent from 1977 to 1986. In fact, Imber and Gayler (1988) concluded:

The best prediction that can be made purely on the basis of litigation related data is that education-related litigation rates will continue to decline in the future at approximately the same rate as during the past decade (divide by 1.2 per 5 years).

At this rate of decline, the overall frequency of litigation in education will return to its 1960 level by about the year 2005 (p. 75).

Underwood and Noffke (1990) estimated that the average school system would still face one lawsuit per year. Of the lawsuits filed, the Underwood study found that 72.5% of the time, the schools prevailed, perhaps signaling in another way the decline in the impact of education-related litigation. Although the results of that study may have been

reassuring to some, many educators still see definite cause for concern. The aforementioned study by Underwood and Noffke (1990) reminded educators that, win or lose, the possibility of having to argue a case always exists and found evidence of steady filings of lawsuits in the areas of negligence, employee relations, and special education. Their study differed from Imber and Gayler's 1988 study in that they sought to count all cases, not just those reported. Nevertheless, Underwood and Noffke's study sought to find out how often school systems were being sued and the subsequent cost to districts in legal fees. The aim of the study was to find out, by surveying superintendents, the actual number of cases against school districts. Underwood and Noffke's 1990 study was aimed more towards determining the legal fees associated with litigation, and the survey of a random sample of public school superintendents nationwide provided a model for determining how much litigation seemed to be occurring in 1990 (Underwood & Noffke, 1990, p.16). The following year, Imber and Thompson (1991) conducted a similar study, placing all cases reported by superintendents into a typology of their own design to determine the frequency of litigation in each category. Imber and Thompson sought to discover which categories of litigation had been increasing over time and which had been decreasing.

Imber and Thompson's typology of education-related litigation was based on previous research and materials found in education-law textbooks; they then tested the typology for utility by examining more than 500 cases chosen randomly from the tables in education-law textbooks, and added 500 additional cases chosen randomly from the Westlaw database (see description of Westlaw in Methodology). Imber and Thompson's final typology, then, is both empirical and conceptual in its origin, because new

categories discovered in Westlaw during the research were appended to the original categories devised for the study (Imber & Thompson, p. 228).

This typology includes categories for all types of education-related litigation while allowing for more detail in the collection of this data than any previous typology created. This typology separates all litigation into three main categories based on potential complainants against schools: Category I—Students; Category II—Employees; and Category III—people outside the school environment. Each of the three categories is then divided into three to four subcategories to allow for more specific data collection (see Appendix C for Typology outline). Category I (Students) has four subcategories: IA—creation of an environment; IB—control of behavior and punishment for transgression; IC—creation and administration of a program of study and other activities; and ID—categorization (i.e., differential assignment and treatment). Category II (Employees) also has four subcategories: IIA—hiring; IIB—termination and other disciplinary action; IIC—professional negotiation; and IID—tortuous injury. Finally, Category III (People Outside the School Environment) has three subcategories: IIIA—contract issues; IIIB—fiscal issues; and IIIC—negligence.

Additionally, to address the issue of the magnitude of the various categories of litigation, Imber and Thompson (1991), created a survey and sent it to 500 school districts, 10 per state (stratified to include districts of various sizes), asking for histories of their litigation. The survey asked for a count and description of all cases filed against the district, counting each case only once, regardless of how many times it was heard, or if it was settled out of court, for the three-year period from 1985-86 to 1987-88 (Imber

and Thompson). The survey's results estimated that at the time of the study there were approximately .77 lawsuits per district filed each year.

Review of Literature

Despite the 1988 data of Imber and Gayler and the 1991 data of Imber and Thompson, many educators still believe that litigation in education, especially litigation involving special education, is increasing. For example, the June 8, 2002, United States edition of *The Economist* reported that an increasing number of students and their parents are taking disputes from the classroom to the courtroom. In a study based mostly on anecdotal data from interviewing principals, a picture is painted of fearful school administrators who feel overwhelmed by litigation or the constant threat of litigation. A survey conducted in 1999 study by the Insurance Information Institute concluded that one in four principals had been involved in a lawsuit, up from one in ten in 1989. The study also reported a 15% increase in school insurance rates. Baines, Muire & Stanley imply that school district budgets are being drained by overzealous litigation and that the effects of litigation are debilitating (1999). Dayton and Rienstra-Kiacofe put today's situation in the context of litigation over the past fifty years: "Although largely overlooked by many educators and scholars, funding litigation has had a tremendous impact on public schools, resulting in billions of dollars in additional allocations to schools and transforming some state school systems to a degree second only to the transformation that followed *Brown v. Board of Education (1954)*" (2003, p. 16). Insurance companies have periodically marketed policies to educators based on a perceived crisis in the frequency and outcomes of education-related litigation (Portner, 2001). However alarming these predictions and

statements may be, a study measuring the actual magnitude of litigation as was done by Underwood & Noffke in 1990 and by Imber & Thompson in 1991 has not been done recently. “Researchers have produced a relatively solid body of empirical findings, and their results tend to contradict the “crisis” characterization of the overall trend”. (Zirkel, 2003). However, the perception of a crisis still exists amongst administrators in public schools (Zehr, 1999). The number and scope of studies to date have not been large enough or broad enough to inform decision-making. Studies have been limited to specific subject matter, for example Section 504 rulings (Zirkel, 1997), but not an overall look at trends in litigation in general. It seems that the perceived crisis is driving policy decisions and that there is a real need for an accurate statistical picture of the magnitude and growth (positive or negative) of education-related litigation today.

Beginning in 1975 with the adoption of PL 94-142, many more patrons became alert to the arduous task assigned to the public schools to insure a free and appropriate education to students with special needs. Local districts were compelled to publish their obligations to provide an individualized education plan for all children with special needs in their districts. These new requirements were widely publicized in newspapers, PTA meetings, and other public information outlets. This new law then made some categories in education even more prone to litigation than others as policies developed and new plans were implemented. According to Zirkel (1988), for example, the attorney’s fees and non-exclusivity provisions in the Handicapped Children’s Protection Act of 1986 (the follow-up legislation to PL 94-142) virtually assured the continued growth of litigation in the area of special education (p.320). The revisions in the Handicapped Children’s Protection Act in 1986 provided for reasonable attorney fees and other costs to

be awarded to certain parents who prevail in administrative hearings where there is a question as to whether their student is receiving appropriate services to provide for them “a free and appropriate education.” Before this 1986 provision, only parents who had the financial means to challenge schools regarding their student’s services could do so. As the result of the 1986 provision, however, it would seem virtually certain that litigation would increase in this category. In addition, with the authorization and re-authorization of the Individuals with Disabilities Education Act (IDEA), litigation in this category may also continue to rise. As Katsiyannis and Maag (1997) observe: “IDEA imposes strict procedural requirements on educators to ensure that a student’s substantive right to a Free and Appropriate Education (FAPE) is met. Definitions of the parameters of what constitutes FAPE, however, have often been an elusive and controversial issue that lawyers can argue in court” (p.451).

Several other issues remain regarding the potential liability of schools in the area of special education. Zirkel’s 1990 litigation forecast states: “Although most other education litigation has subsided from its high water mark of the 1970s, the river of special education cases is still at flood stage”(p.16). Thus, many believe that special education law is on the verge of a major shift in direction because of the re-authorization in 1997 of the IDEA, and after the law changed, concerns immediately arose about increased litigation in discipline cases involving students with special needs. Confusing language of the IDEA discipline statute, coupled with an overzealous application of “zero tolerance” policies by school administrators and school boards has been cited as another major concern that some believe will lead to increased litigation for schools (Wright, 2004).

Several researchers agree that the category of school discipline may have seen recent growth in litigation. As Townsend (2000) points out: “School discipline in general has become a hotbed for litigation and debate”(p.381). Scholars such as Rink (1985) and Rose (1988) agree that school disciplinary practices have come under scrutiny. Now exclusionary disciplinary measures in particular have given rise to concern and litigation on behalf of students with disabilities (Center & McKittrick, 1987; Yell, 1990) as well as their peers without disabilities (McFadden, Marsh, Price & Hwang (1992), leading George Will to assert that with regard to student discipline in schools, “government had made matters worse” by making schools “cockpits for lawyers” (p. A33).

Equity in school funding and school finance reform may also require investigation as another area where litigation has increased in recent years. In fact, school finance may have been the most urgent civil rights issue confronted by schools in the 1990s, much as desegregation was the urgent civil rights issue of the 1970s. “Adequacy lawsuits have...emerged as a major alternative strategy in the pursuit of improved public education in the United States” (West & Peterson, 2007). In two major decisions, *Serrano I* (1971) and *Serrano II* (1976), the California State Supreme Court declared California’s property-tax based school finance system unconstitutional and a violation of equal protection principles. The court found that poor communities had to have high tax rates to generate relatively low per-pupil revenue, whereas wealthy communities could have low tax rates yet still generate relatively high per-pupil revenue. As a result, the court’s decision required school funding in California to be completely changed, and, thereby, this California court’s decision set the precedent for litigation in other states. Consequently, The *Serrano v. Priest* decisions have spawned litigation around the

country. In fact, litigation regarding education finance continues to thrive and evolve throughout all fifty states and shows no indications of subsiding (Wood & Dayton, 2002). As of September 2006, 45 of the 50 states had been sued over the issue of school funding. In 24 states (AK, AZ, CO, CT, GA, ID, IN, KY, MD, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OK, OR, SC, SD, TX, WY) this litigation is in process, while in 21 (AL, AR, CA, FL, IL, IA, KS, LA, ME, MA, MI, MN, OH, PA, RI, TN, VT, VA, WA, WV, WI), recent suits have now been settled (Hunter, 2006). The court is making significant decisions about funding schemes in most states without much research or understanding of how different funding has affected or will affect student achievement (Hanushek, 2006).

Although the general feeling among educators today is that litigation is a real threat to teachers everywhere, there is very little data to back up the fears. Some research looks at the outcomes of litigation and how it might affect teachers (Lupini & Zirkel, 2003). This is very helpful for administrators wanting to take action, but it does not give a baseline for what litigation is actually occurring and in which categories litigation is increasing or decreasing over time. Other research looks for trends in education-related litigation by topic. For example, Goorian's 2001 research is an interesting look into what new issues confront schools today. His focus is on sexual harassment and the way the courts have interpreted the school's role in stopping student-on-student harassment. Again, this research is interesting and useful to educators, but does not give any answer as to how likely it is that an educator will see a case of this kind. Other research indicates a surge in education-related litigation, but does no actual studying of reported litigation at all. For example, Baines, Muire and Stanley (1999)

warn that “the effect of lawsuits ... has been to drain school budgets relentlessly, sometimes to the point of debilitation” (1999, p20). The rationale for this unsettling remark is that court decisions, such as *Lau v. Nichols*, make impossible demands on school districts. The argument is a good one and with the influx of students speaking a myriad of languages, it would seem logical that the *Lau v. Nichols* decision requiring school districts to provide students with educational opportunities reflecting their language needs, would result in conflict in schools. Conflict there may be, but there is no data to be found proving that litigation actually has increased. Zirkel provides a partial answer to the question about real litigation versus the fear of litigation in his 2003 article in the *Christian Science Monitor*. In this article, Professor Zirkel presents some evidence that when schools and educators are sued, they win, but the research does not indicate how likely a lawsuit is or whether the risk of litigation has increased or decreased. The *Phi Delta Kappan* even satirized what they termed “Minor Suits” in a 1994 issue, but again without data backing up the statement, the notion that litigation is growing and maybe even out of control is supported with statements such as, “the proliferation of education-related litigation has given rise to a counter-movement...” (Zirkel, 1994). The article indicates that ridiculous suits are the norm and that teachers can be sued for things they might never have even thought about before.

The purpose of this current study is to determine the magnitude, types, and rates of change in education-related litigation in recent years. The research of Imber and Gayler (1988) clarified the rates of change in education-related litigation from 1960—1986. Later, Imber and Thompson (1991) established a typology for education-related litigation and determined the frequency of the litigation in each of the established categories. This

study seeks to provide additional, more recent data and thereby test the accuracy of the predictions of the rates of change made by the previous study as well as update the estimate of the magnitude of litigation occurring in schools with current figures.

Methodology

The rates of change in education-related litigation from 1986 to 2004 were analyzed using the Westlaw database, as used in the study by Imber and Gayler in 1988. Westlaw is one of two major fee-based online legal research systems, providing access to state and federal statutes, case law materials, public records, and other legal resources. Its 16,000 or more databases contain legal information and much more. “More American Bar Association members prefer Westlaw than all other on-line legal research services combined” (ABA, 2001).

To obtain data needed for the purpose of this current study in order to evaluate the accuracy of the predictions of the rates of change in education-related litigation made by the previous study, cases were counted only from the time of the Imber and Gayler study (1986) until 2004. Furthermore, the rates of change indicated by the data was analyzed instead of the number of cases as counted in the Westlaw database. Westlaw does not report all cases, but Imber and Gayler’s 1988 study found: “The total litigation in a particular category and year is directly proportional to litigation in Westlaw”(p. 229). Therefore, Westlaw’s data can be used to accurately measure the rate of change in education-related litigation overall and in particular categories. Because the same key-numbering system found in print is also found in the database, and since this database has not significantly changed since the previous study, researchers can assume that the

current study is comparable to Imber and Gayler's 1988 study in the use of Westlaw to establish trendlines. Since the data were collected for twenty years, to calculate the rate of change, the twenty-year time span was divided into four five year periods. Next, the highest number on the trendline was divided by the lowest number, then a fourth root was taken to determine how much the number had multiplied or divided through the years. An upward trendline indicated growth and was given a rate of "times X" and a downward trendline indicated decline and was given a rate of "divided by X". The resulting number represents how many times a certain category of litigation is either multiplied or divided per five-year period. For example, a rate of "times 1.08" in the "All Reported Cases" category means that for every case there were 1.08 more cases five years later and 1.117 (1.08^2) more cases five years after that. When the data were disaggregated in this way, the trends in litigation growth or decline were clarified.

To summarize, searches were done within Westlaw topic 345, "Schools". Even though this category includes cases in education not within the K—12 setting, most cases were relevant, and the searches were consistent with the Imber and Gayler 1988 study. The actual tally numbers do not represent the overall magnitude of education-related litigation; rather, the data are used to calculate the rate of growth or decline in education-related litigation. If litigation rates are decreasing, superintendents and school boards may assume that the proportion of a district's budget dedicated to legal fees can also decrease.

Education-related litigation was defined as all those cases under Westlaw topic #345 ("Schools and School Districts") as it was in Imber & Gayler's 1988 study. The subcategories remained the same, but the definitions of categories were changed in some

cases because of differences in the way Westlaw categorized cases at the time of this study. The subcategories are as follows: Educational Torts and Negligence (defined as all cases falling within Westlaw topic 345; “Schools and School Districts” (key numbers 88, “liabilities specially imposed by statute” or 89, “torts in general”); Civil Rights (intersection of topics 345 and 78, “Civil Rights”); Educational Finance (Westlaw key numbers 90-110, “fiscal matters” or key number 111, “taxpayers suits and other remedies” or key number 112, “claims against district” within topic 345); Teacher Dismissal (Westlaw key number 140-147.2, “Adverse personnel action: dismissal, non-renewal, demotion, non-promotion, transfer or reassignment, in general” within topic 345); and Special Education (key number 155.5, “handicapped children, proceedings to enforce rights” within topic 345).

The National Center for Educational Statistics (NCES) provided data to compare the litigation rates to the educational enterprise as a whole. Rates of change in student, teacher and administrator populations were analyzed overall and by state as well to provide a clear picture of the growth of the industry in comparison to the rate of change in litigation.

Because Westlaw does not count all cases, it is important to go further than just counting the cases reported. Therefore, using procedures similar to those used in Imber and Thompson’s 1991 study, a survey was sent to superintendents. A stratified random sample of 500 United States superintendents was asked to respond to a survey about litigation in their district from the 2001-02 school year to the 2003-04 school year. The sample was stratified to include districts from various areas with both large and small enrollments. A listing of all public school districts nationwide was obtained through the

NCES website. The five largest districts in each state were selected and another five from each state were selected at random. The five largest districts were selected in each state to insure that a large number of pupils were represented in responses and the other five were selected at random to ensure that different types of districts were included in the survey. Districts were asked (1) to count the number of cases filed against them, counting each case only once no matter how many courts have heard it, whether or not it had been settled out of court, and (2) to provide basic information about the cases.

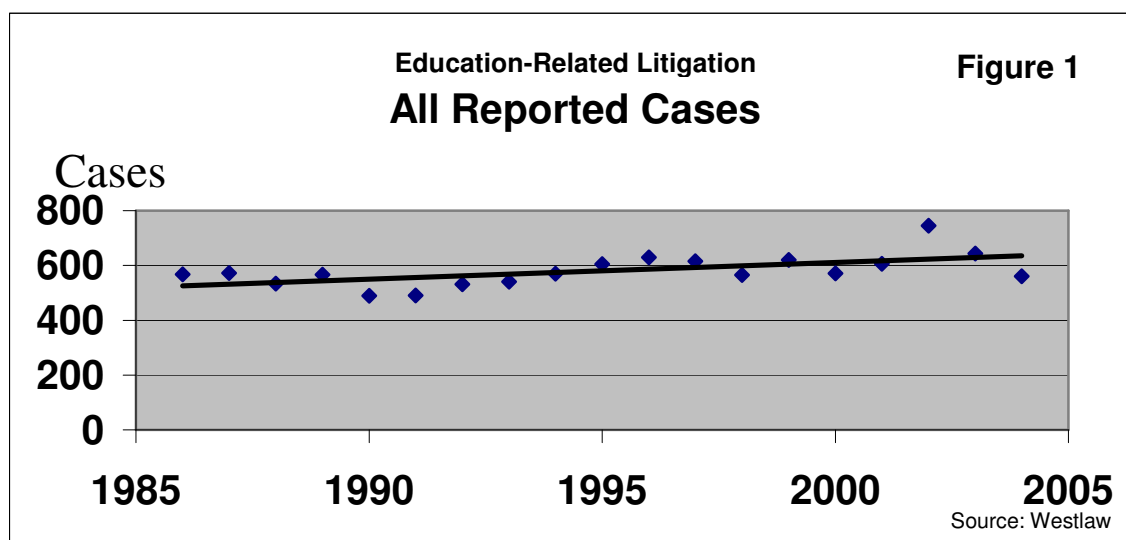
Detailed instructions and examples were provided with the expectation that the respondents would supply enough detail to allow for the assignment of each case reported to one of the categories in the typology (see Appendix). The number of pupils counted in the usable responses was extrapolated to represent the whole. For example, if 5% of the population of pupils nationwide were represented by the usable responses, it would be assumed that the litigation reported in the survey represented 5% of the total number of lawsuits nationwide during the 3 year time span as supported by data reported by superintendents from the 2001-02 to the 2003-04 school years.

RATES OF CHANGE IN EDUCATION-RELATED LITIGATION

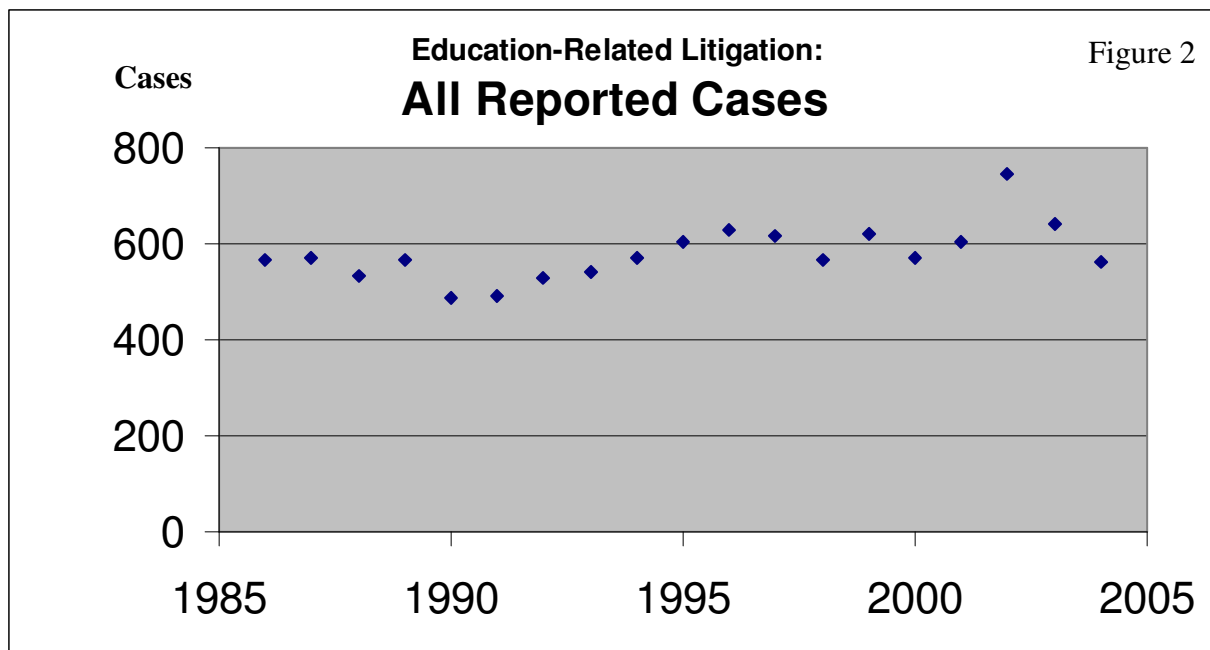
FROM 1986 TO 2004

Cases were counted in specific Westlaw categories and the rates of change in education-related litigation were analyzed. The categories and sub-categories as well as most search terms were the same as in the previous study. Changes were made only because of changes in the Westlaw database, thus insuring comparability between the two studies, the Imber & Gayler (1988) study and the current study.

According to Westlaw, 11,024 reported cases have been filed in all courts and categories from 1986—2004, an average of about 580 per year, distributed as shown below in Figure 1.



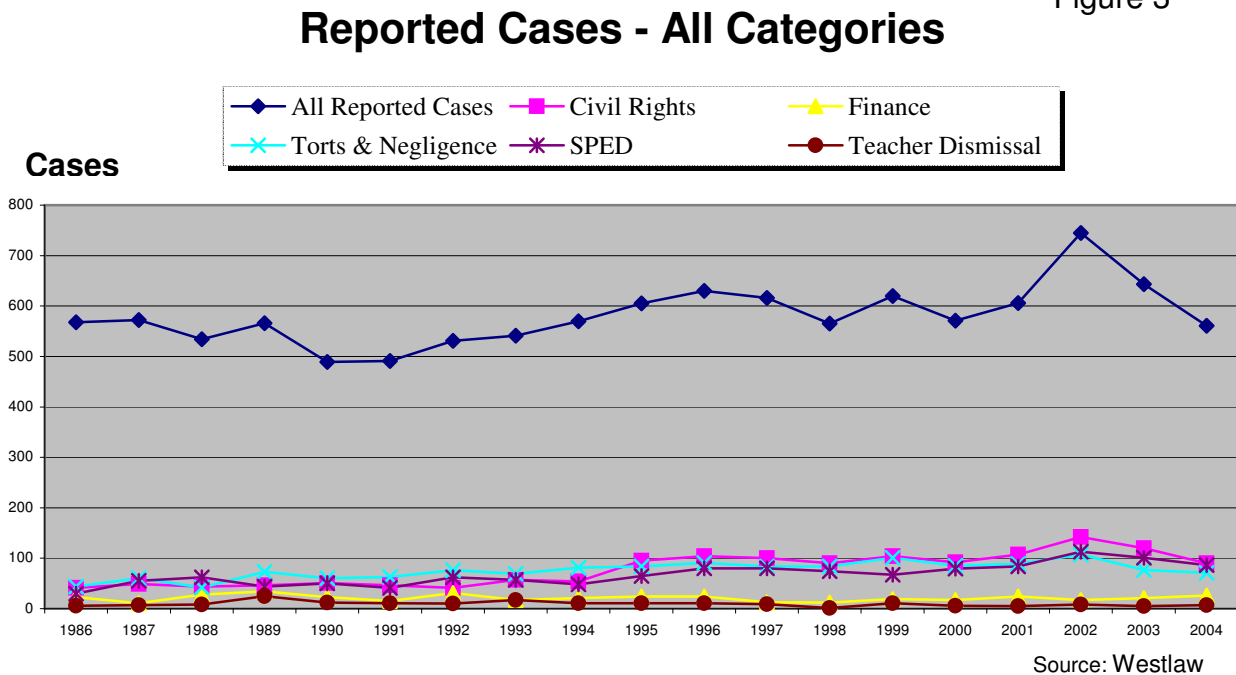
The high in 2003 was 643 reported cases and the low was in 1990 with 489 reported cases. The average number of cases increased from an average of 540 for the years between 1986 and 1994 to 616 for the years between 1995 and 2004. This increase indicates that litigation, overall, has increased only slightly.



Source: Westlaw

Figure 2 depicts the All Reported Cases category without a trendline. Litigation seems to have remained relatively constant, as the trendline earlier suggested. A slight downward trend is indicated in the early 1990s and was the trend that Imber & Gayler also detected and predicted would continue. Instead of continuing, a gradual increase occurred, apparently peaking later that same decade. A look into the reasons for this peak will be studied in more detail as categories are scrutinized. Figure 3 provides an overall snapshot of the litigation activity seen amongst categories. Each category will be analyzed separately, but when viewed together certain patterns are similar. Many of the categories had similar patterns with the exception of Finance and Teacher Dismissal which took a turn downward recently.

Figure 3

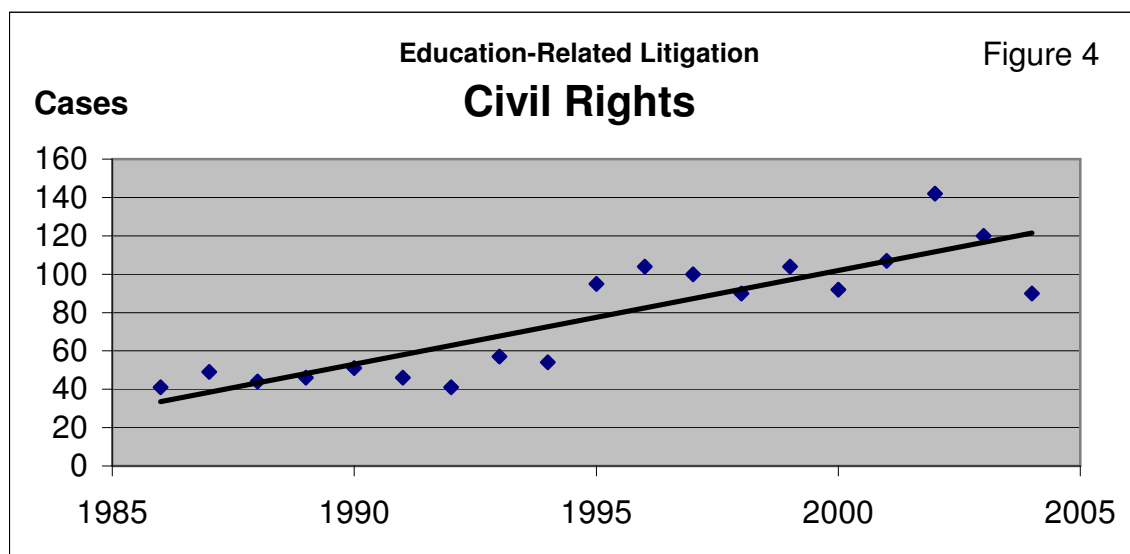


Another peak in 2002-2003 is an area of concern. An interesting pattern is developing when combined with Imber & Gayler's earlier study. They reported a peak in the 1970s with a general decrease at the conclusion of their study. This study finds the same pattern: a few peaks in the mid 1990s and again in the early 2000s, but a general decline is detected in the final few years of the study. This could be a pattern that repeats itself again and again in education-related litigation.

The data do not indicate a "litigation explosion," but instead indicate that education-related litigation has increased only at the rate of *times 1.08* cases per five years. Imber & Gayler's 1988 study reported overall increases in litigation from 1960 to 1986 (at a rate of *times 1.3* cases per five years), but showed that during the last ten years of the study, litigation had started to decrease (at a rate of *divided by 1.2* cases per five years). This trend seemed to indicate that a decrease in litigation might continue until

such litigation once again reached 1960s levels. However, this did not happen. No “explosion” in education-related litigation was shown in the counted cases. Rates, however, did not continue to decline. In fact, as will be clarified further in the study of magnitude done with the second part of the study, the educational enterprise grew at a rate very close to that of the rate of litigation in the industry. In other words, the numbers in the 2004 study showed that had the size of the student population remained the same, the amount of litigation may not have changed.

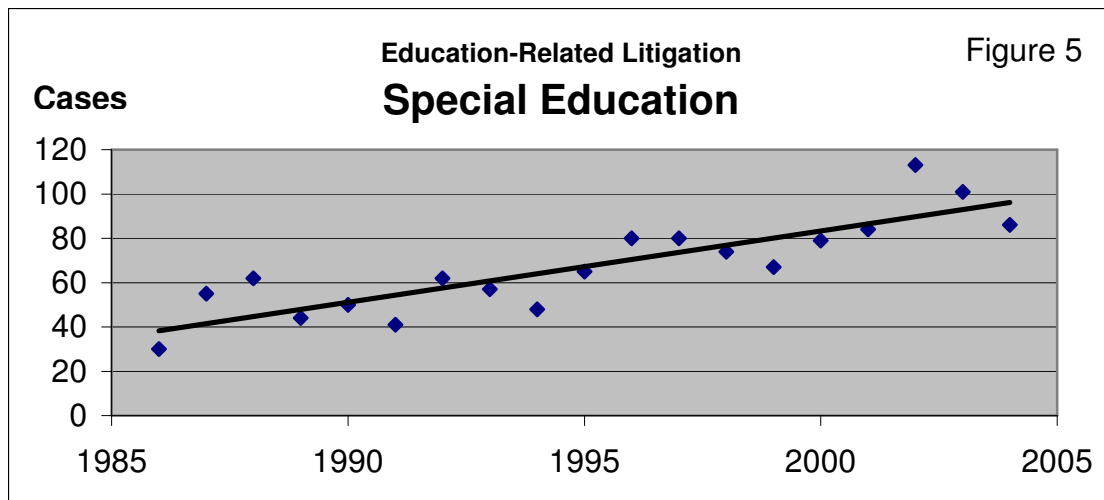
The Civil Rights category, seen in Figure 4, seems to be an area that has seen tremendous growth in education-related litigation. The overall increase in the category was *times* 1.43 cases per five years. In 1986 & 1992 only 41 cases were reported (lowest points) and in 2002 nearly 100 more cases were reported. The high in 2002 was 142 cases. Claims skyrocketed from 1994 to 1995. This dramatic increase is most likely due to the effect of Special Education policy implementations and changes, as evidenced by the fact that most claims in the Civil Rights category had to do the rights of students with disabilities.



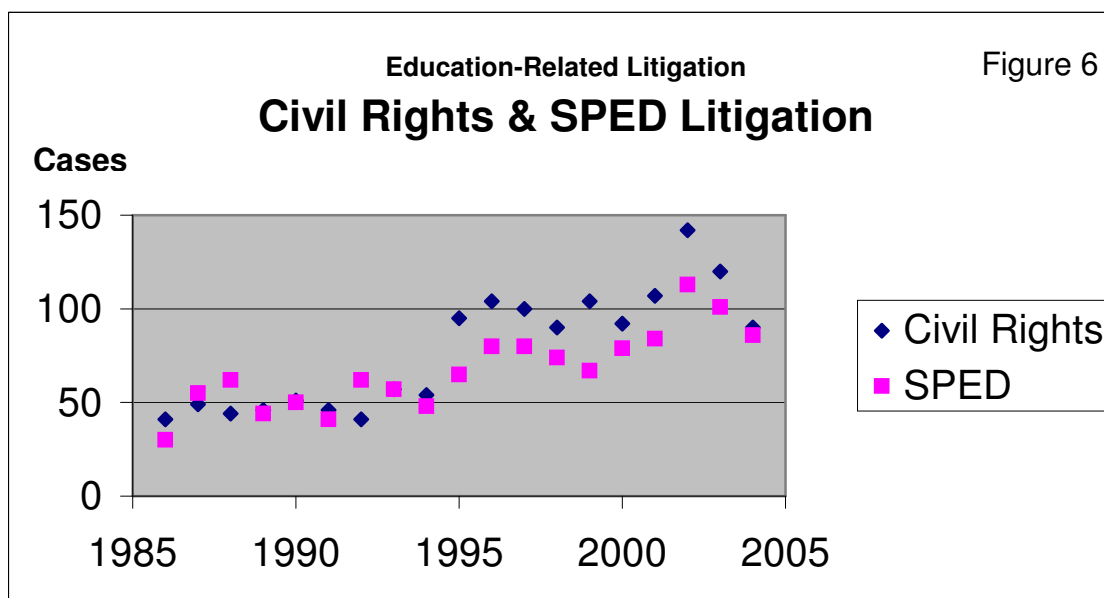
Source: Westlaw

Apparently, this category is still growing, but seemingly for different reasons from the past. Policy continues to change in the area of Special Education and therefore this category will most likely continue to grow in the coming years. The major purpose of the laws has shifted in the past twenty-five years from simply providing access to educational services to an emphasis on providing meaningful, measurable, and accountable outcomes for students with disabilities (Scheffel, Rude & Bole, 2005). Therefore, civil rights litigation has remained an area of high activity. In the late 1960s and 1970s the majority of cases dealt with issues surrounding desegregation. Imber & Thompson's 1991 study revealed a peak in desegregation litigation in 1970 with 118 cases. Only 15 desegregation cases were reported in 1988 indicating that the surge of cases had passed. Most of the cases filed at that time focused on granting equal access to educational opportunities to all students regardless of race or ethnicity. Later, in the 1980s and 1990s, the cases focused on students with disabilities. Many cases focused mainly on granting equal access to students with disabilities. Now, however, the focus is on the quality and meaningfulness of the educational programming for students with disabilities.

Looking specifically at Special Education (SPED) seen in Figure 5, it is again clear that education-related litigation in this category is growing. Reported cases in this category increased at a rate of *times* 1.26 cases per five years. A steady increase is evident; the lowest number of reported cases was 20 in the first year of the study (1986) and a high was reached in 2003 with 113 cases reported in the category.



Source: Westlaw

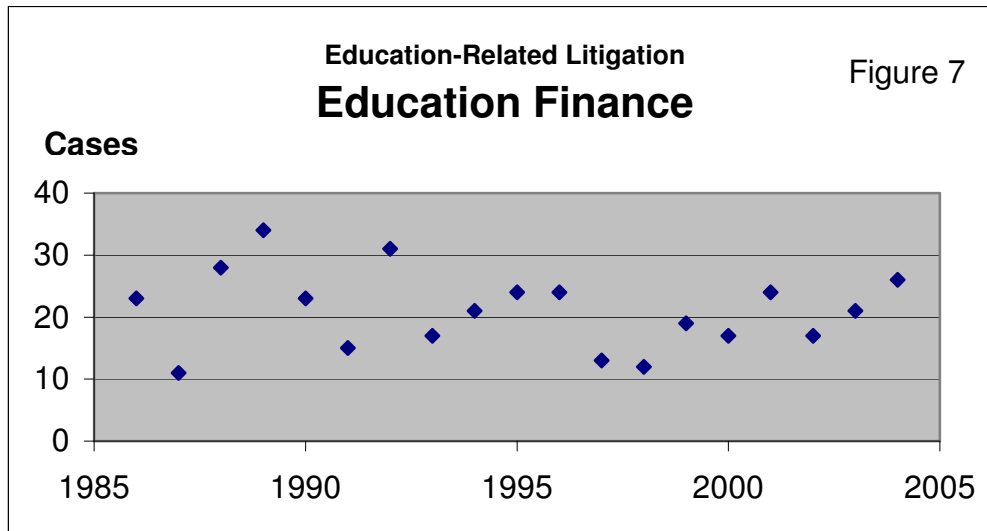


Source: Westlaw

When combining the data from Civil Rights and SPED as seen in Figure 6, it is clear that the two are related. The patterns are remarkably similar with peaks at the same times. Peaks in the late 1990s and again in 2002 indicate that SPED was influencing the overall results of Civil Rights. Public Law 94-142 (Education for All Handicapped Children's Act) was passed in 1975, amended in 1983 and 1986. The peak in the SPED

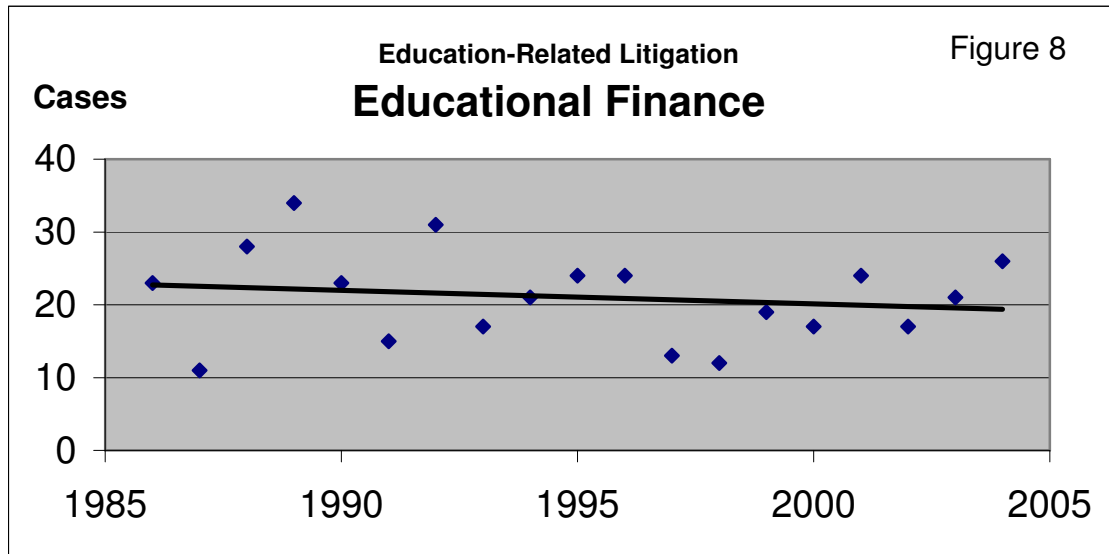
category after the 1986 amendment is apparent, but maybe because this new law was being tested, it had not yet moved into the area of Civil Rights. Civil Rights seems to start to following the same pattern as SPED in the mid 1990s. PL 94-142 was reauthorized in 1997 as the “Individuals with Disabilities Act” or IDEA (U.S. Office of Special Education Programs, 2005). Perhaps the passage and interpretation of this new law has shifted the focus to equal treatment of students with disabilities and therefore has influenced the larger category of Civil Rights. Another peak in both categories occurs in 2002. Goals 2000, a standards-based education reform, followed by more accountability to each child by the No Child Left Behind Act in 2001 may have spawned this flurry of litigation as the courts interpreted the laws and responsibilities of the schools. Until the implications necessary for compliance with this law stabilize, it is probable that litigation in the category will continue to be at a high level.

School funding, seen in Figure 7, was another area where growth in litigation was predicted by this study. After counting cases in Westlaw, however, such an increase does not seem to be the case. The chart below illustrates the litigation activity within the finance category. The data for this category varies more than any other. A pattern is hard to discern, but the number of cases does not fluctuate much.



Source: Westlaw

The fact is that reported cases in this category remained fairly steady. The lowest number of reported cases was in 1987, with only 11 reported cases and the highest number reported was only two years later in 1989 when 34 cases were reported in the category. The rate of change could be *divided by* 1.05 cases per five years, as shown in Figure 8. As discussed earlier, almost every state has current litigation or has recently had litigation about their state's funding formula. Whether or not the litigation at the state level will trickle down to the individual districts is not yet known. For now, it is clear that a lot of attention has been placed on this category and discussions at the state level have begun about the equitability of funding formulas.



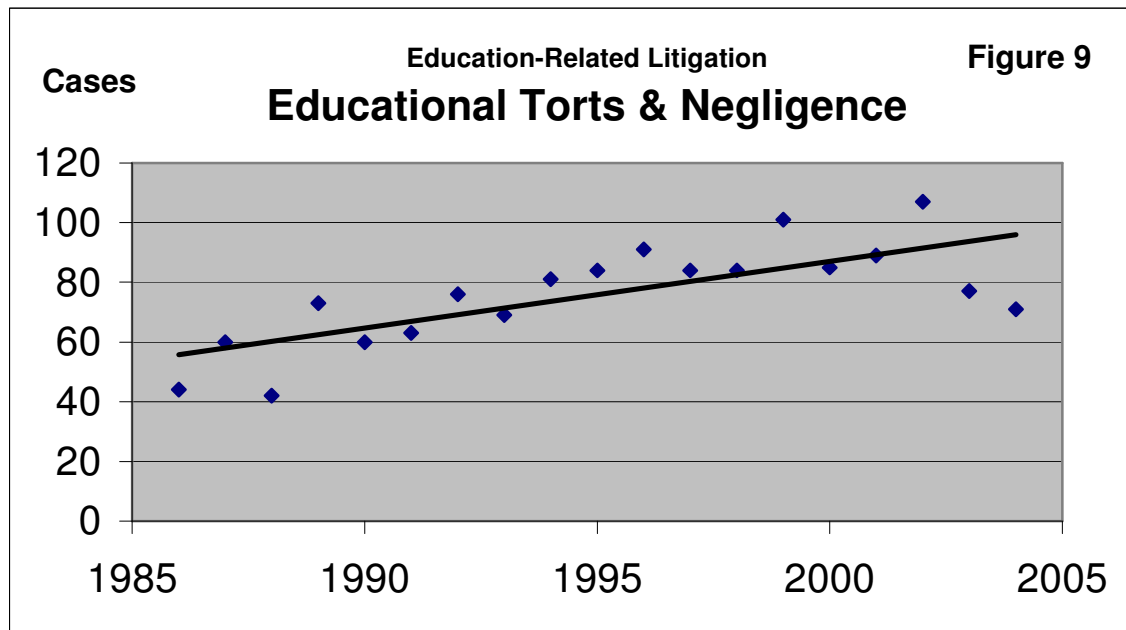
Source: Westlaw

Because recent litigation has not yet been completed and therefore is not reported or reflected in this data, Educational Finance may see another peak in activity within the next few years. Research indicates that many states are currently being sued by various stakeholders questioning the equity and adequacy of funding formulas. Because of the fact that many districts are joining together to challenge funding formulas and because the number of states is fixed, this category is somewhat difficult to measure.

The civil rights issues of equality in the 1960s and 1970s and then the equality issues concerning students with disabilities in the 1980s and 1990s may soon set the pace for this category. Actually, current data show that the areas of litigation within education that are continually on the rise are various equality issues. Therefore, the focus seems to have shifted, but the idea of treating all students fairly and equitably is consistent. The new focus on the issue of equality will likely be in the area of school funding. The courts may see an increase in these cases as more and more concerned parties litigate cases in which students may be experiencing different treatment in programs because of their economic

background, much as the courts saw increased litigation in the 1960s and 1970s as more and more people litigated cases concerning students with claims that they were being served differently because of their racial or ethnic background. Educators may want to keep watching trends in litigation in these matters. Many state legislatures are already being forced to address these issues, but schools and school districts may be addressing them in the future through litigation. Since many schools and school districts serve students of various economic backgrounds, the new focus may not be on whether or not all students should be treated equally but rather on whether or not services that districts offer one student from an affluent family can or should be the same as those offered to a student from a family with low socioeconomic status. In other words, states will have to determine whether the issue of school funding should be viewed from the basis of outcomes (“top down”); providing all resources necessary for each student to reach the same outcomes or is the focus going to be from the “bottom up”; providing the same resources to each student knowing that the same resources will result in different outcomes for different students. Some students will require more support than others to reach the same goals and the goals of some students and their parents may be different. School funding is a complex and challenging task and consensus on the best approach will not easily be found.

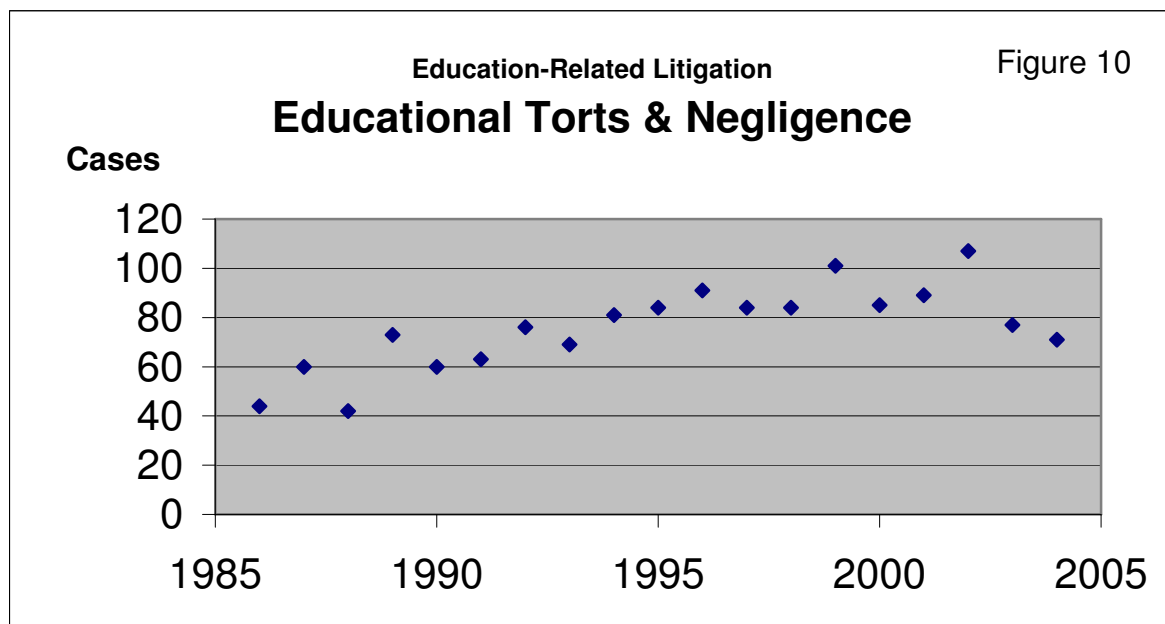
The Educational Torts and Negligence category seen in Figure 9 has seen a steady increase in the number of reported cases. Reported cases peaked in 2003 at 107 and reached its low point of 42 cases in 1988.



Source: Westlaw

The case count of tort claims and claims of negligence indicate that this type of education-related litigation continues to rise. Torts deal with harm inflicted by one party onto another; litigation in this category seeks to compensate the injured party. This category encompasses a wide range of possible lawsuits. This portion of the study only looked at the number of cases within the category reported in Westlaw and not the specific reasons for the lawsuit. Torts & Negligence claims encompass everything from assault charges, issues of privacy for both employees and students, and the duty to provide care for students among other things. Negligence is the most common tort in education (Imber & Van Geel, 2000). The average number of claims in this category from 1986—2004 is 76. The average number of claims in this category was 63 from 1986 to 1994 and rose to 87 from 1995 to 2004. The current data gathered for this study indicate that claims peaked in 2002 and have decreased significantly since 2002. Overall, however, the data indicate that education-related litigation in this category has increased

at a rate of *times* 1.15 cases per five years. As seen later in the study, this category has increased dramatically according to superintendent survey responses. Cases of negligence may not be of interest to the public because they deal with specific incidents not necessarily pertinent to all. This would explain why many are not reported by Westlaw. As a whole, districts need to pay attention to the increasing number of cases involving negligence to improve and change their risk management practices.

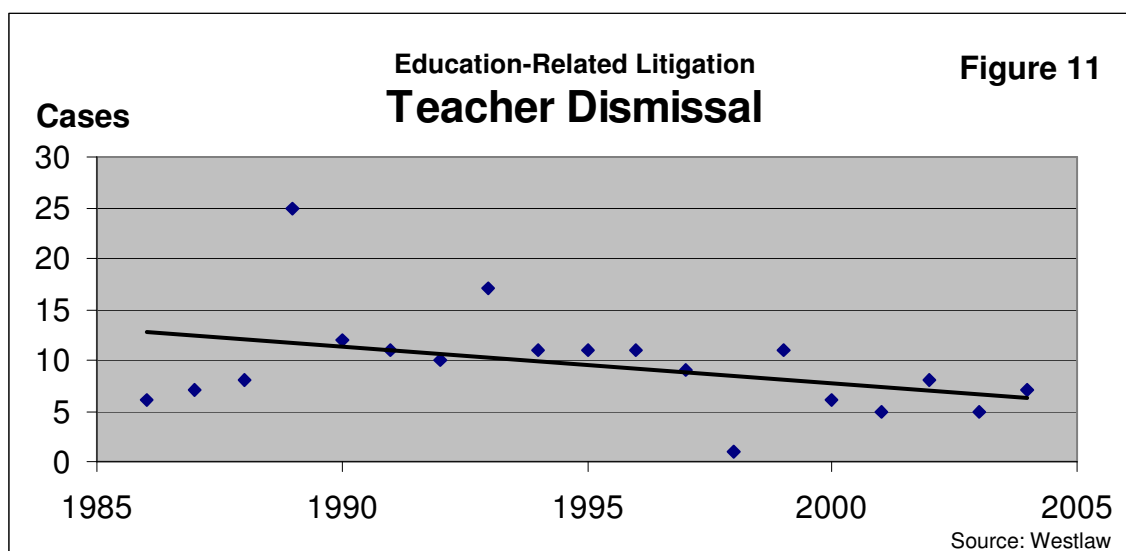


Source: Westlaw

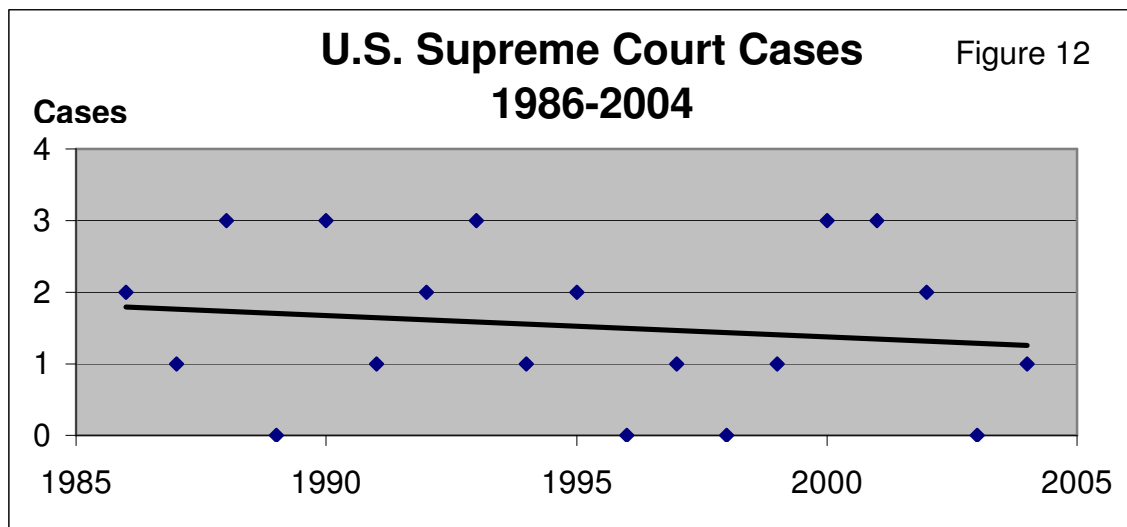
As seen in the All Reported Cases, the category of Educational Torts & Negligence has followed a pattern of peaks and valleys, however, in this case the trend does seem to drift upwards consistently. Figure 10 is a look at the data without an established trendline. Even without the trendline, it is clear that litigation in this category is increasing. However, it is of interest that, again, after a peak in 2002, litigation has

decreased. The decrease is significant, but has not yet reached the low levels of the late 1980s.

In the final category, Teacher Dismissal seen in Figure 11, Westlaw-reported cases indicate a decrease in cases since 1986. The rate of change for this category is *divided by* 1.21 cases per five years. A high in 1989 (25 cases) and a low in 1998 (1 case) even out to the average of 9.5 lawsuits per year from 1986 to 2004. Every year since 1999, education-related litigation has been below that average, thus indicating that a decline in litigation in this category may continue into the near future. The general perception that tenured teachers cannot be fired may contribute to this overall decline. Also, teacher shortages may have required administrators to focus on working to improve the practices of the teachers they have rather than dismissing them to hire a new teacher. Administrative action is also not included in the count of cases. Improved policy and practice in regards to teacher supervision may be evidenced here by the decline in litigation in the category.

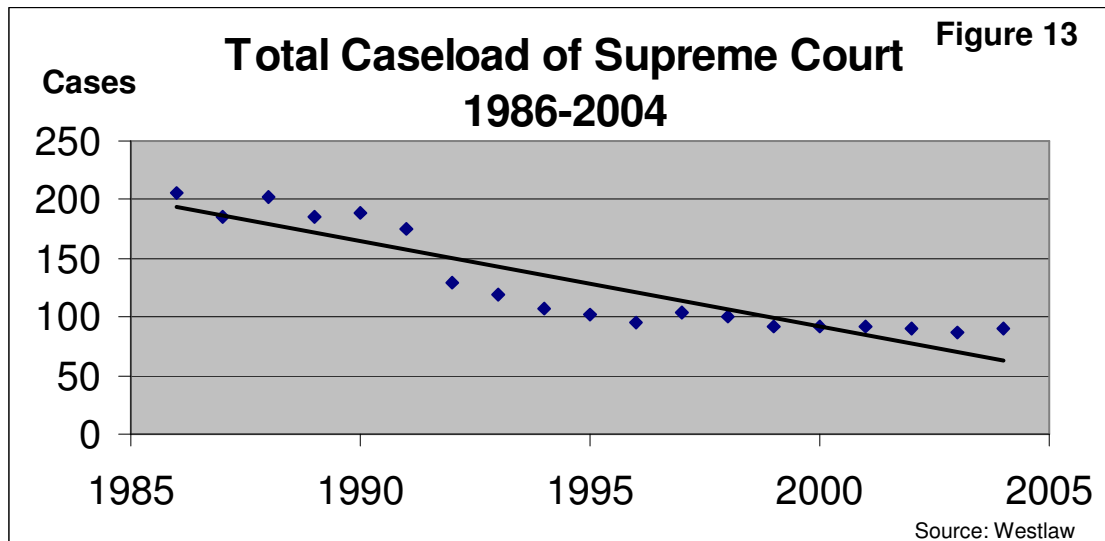


Examining the Supreme Court’s caseload seen in Figure 12 over the time period between 1986 and 2004 also shows a slight downward trend. This trend seems to indicate that there is not a major issue or an “explosion” of litigation plaguing schools. In the past 20 years, the Supreme Court’s education-related litigation has remained relatively constant. The highest number of education-related litigation cases heard was three, and the lowest was zero. There have been no years of “explosion” in this category, but there has been no noticeable decline either.



Source: Westlaw

Education-related litigation cases heard in the Supreme Court may just be mirroring the overall decline in cases heard by the Supreme Court in general. As the chart below indicates (Figure 13), the Supreme Court’s total caseload has decreased at a rate of *divided by 1.26 cases per five years.*



The decrease seems to indicate that although the number of education-related cases heard by the Supreme Court has decreased, they may have decreased at a slower rate than the overall cases heard. Thus, the percentage of cases involving education heard by the Supreme Court may actually have remained stable or increased slightly.

Studying litigation by category indicates general trends and hints at reasons for those trends. The previous data was combined for all 50 states and the District of Columbia. Further analysis was also done state by state to see if there was a pattern among regions and also to compare each state's litigation rate with the rate of growth of the educational enterprise as a whole in a particular state. Because the operation of schools is a state responsibility, it is important to look at the individual states to find out if certain practices are increasing or decreasing the state's overall litigation.

In general, as (Table 1) shows, between 1986 and 2004, litigation frequencies increased in 39% of the states, remained constant in 41% of the states, and decreased in 20% of the states. The nationwide average of *times* 1.08 cases per 5 years gives the researcher a starting point when reading and interpreting the data for each state.

TABLE 1

Changes in Litigation Frequency: State by State From 1986 to 2004

State	Rate of Change	State	Rate of Change	State	Rate of Change
Alabama	÷1.24	Louisiana	.1.01	Oklahoma	x1.01
Alaska	x1.06	Maine	x1.32	Oregon	÷.90
Arizona	x1.0	Maryland	x1.60	Pennsylvania	x1.03
Arkansas	÷1.12	Massachusetts	x1.09	Rhose Island	÷1.10
California	x1.23	Michigan	÷1.03	South Carolina	÷1.10
Colorado	÷1.06	Minnesota	÷1.13	South Dakota	x1.04
Connecticut	x1.29	Mississippi	x1.02	Tennessee	÷1.06
Delware	÷1.15	Missouri	x1.18	Texas	x1.14
DC	x1.26	Montana	÷1.32	Utah	x1.17
Florida	x1.0	Nebraska	x1.05	Vermont	x1.38
Georgia	x1.07	Nevada	÷1.36	Virginia	÷1.27
Hawaii	x1.34	New Hampshire	x1.10	Washington	x1.04
Idaho	x1.34	New Jersey	x1.26	West Virginia	÷1.09
Illinois	÷1.01	New Mexico	x1.14	Wisconsin	÷1.05
Indiana	x1.09	New York	x1.10	Wyoming	x1.19
Iowa	x1.01	North Carolina	x1.20	All States	x1.08
Kansas	x1.11	North Dakota	÷1.50		
Kentucky	x1.18	Ohio	x1.32		

Calculated from National Center for Educational Statistics (NCES) data

Since 1986, the total number of all education-related litigation cases in all states combined remained relatively constant with a slight trend upward at or about *times* 1.08 cases per five years. No discernable pattern is found by region, but it is interesting to notice anomalies. For example, D.C. has an abnormally high growth rate in litigation while the student, teacher and administrator populations are all declining. In neighboring Maryland, litigation rates are also increasing at a higher rate than the national average. States noticing anomalies could investigate to determine what the cause for the difference is. And, for states enjoying a decrease in litigation, perhaps policies and practices can be shared to improve practices nationwide.

Table 2 illustrates the rate of change in the number of teachers nationwide since 1986. The average rate of change nationally was *times* 1.08, exactly the same rate of change as litigation.

TABLE 2

Changes in the Number of Teachers From 1986-2004

State	Rate of Change	State	Rate of Change	State	Rate of Change
Alabama	x1.09	Louisiana	x1.04	Oklahoma	x1.05
Alaska	x1.06	Maine	x1.06	Oregon	x1.03
Arizona	x1.13	Maryland	x1.09	Pennsylvania	x1.05
Arkansas	x1.05	Massachusetts	x1.07	Rhose Island	x1.04
California	x1.15	Michigan	x1.06	South Carolina	x1.08
Colorado	x1.12	Minnesota	x1.08	South Dakota	x1.05
Connecticut	x1.06	Mississippi	x1.06	Tennessee	x1.12
Delware	x1.09	Missouri	x1.08	Texas	x1.12
DC	÷1.27	Montana	x1.02	Utah	x1.08
Florida	x1.11	Nebraska	x1.05	Vermont	x1.08
Georgia	x1.15	Nevada	x.138	Virginia	x1.13
Hawaii	x1.01	New Hampshire	x1.11	Washington	x1.10
Idaho	x1.01	New Jersey	x1.08	West Virginia	÷1.03
Illinois	x1.07	New Mexico	x1.11	Wisconsin	x1.07
Indiana	x1.03	New York	x1.08	Wyoming	x1.00
Iowa	x1.04	North Carolina	x1.11	All States	x1.08
Kansas	x1.06	North Dakota	x1.02		
Kentucky	x1.05	Ohio	x1.05		

Calculated from NCES data

The basic concern of this study was to learn whether or not education-related litigation had increased, decreased, or remained stable since 1986. Therefore, these data helped to find out whether increases or decreases in education-related litigation could be explained by looking at corresponding changes in the size of a state's educational enterprise as indicated by the number of teachers, administrators, or students in that state. Again, this table indicates that growth rates were modest. An increase in the number of teachers was seen in 24% of states and a decrease in less than 2%; 75% of the states' teaching forces

remained constant. Table 3 tracks the rate of change in administration in each state. The national average was *times* 1.06, just slightly under the average rate of change for litigation and for the number of teachers.

TABLE 3

Changes in the Number of Administrators from 1986-2004

State	Rate of Change	State	Rate of Change	State	Rate of Change
Alabama	x1.17	Louisiana	x1.11	Oklahoma	x1.05
Alaska	x1.22	Maine	x1.02	Oregon	x1.04
Arizona	x1.16	Maryland	x1.10	Pennsylvania	x1.04
Arkansas	x1.0	Massachusetts	x1.14	Rhode Island	÷1.05
California	x1.0	Michigan	÷1.06	South Carolina	x1.13
Colorado	÷1.04	Minnesota	x1.08	South Dakota	÷1.05
Connecticut	x1.13	Mississippi	x1.09	Tennessee	x1.04
Delaware	x1.0	Missouri	÷1.03	Texas	x1.31
DC	÷1.13	Montana	x1.01	Utah	x1.09
Florida	x1.05	Nebraska	÷1.02	Vermont	x1.07
Georgia	x1.05	Nevada	x1.33	Virginia	x1.07
Hawaii	x1.06	New Hampshire	x1.04	Washington	x1.05
Idaho	x1.10	New Jersey	÷1.10	West Virginia	÷1.06
Illinois	x1.12	New Mexico	x1.06	Wisconsin	x1.06
Indiana	x1.03	New York	x1.05	Wyoming	x1.01
Iowa	x1.11	North Carolina	x1.08	All States	x1.06
Kansas	x1.04	North Dakota	x1.03		
Kentucky	x1.04	Ohio	x1.01		

Calculated from NCES data

As Table 3 indicates, the number of administrators in each state closely mirrors the teacher data. In 25% of the states, the number of administrators increased, 6% decreased, and 69% remained constant.

Table 4 shows that the number of students remained constant in 92% of the states, increased in 8%, and did not decrease in any state. The national rate of change for students was *times* 1.05. This is interesting because the student population seems to have grown at a slightly slower pace than that of administrators, teachers and even litigation.

TABLE 4

Changes in Student Population 1986-2004

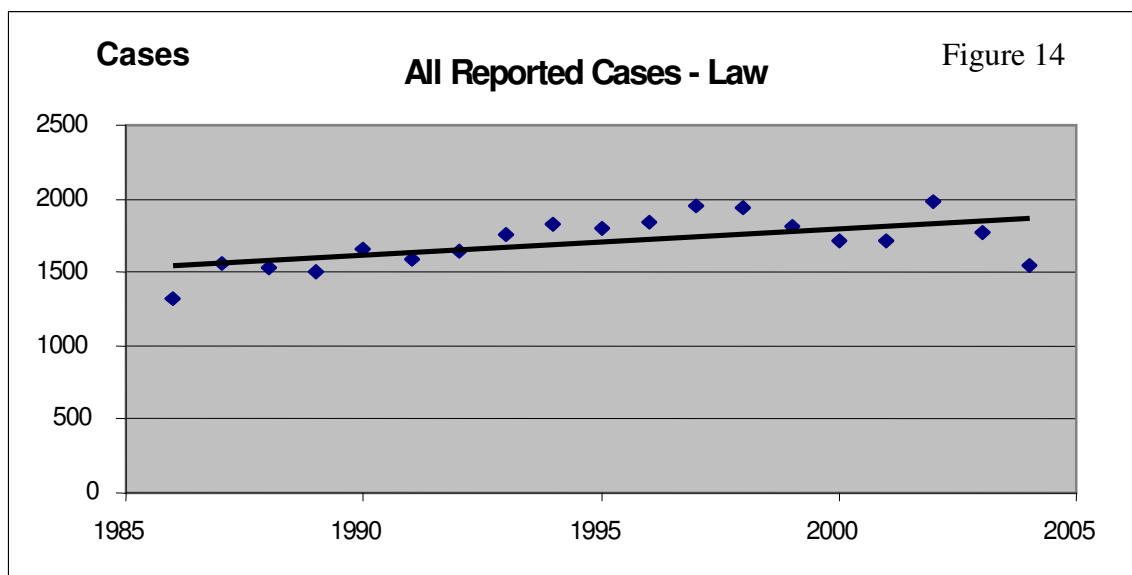
State	Rate of Change	State	Rate of Change	State	Rate of Change
Alabama	x1.0	Louisiana	÷1.02	Oklahoma	x1.02
Alaska	x1.06	Maine	÷1.01	Oregon	x1.06
Arizona	x1.01	Maryland	x1.07	Pennsylvania	x1.03
Arkansas	x1.15	Massachusetts	x1.06	Rhode Island	x1.05
California	x1.10	Michigan	x1.03	South Carolina	x1.04
Colorado	x1.09	Minnesota	x1.05	South Dakota	x1.00
Connecticut	x1.07	Mississippi	÷1.00	Tennessee	x1.04
Delaware	x1.05	Missouri	x1.08	Texas	x1.07
DC	÷1.02	Montana	x1.00	Utah	x1.04
Florida	x1.13	Nebraska	x1.02	Vermont	x1.03
Georgia	x1.08	Nevada	x1.26	Virginia	x1.06
Hawaii	x1.03	New Hampshire	x1.07	Washington	x1.07
Idaho	x1.05	New Jersey	x1.08	West Virginia	÷1.08
Illinois	x1.04	New Mexico	x1.03	Wisconsin	x1.04
Indiana	x1.01	New York	x1.04	Wyoming	÷1.03
Iowa	x1.27	North Carolina	x1.07	All States	x1.05
Kansas	x1.03	North Dakota	÷1.03		
Kentucky	x1.01	Ohio	x1.01		

Calculated from NCES data

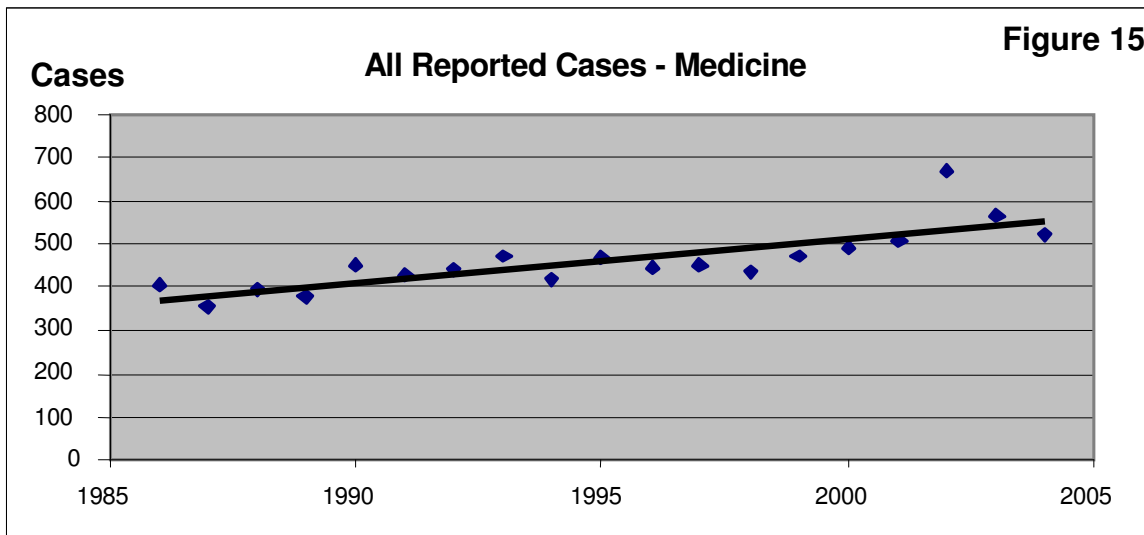
When the researcher takes a closer look at the rate of growth or decline of administrators in comparison to the rates of change in litigation these data reveal that in the majority of states (57%, or 29 states), both the number of administrators and the amount of litigation increased. Additionally, in 18 of those states litigation grew at a slightly higher rate; in 11 of those states, the number of administrators grew at a slightly higher rate. These numbers seem to indicate that the increase in the number of administrators in more than half of the states is related to the growth of litigation. If these data imply that the increase in administrators reflects an increase in the educational enterprise as a whole, then the growth of litigation in more than half the states is reflecting the growth of the enterprise as a whole. However, in 12 states (24%), the number of administrators increased while the amount of litigation decreased, a bit of data

that may indicate that for nearly one in four states, increased administrative support had some effect on reducing litigation. Although more research would be required to fully investigate this finding, these data may imply that by lowering the administrator-to-student ratio, some states were able to avoid some litigation. Some research within the category of Special Education indicates that when parents feel that the school understands the laws and makes good faith efforts to comply they are less likely to sue (Scheffel, Rude & Bole 2005). Another possibility might be that more administrators equipped with good legal knowledge may be a remedy to increased litigation costs for district.

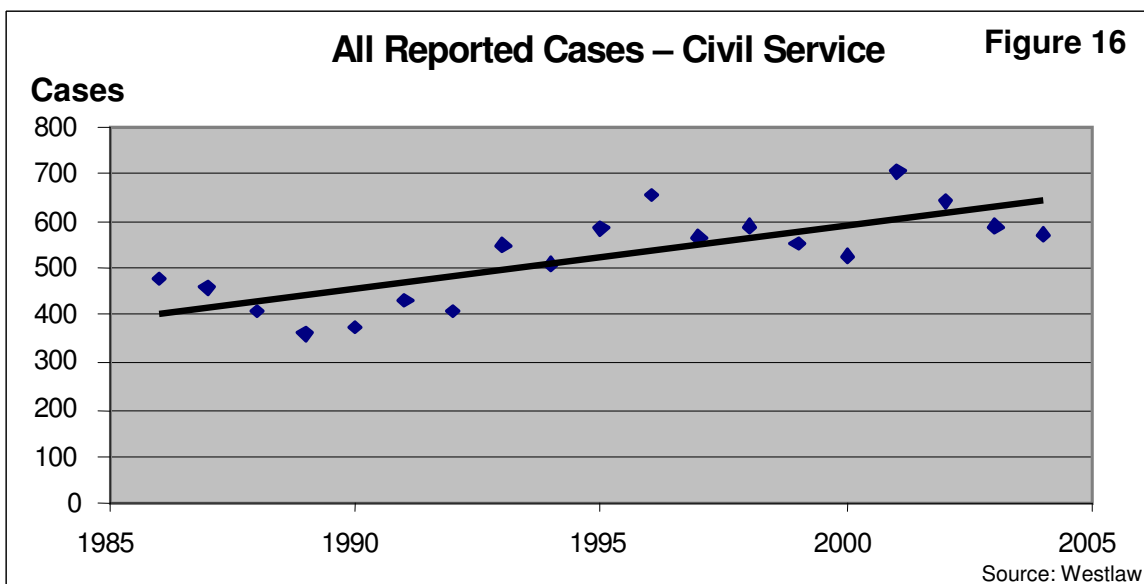
Litigation in other fields was also studied. Law, seen in Figure 14, increased at a rate of *times* 1.05 cases per 5 years from 1986-2004. Litigation in the field of Law has seen a similar amount of growth as has the field of Education (*times* 1.08 cases per 5 years). The Medical field, seen in Figure 15, saw a little higher rate of change (*times* 1.112 cases per 5 years). The field studied with the highest rate of change was Civil Service. As Figure 16 indicates, this field saw an increase of *times* 1.13 cases per 5 years.



Source: Westlaw



Source: Westlaw

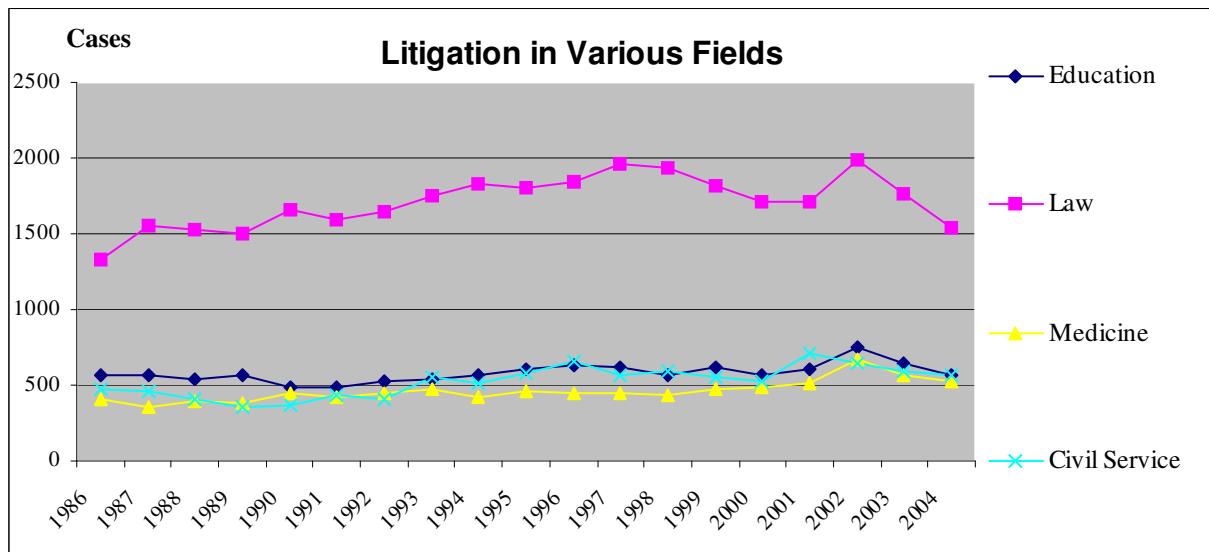


Source: Westlaw

In the 1988 study, law, civil service, and education had seen remarkably similar rates of increase. At that time, medicine had a somewhat higher rate of growth. Recent data seem to indicate that law-related and education-related litigation have remained similar in rates of change, but that medicine-related litigation continues to increase at a slightly higher rate, and the civil service-related litigation category has also seen significant growth in recent years.

As Figure 17 illustrates, when viewed together, the rates of change in the different fields, it is apparent that no field is seeing a tremendous surge in litigation rates. Figure 14 indicates that the field of Law reports more cases, but the rate of change is what is being measured. The rates of change look remarkably similar. All fields seem to have hit a high point between 2002 and 2003 and have been decreasing since that time.

Figure 17



Source: Westlaw

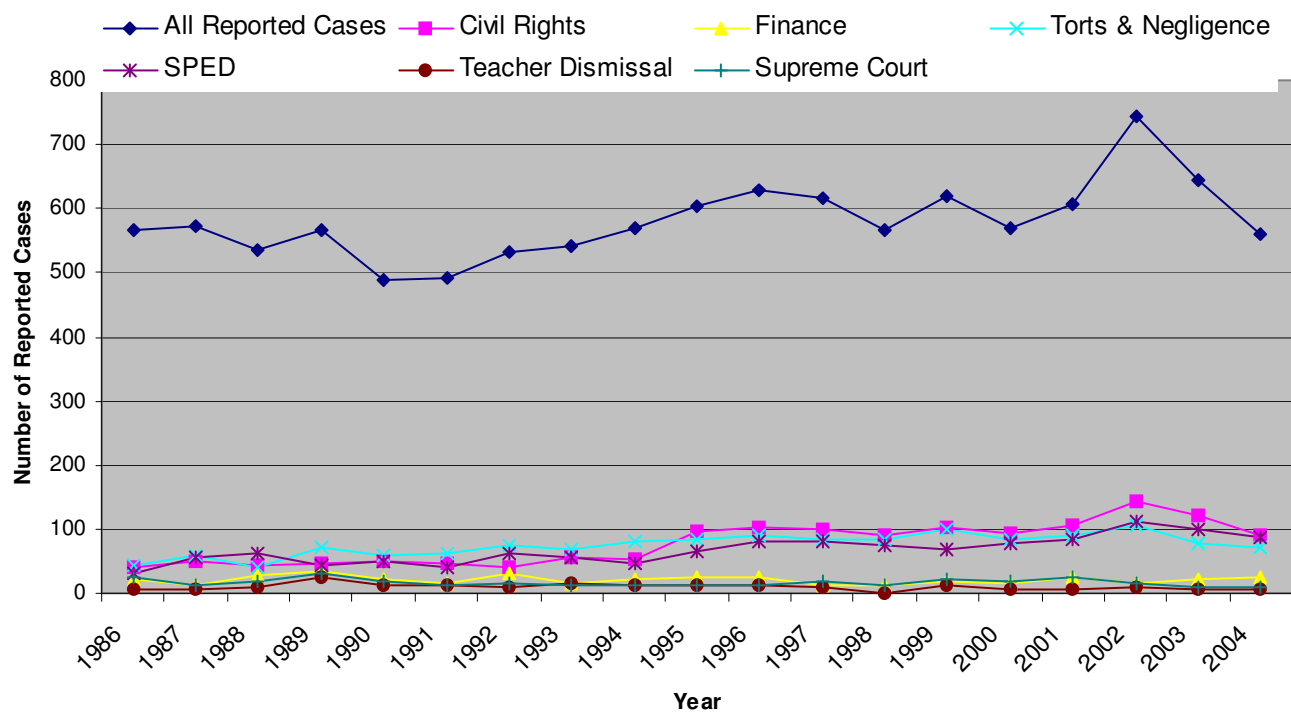
Finally, all reported litigation in education from 1986 to 2004 (seen in Figure 1, page 14) indicates a general incline as a whole with a dip to low levels in the early 1990s. Imber & Gayler's study, which collected data until 1986, recognized this downward trend and predicted that the decline would continue until, by 2005, frequency in litigation would reach its 1960 level (Imber & Gayler 1988). Instead, the data collected since 1986 shows that the decline did not continue and the frequency in litigation in education actually began to increase slightly from that point. It seems that the category which would not be predicted at that time was Special Education. Unquestionably, laws have

changed within this category, and as a result, litigation has increased as the courts have interpreted these laws. Although this category has not seen a decrease yet, special education litigation may eventually slow down as the laws are interpreted and policy and practice catch up to the legal standards within this field. In that event a new prediction could be made that litigation will slow and decrease, but, as discussed before, in the likelihood that this does occur, overall litigation will probably remain on the rise for other equity issues. The School Funding category seems situated in the right spot in the data to indicate that it may be the next area of growth within educational litigation. Education-related litigation definitely seems unlikely to decrease dramatically any time soon.

Figure 3 (seen on page 16 and again on the next page) clearly indicates a general increase in litigation overall and within the Civil Rights, SPED and Torts & Negligence categories. It is interesting to note, however, that all three of those categories see a decrease since 2002. Also, although the increase in the Finance category since 2002 is minute, it is increasing while all others are decreasing. Again, the number of states is fixed and therefore a small move on the Finance trendline could be an indication of a lot of action in the courtrooms. The best prediction at this time is that education-related litigation will continue to grow as does the educational enterprise as a whole. A decrease in litigation is currently being enjoyed, but history indicates that peaks and valleys are the norm and that a peak may be coming in the area of school funding. Whether or not this will affect the overall litigation trend is not yet known. Taking away the 2002 peak in litigation, rates have been increasing, but not even at the same rate as the enterprise as a whole. A fear of a litigation explosion is unwarranted at this time.

Figure 3, repeated

Education-Related Litigation Reported Cases - All Categories



Source: Westlaw

THE MAGNITUDE OF VARIOUS CATEGORIES OF LITIGATION

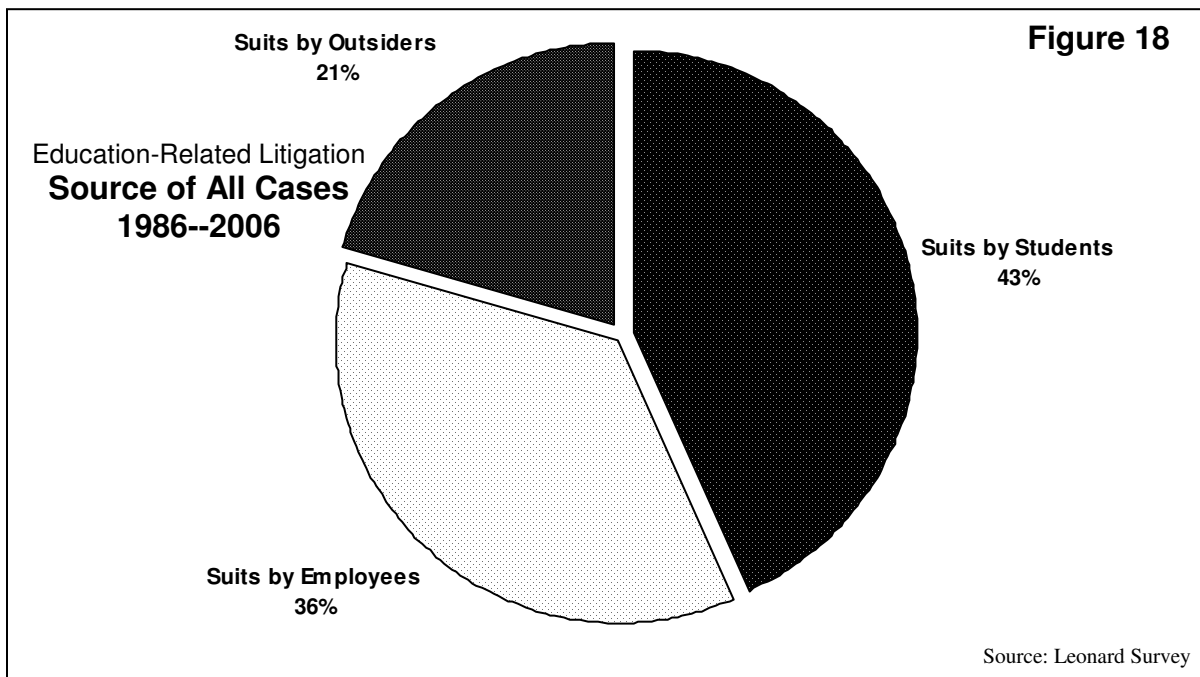
The nationwide survey returned a total of 121 usable responses (24% of the sample). Some districts only reported the number of cases against them, and some did not supply adequate information about their cases, so it was impossible accurately to put them into categories. Most responses could be placed in the broadest categories, and many were detailed enough to be placed at the next level in Imber & Thompson's categorization (eg., Category IA, see page 16). The information received was deemed enough to note trends in education-related litigation. The responding districts represent 3% of pupils in public schools nationally suggesting that the reported litigation represented 3% of the total lawsuits against schools during the three-year period from 2001-02 to 2003-04 school years. Of the responding school districts, a majority (61%) described themselves as rural districts. 10% reported being urban districts and 29% said their districts were suburban. Even though a large number of rural districts responded and relatively few urban districts were able to complete the survey, the pupil population represented is a good sample. A few large districts often times have more students enrolled than many rural districts combined. Urban districts with many students enrolled reported much more litigation than rural. Most of the time, the rural superintendent could give me all the details of the one or two lawsuits that had occurred in their district in the previous three years. For example, the Superintendent of the Blytheville, Arkansas school district was able to provide a generous amount of detail on the one incident his district had seen. On the other hand, the Superintendent of the Los Angeles Unified School District also responded to the survey, but explained that the district's attorneys could not provide details for the

several hundred cases the district had dealt with in the previous three years. The LA Unified data was still very useful in calculating the magnitude of lawsuits, but could not be categorized and therefore is not a part of the Typology.

A total of 1,376 lawsuits were reported by the surveyed districts, about 459 per year and/or about 3.8 per reporting district per year. These numbers indicate that approximately one lawsuit is filed per 3200 students per year. A per-student measure is a better measure of litigation rates than is a “per-district” measure because of the tremendous variance of school types and sizes included in the survey. Because 459 suits represent 3% of the student population in public K—12 schools, it can therefore be estimated that about 14,825 lawsuits are filed against public school districts each year, this number extrapolates to 0.87 per district per year. The number of lawsuits was divided by the number districts to obtain this figure, but it should be noted that districts vary greatly in size, thus assuming that a district with a large student population is likely to be sued more often than a district with a smaller student population. In other words, the assumption was made that lawsuits would not likely be perfectly distributed by district. It is also important for larger districts to understand that their larger population increases their risk of litigation. This final figure is slightly lower than Underwood and Noffke’s 1990 estimate (.93) and slightly higher than the reported estimate by Imber & Thompson in 1991 (.77). In 1990 and 1991 there were about 41 million students in public schools, and in 2004 there were about 48 million. Because the education enterprise increased by 117%, and the lawsuits per district count only increased by 112% (based on .87 figure from this study and the .77 figure from Imber & Thompson’s study), it would seem that

litigation overall is not exploding, but rather decreasing relative to the overall educational enterprise in this country.

Additionally, of the 1,376 suits reported in the surveys, 375 could be placed in the broadest categories according to Imber & Thompson's typology: 163 or 43.5% were suits brought by students. The second largest category (again, using the typology) was employee initiated, 135 or 36% of the lawsuits, and the rest (77 or 20.5%) were brought by people outside the school system. People outside the district brought only 10% of the reported cases in Imber's previous study. This area has seen the most growth, and schools and school districts would do well to take note of this change. In the previous study by Imber, most suits by outsiders had to do with contract matters. Now, overall, the suits by outsiders have increased, and the increase has been in the area of negligence. Thus, these more recent numbers imply that schools and school districts need to become better risk managers to avoid this type of litigation. Also, more precautions may be necessary at events where the school is playing host to the community. School superintendents, school boards, and all personnel involved would be well advised to remember that, of all reported cases, negligence was the most common cause of legal action. In fact, negligence claims from students represented the largest cause of lawsuits (78 reported suits, 21% of all categorizable cases), and claims of negligence also represented the largest reason for claims from people outside the district (35 reported suits, 9% of all categorizable cases). Overall, negligence claims made up almost one-third of all categorizable cases (123 cases). If the number of negligence claims is projected across the nation, these data indicate an estimated 4,492 negligence claims against schools each year.



Among the reported cases, the second most common reason for lawsuits filed by students was the category of “equal opportunity issues.” Of the 40 reported equal-opportunity-issue lawsuits, 34 dealt with special education. This finding seems consistent with the findings of Imber and Thompson in 1991. At that time, desegregation cases seemed to have slowed, and at the time of this study, they seem to have stopped completely. Not a single desegregation case was reported from this survey. So even though the term “desegregation” may have been replaced by the term “equal opportunity,” the real issue may well be “special education.”

In the employee category, the findings were similar to Imber and Thompson’s study (1991), but some changes were noted. For example, the largest category of lawsuits brought by employees in this study was discrimination in hiring and/or promotion (14% of all categorizable cases). The employee discipline category (11% of all categorizable cases) seems closely connected to the “discrimination in hiring and promotion” category.

Also important to keep in mind is the fact that in most, but not in all, states, teachers are covered by worker's compensation. Worker's compensation almost always works outside the regular court system and therefore would not be counted as a suit in Westlaw or by the superintendent counting cases. Therefore, it should be noted that for the purposes of this research, the results of teachers "suing" school districts for negligence could be misleading because of the worker's compensation laws. Although laws vary from state to state, all are designed to provide compensation to employees for on-the-job injuries, whether or not the employers were negligent. At one time, employees had to prove the occurrence of a sudden impact related to something other than routine work (Imber & Van Geel, 2000). In the past, occupational diseases, back injuries, or hernias suffered from lifting were excluded from coverage. In recent years, however, this narrow notion of an accident has given way to a broader interpretation, so that now teachers may also seek compensation for injuries that slowly develop over time while on the job. Thus, the on-the-job heart attack may be compensable even if part of the cause of the heart attack was unhealthy living. Therefore, schools and school districts should not ignore the health of their employees. While this may not appear in the costs of litigation, worker's compensation claims should be monitored because of costs to the districts is similar to litigation and other insurance costs. Schools need to provide safe environments for their employees and address the areas in which they see growth within their worker's compensation programs. Although each state and each district will have different results related to worker's compensation, and it is very hard to measure in this type of study, it is an area worth noting.

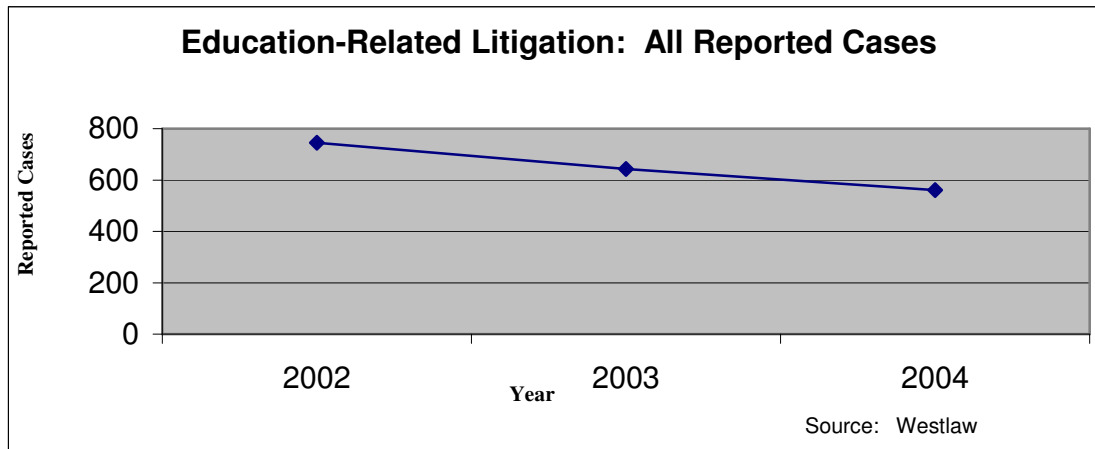
CONCLUSION

The data collected from the Westlaw database and from nationwide survey of superintendents indicates that there is no real “explosion” of education-related litigation. However, the decline in litigation found by Imber and Gayler (1988) did not continue as predicted. Education-related litigation is actually increasing, although not at a rate that should cause great concern. The data from Westlaw indicates that from 1986 to 2004, education-related litigation increased by *times* 1.08 cases per five years. When looking at the data closely, it appears that since 2002 litigation has dropped off and that a decline may continue. The decrease in litigation over the past three years has not yet affected the trend line, but if the numbers continue to decrease the trend line will eventually show a decrease instead of an increase. Because this pattern also happened in the Imber & Gayler study, it could be a repeating pattern. Litigation may repeatedly peak and drop off. It seems that the pattern is greatly influenced by the social causes of the time. Imber & Gayler’s study saw increased litigation after desegregation laws were enforced and this study saw increased litigation after SPED laws changed and were enforced. The current flood of litigation in the area of school funding could be the next category to cause a peak in litigation rates. Well-founded predictions of further increases in civil rights education-related litigation could be made, based solely on the rising controversy surrounding school funding seen in the early Twenty-first Century. In all likelihood, the next civil rights issue affecting education-related litigation will focus on the question of granting equal educational opportunity to all students regardless of the socioeconomic background or even of their citizenship status. Consequently, the issue of civil rights as this issue

pertains to education may well be an area always active and always increasing, but for varying reasons.

Looking at the categories combined highlights the difference in the Finance trend line in comparison to others. The growth may be very gradual, but since 2002 the Finance category shows a slight move upward where many others (SPED, Civil Rights and All Reported Cases) have a downward turn for the same years. Another similar study continuing the trend line through the next decade would be informative and interesting. As it stands at the conclusion of this study, the indication is that litigation may continue to increase at a rate similar or only slightly higher than the rate at which the enterprise as a whole is increasing. The trend line of all reported cases in education-related litigation suggests that litigation is increasing at a rate of *times* 1.08 cases per five years. The exact same rate (*times* 1.08) is also the rate at which the number of teachers increased over the same time period. The number of students grew at almost the same rate (*times* 1.05 students per five years) and the increase in administrators fit in between the two numbers (*times* 1.06 administrators). This makes it quite clear that if litigation is growing at all, it is nowhere near an alarming rate. It is apparent that the enterprise of education as a whole grew at a very similar rate as did education-related litigation. Again, considering the turn down in the data from 2002 to 2004, the trend may reverse itself and litigation may decrease relative to the enterprise's growth if the numbers continue to decrease. Figure 14 depicts only the last three years of the study in the All Reported Cases Category. From 2002 to 2004, an average of 63 fewer cases per year were reported in Westlaw. Continuing the trend line and assuming that the decrease will continue, the rate of change would be *divided by* .87 cases per five years.

Figure 19



Although a litigation “explosion” may not be occurring, practicing “lawsuit prevention” has become an essential skill of school leaders in the nation. Research has proven that, particularly within the category of special education, litigation can be averted simply by being well informed of the law (Scheffel, Rude & Bole, 2005). Keeping abreast of legal changes and changing policy and practice to insure compliance is essential. To effectively practice lawsuit prevention, district and building managers must be kept aware of the areas in which litigation is increasing as well as the areas that are consistently the focus of many lawsuits throughout years. Also important is the ability to interpret data in order to predict where the next flurry of litigation activity may occur. For example, the area of school funding of students by the state has already made its appearance in litigation at many state levels. Therefore, assuming that this issue will affect individual schools and school districts in the near future could provide a basis for evaluation of funding for programs and practices. Educators must look at the issue of education-related litigation and determine how to alter or create policies and practices to insure adequacy and equity in their schools. The principal’s legal knowledge, therefore,

must go beyond a shallow, mechanical level in order that a fuller appreciation of liability risks can be reached (Gordon, 1996). Permuth and Mawdsley (2001) concluded: "For contemporary principals, avoiding the courtroom is directly related to understanding school law and court decisions that affect the day-to-day operations of the schools."

As these data were collected, the fact became obvious that some districts have much higher rates of litigation than others. If a district is seeing more than one lawsuit per 3200 students, they may want to look at the pattern of their own litigation to then appropriately change practices. Having more than the average number of lawsuits per pupil may indicate a problem with a practice or set of practices a district uses. Although there is room for error within the survey, litigation clearly is not evenly spread throughout the country and throughout school districts. Therefore, having a baseline with which districts can evaluate their own position will enable them to focus their own strategies to help prevent unnecessary and costly litigation.

Circumstances undoubtedly must be acknowledged when using this data. If a district has a tragedy involving student and employee injuries, the increase in claims is easily explained, but if the district is continuously above the average number of lawsuits, a good use of this information regarding education-related litigation might be to target staff education in ways to help avoid needless litigation wherever possible. In fact, all districts could, with awareness of potential liabilities, make legal knowledge of all its employees a priority to thus better insure compliance with the law.

One other contemporary concern is a growing one. Although the use of technology was not a category in this study, it is clearly an area where litigation is a factor that administrators must consider. In February of 1996, federal legislators passed the

Communications Decency Act (CDA) designed to restrict electronic postings that were “indecent” or “patently offensive” in such areas as web pages, newsgroups, chat rooms, or on-line discussion lists and other internet public forums. In *Bethel School District No. 403 v. Fraser (1986)*, the Court determined that public schools are within their legal rights to appropriately discipline for speech that which is “wholly inconsistent with the values of public school education.” The *Bethel* decision, combined with the CDA, is sure to lead to further litigation. Determining what schools are entitled to follow up with discipline and what is a violation of students’ free speech rights is one that will likely find renewed intensity with the introduction of the internet into public schools (Kirby & Kallio, 2006).

Without question, since school boards rely on insurance to protect them and school administrators from the costs of lawsuits related to decisions they make, school district personnel need to be made aware that insurance rates are rising rapidly. School districts involved increasingly in lawsuits can insure that already high insurance rates will continue to rise (NSBA, 2001). These rising rates will compete for the dollars necessary to increase salaries. Therefore, personnel at all levels would be well served by in-service training regarding education-related litigation regarding all areas from rising insurance rates stemming from all categories, thereby helping to enlist the cooperation of all personnel in the avoidance of litigation. Some report that judgments against school boards between \$25,000 and \$1 million and beyond are not uncommon, and therefore the ability to practice litigation prevention and to avoid as many lawsuits as possible becomes important to everyone in the field; even one lawsuit could be financially devastating to a small school district. Therefore, administrators at all levels and staff as

well as faculty need to be given accurate information about the trends in education-related litigation. When a suit arises from a serious incident involving school personnel on a school campus, it is almost a certainty that the plaintiff's attorney will name not only the person who committed the act, but also the administrators and school board members who are responsible for the supervision and management of the school (Stephens, 1998). School districts would greatly benefit from an accurate statistical picture of litigation. Insurance companies feed off the perceived crises and these increased fees may not really be necessary. Jay Anderson, director of sales and marketing for Coregis Insurance Company said, in 1999, that "the legal environment continues to degenerate. Things are becoming more litigious". He does not give any information as to how he reached this conclusion and school boards and administrators must advocate for themselves if they want to avoid continually increasing insurance rates. Knowing how litigation is changing in the field can guide policy and practice as well as budgeting. For example, if it is clear that parents of students with disabilities are much less likely to sue if they feel that the teachers and school district can clearly articulate the goals of IDEA, developing awareness of and adherence to policy and practices for all staff members can help to address this concern. Providing this information to staff members may reduce district litigation costs and, more importantly, help parents and staff work together more effectively to educate those children with special needs, and, indeed, all the children who are entitled to a "free and appropriate education" in the United States of America.

Finally, as a result of this study, schools and school districts can track the rates of litigation in their school and should be fully informed of the trends developing within their communities. It is likely that a community which feels that their school is fully

aware of current issues and fully knowledgeable of school law will also be less likely to sue the district without first discussing the issue with a school official. If all school officials are equipped with the legal knowledge they need, litigation can be avoided in many circumstances.

REFERENCES

- American Bar Association. (2001). Legal Technology Survey: Preliminary Report.
- Armenta, T. (May 1999). Using the Internet to stay current in school law. *NASSP Bulletin* 83(607), 21—25.
- Baines, Lawrence, Muire, Chris & Stanley, Gregory. (Winter 1999). The Public School as Wasteland. *Contemporary Education* 70 (2) 18-24.
- Biddle, J. R. (Oct 1999). Bridging the gulf between courtroom and classroom: A reflective essay on “Law & School Reform.” *Journal for a Just & Caring Education*, 5(4), 493—501.
- Boomer, L. W. (1992) Searching students: An ethical and legal issue for special education. *Preventing School Failure*, 36(3), 16—19.
- Carter, D. B., & McKittrick, S. (1987). Disciplinary removal of special education students. *Focus on Exceptional Children*, 20, 1—8.
- Ceniceros, R. (2003) Education law prompts fears of litigation. *Public Risk Management Association Conference, Crain Communications*, n.p.
- Clark, R. T., Jr. (Apr 2001) Past and future trends affecting K—12 employment relations: A management perspective. *Journal of Law & Education*, 30(2), 27—35.
- Daniel, P. T. K. (Jul-Aug 2003). Personnel evaluations in education and the law. *School Business Affairs*, 69(7), 29—33.
- Dayton, J., & Rienstra-Kiracofe, C. (July-Aug 2003). Public school funding litigation: Recent decisions and future decisions. *School Business Affairs*, 69(7), 11—16.

- Delon, F. G. (June 1990). The more things change...: Re-emerging student First Amendments rights issues. *West's Education Law Reporter*, 59(4), 4—7.
- Feldman, D. (September 1987). Sexual harassment: Policies and prevention. *Personnel*, 64(9), 12—17.
- Flygare, T. J. (1981). Schools and the law: some jubilee year observations. *Phi Delta Kappan*, 6(5), 390—391.
- Goorian, Brad. (2001) Trends and Issues: School Law. *Clearinghouse on Educational Management*. 3-15.
- Grady, M. L, McKay, J., Krumm, B. L, & Peery, K. L. (Fall 1998). School law for rural school administrators. *Rural Educator*, 20 (1), 20—24.
- Griffith, M., & Burke, M. (February 2005). School funding adequacy cases. *Education Commission of the States*. Retrieved from <http://www.ecs.org>.
- Hanushek, Eric A. Courting Failure: How School Finance Lawsuits Exploit Judges' Good Intentions and Harm our Children. Education next books, November 1, 2006.
- Hunter, M. A. (2006). Litigation challenging constitutionality of K—12 school funding in the 50 states. *National Access Network*, 2006, <http://www.schoolfunding.org>.
- Imber, M. & Thompson, G. (May 1991). Developing a typology of litigation in education and determining the frequency of each category. *Educational Administration Quarterly*, 27(2), 225—244.
- Imber, M., & Van Geel, T. (2000). *Education Law* (2nd ed.). New Jersey: Lawrence Earlbaum Associates.

- Imber, M., & Gayler, D. (February 1988). A statistical analysis of trends in education-related litigation since 1960. *Educational Administration Quarterly*, 24(1), 55—78.
- Imber, M. (1987-88) Alternative Types of Research in Education Law. *NOLPE Education Law Update (Final Issue)*, 196—200.
- Jones, R. (April 2000). Schools and the law: Legal trouble spots and how to avoid them. *American School Board Journal*, 187(4), 24—30.
- Joyce, S. R. (1980). The school district attorney: Trends of legal involvement education. *NOLPE School Law Journal* 10(2), 193—200.
- Katsiyannis, A., & Maag, J. W. (Summer 1997). Ensuring appropriate education, emerging remedies, litigation, compensation, and other legal considerations. *Exceptional Children*, 63(4), 451—463.
- Kirby, E., & Kallio, B. (Fall 2006). Blogs: A new frontier for school discipline issues. *A Legal Memorandum: Quarterly Law Topics for School Leaders*, 7(1), 1—5.
- Leary, J. (1981). *Educators on Trial*. Farmington, MI: Action In-Service.
- Lieberman, J.K. (1981). *The Litigious Society*. New York: Basic Books.
- Lupini, W. H., & Zirkel, P. A. (2003) An outcomes analysis of education litigation. *Educational Policy*, 17(2), 257.
- McFadden, A. C., Marsh, G. E., Price, B. J. & Hwang, Y. (1992). A study of the race and gender bias in the punishment of school children. *Education and Treatment of Children*, 15, 140—146.
- McKinney, J. R. (Oct. 1994). The Fourth Amendment and the public schools: Reasonable suspicion in the 1990s. *West's Education Law Quarterly*, 3(4), 591—599.

- Newcomer, J. R., & Zirkel, P. A. (Summer 1999). An analysis of judicial outcomes of special education cases. *Exceptional Children*, 65(4), 469—486.
- Please Miss, what's an IEP?: Schools and lawsuits. (June 8, 2002) *The Economist* (US), n.p.
- Portner, J. (2001, March 29). Fearful teachers buy insurance against liability. *Education Week*, p.1.
- Rebell, M. A., & Block, a. R. (1982). *Educational Policy Making and the Courts*. Chicago: University of Chicago Press.
- Reglin, G. L. (March 1990). Worried about litigation: Test your knowledge of school law. *The Executive Educator*, 12(3), 21—22.
- Rink, J. (1985). Corporal punishments in school. *Youth Law News*, 16—17.
- Rose, T. L. (1988). Current disciplinary practices with handicapped students: Suspensions and expulsions. *Exceptional Children*, 55, 230—239.
- Serrano v. Priest, 5 Cal. 3d 584, 487 P.2d 1241, 96 Cal. Rptr. 601, 41 A.L.R. 3d 1187 (Cal. Aug 30, 1971) (NO. LA. 29820).
- Serrano v. Priest, 20 Cal. 3d 25, 569 P.2d 1303, 141 Cal. Rptr. 315, 17 Env'tl. L. Rep. 20,795 (Cal. Oct 4, 1977) (NO. LA. 30398).
- Splitt, D. (July 1996). Looking back on 18 years of school law. *Executive Educator*, 17(7), 11, 39.
- Stephens, R. D. (March 1998). Ten steps to safer schools: Security for students and staff begins with planning. *American School Board Journal*, 45—52.
- Strickland, R., Phillips, J. F., & Phillips, W. R. (1976). *Avoiding Teacher Malpractice*. New York: Hawthorn.

- Tatel, D. S. (Jan 1993). The 1991-1992 term of the United States Supreme Court and its impact on public schools. *West's Education Law Quarterly*, 2(1), 19—216.
- Thompson, D. C. (June 21, 1990). School finance and the courts: A reanalysis of progress." *West's Education Law Reporter*, 59(4), 945—961.
- Townsend, B. L. (Spring 2000). The disproportionate discipline of African-American learners: Reducing school suspensions and expulsions. *Exceptional Children*, 66(3), 381.
- Underwood, J. K. (Mar 1990). The litigation scales are tilting in your favor. *The Executive Educator*, 12(3), 16—20.
- Valente, W. D. (1987) *Law in Schools*. Columbus, OH: Charles E. Merrill.
- Verstegen, D. A. (November 1994). The new wave of school finance litigation. *Phi Delta Kappan*, 76(3), 243—251.
- Wall, A. (January 1993). Towards the fundamental right and education quality strategy in Illinois school finance litigation. *West's Education Law Quarterly*, 2(2), 120—136.
- Weeks, R. H. (January 2001). Managing legal affairs. *School Business Affairs*, 67(1), 4—11.
- Weeks, R. H. (Jan 2001). Managing legal affairs. *School Business Affairs*, 67 (1), 4—11.
- West, Martin R. & Peterson, Paul E. School Money Trials: The Legal Pursuit of Educational Adequacy. Brookings Institution Press, 2007.
- Will, G.F. (2000, June 15) Schools beset by lawyers and shrinks. *The Washington Post*, p. A33.
- Williams, C. F. (Oct 2001). Supreme Court trends. *Special Education*, 65(6), 352, 357.

- Wood, C. R., & Dayton, J. (November 2002). Education finance litigation: An examination of emerging trends and future directions. *Balancing Rights: Education Law in a Brave New World. Papers of the Education Law Association 48th Annual Conference (New Orleans, November 14—16, 2002).*
- Wright, P. W. D. (Fall 2004). The next wave of special education litigation. *The Beacon Harbor House Law Press, Inc.*, <http://www.harborhouselaw.com>.
- Yellman, M. L. (1990). The use of corporal punishment, suspension, expulsion, and timeout with behaviorally disordered students in public schools: Legal consequences. *Behavioral Disorders, 15*, 100—109.
- Zehr, M.A. (September 15, 1999). Threat of lawsuits a burden on principals, poll says. *Education Week*. p.3.
- Zirkel, P.A. (2003). An Outcomes Analysis of Education Litigation. *Educational Policy, 17* (2), 257-279.
- Zirkel, P. A. (December 2003). : Restitution: Another two-way street in school cases? (Courtside). *Phi Delta Kappan, 85*(4), 334—341.
- Zirkel, P. A. (July 1988). The explosion in education litigation. *West's Education Law Reporter, 53*(3), 319—326.
- Zirkel, P. A, & Gluckman, I. B. (Nov 1996). Four-letter words. *NASSP Bulletin, 80* (583), 87—91.
- Zirkel, P. A. (June 1994). It's time again for the minor suits awards. *Phi Delta Kappan, 75*(10), 808—810.
- Zirkel, P. A. (1992). Will they sue? Will they win?: The legal audit of curriculum. *International Journal of Educational Reform, 1*(1), 32—45.

Zirkel, P. A. (Dec. 1990). Litigation forecast. *The American School Board Journal*, 177(12), 16, 18.

Zirkel, P. A. (Oct. 1988). Special education law: Recent developments. *West's Education Law Reporter*, 48(2), 317—28.

Appendix A
School Districts Contacted About Education-Related
Litigation
2001-02 to 2003-04

(Response of “-1” in the “Teacher” category indicates
a district that failed to respond to the survey)

District Code		City	State	Zip	Enrollment	Teachers
1	MOBILE COUNTY SCH DIST	MOBILE	AL	36633	64058	4035.8
2	JEFFERSON COUNTY SCH DIST	BIRMINGHAM	AL	35209	40060	2486.1
3	BIRMINGHAM CITY SCH DIST	BIRMINGHAM	AL	35202	36133	2305.1
4	MONTGOMERY COUNTY SCH DIST	MONTGOMERY	AL	36102	32912	2123.9
5	BALDWIN COUNTY SCH DIST	BAY MINETTE	AL	36507	23411	1550.9
6	MADISON CITY SCH DIST	MADISON	AL	35758	6657	395.4
7	WASHINGTON COUNTY SCH DIST	CHATOM	AL	36518	3587	223.8
8	FAYETTE COUNTY SCH DIST	FAYETTE	AL	35555	2688	172.6
9	GUNTERSVILLE CITY SCH DIST	GUNTERSVILLE	AL	35976	1814	122.6
10	LINDEN CITY SCH DIST	LINDEN	AL	36748	612	38.8
11	ANCHORAGE SCHOOL DISTRICT	ANCHORAGE	AK	99519	50055	2800
12	FAIRBANKS NORTH STAR BORO S/D	FAIRBANKS	AK	99701	15412	874
13	MATANUSKA-SUSITNA BOROUGH SCHS	PALMER	AK	99645	13870	789.3
14	KENAI PENINSULA BOROUGH SCHS	SOLDOTNA	AK	99669	9750	588.3
15	JUNEAU BOROUGH SCHOOLS	JUNEAU	AK	99801	5543	315.9
16	LAKE AND PENINSULA SCHOOL DIST	KING SALMON	AK	99613	457	47.4
17	ALEUTIAN REGION SCHOOL DIST	ANCHORAGE	AK	99515	53	5.5
18	KUSPUK SCHOOL DISTRICT	ANIAK	AK	99557	461	42
19	TANANA CITY SCHOOL DISTRICT	TANANA	AK	99777	81	7.3
20	CORDOVA CITY SCHOOL DISTRICT	CORDOVA	AK	99574	469	32.2
21	MESA UNIFIED DISTRICT	MESA	AZ	85201	75269	3680.9
22	TUCSON UNIFIED DISTRICT	TUCSON	AZ	85717	61958	3450.3
23	PEORIA UNIFIED SCHOOL DISTRICT	PEORIA	AZ	85380	35178	1827.6
24	PARADISE VALLEY UNIFIED DISTRICT	PHOENIX	AZ	85032	35073	1873.2
25	GILBERT UNIFIED DISTRICT	GILBERT	AZ	85296	33256	1827.8
26	KINGMAN UNIFIED SCHOOL DISTRICT	KINGMAN	AZ	86401	7198	375.5
27	AMPHITHEATER UNIFIED DISTRICT	TUCSON	AZ	85705	3254	893.2
28	PEACH SPRINGS UNIFIED DISTRICT	PEACH SPRINGS	AZ	86434	2157	24.2
29	MINGUS UNION HIGH SCHOOL DISTRICT	COTTONWOOD	AZ	86326	1312	61.3
30	RED MESA UNIFIED DISTRICT	TEEC NOS POS	AZ	86514	962	52.5
31	LITTLE ROCK SCHOOL DISTRICT	LITTLE ROCK	AR	72201	25526	1712
32	PULASKI CO. SPEC. SCHOOL	LITTLE ROCK	AR	72216	18323	1202

	DIST.					
33	FORT SMITH SCHOOL DISTRICT	FORT SMITH	AR	72902	12844	818
34	SPRINGDALE SCHOOL DISTRICT	SPRINGDALE	AR	72765	12839	681
35	ROGERS SCHOOL DISTRICT	ROGERS	AR	72756	11853	681
36	BLYTHEVILLE SCHOOL DISTRICT	BLYTHEVILLE	AR	72316	3386	223
37	BATESVILLE SCHOOL DISTRICT	BATESVILLE	AR	72501	2099	131
38	STAR CITY SCHOOL DISTRICT	STAR CITY	AR	71667	1520	100
39	WEST FORK SCHOOL DISTRICT	WEST FORK	AR	72774	1120	71
40	GREENLAND SCHOOL DISTRICT	GREENLAND	AR	72737	893	62
41	LOS ANGELES UNIFIED	LOS ANGELES	CA	90017	746852	34832.4
42	SAN DIEGO UNIFIED	SAN DIEGO	CA	92103	140753	7116.2
43	LONG BEACH UNIFIED	LONG BEACH	CA	90810	97212	4458.9
44	FRESNO UNIFIED	FRESNO	CA	93721	81222	3858
45	SANTA ANA UNIFIED	SANTA ANA	CA	92701	63610	2871
46	FREMONT UNIFIED	FREMONT	CA	94537	31452	1482.6
47	ANAHEIM ELEMENTARY	ANAHEIM	CA	92805	22375	1035.5
48	ROWLAND UNIFIED	ROWLAND HEIGHTS	CA	91748	18739	796.6
49	ALUM ROCK UNION ELEMENTARY	SAN JOSE	CA	95127	14416	699.1
50	EL MONTE CITY ELEMENTARY	EL MONTE	CA	91731	11951	564.9
51	JEFFERSON COUNTY R-1	GOLDEN	CO	80401	87925	4870.7
52	DENVER COUNTY 1	DENVER	CO	80203	71972	4452.7
53	CHERRY CREEK 5	GREENWOOD VILLAGE	CO	80111	45738	2716.7
54	DOUGLAS COUNTY RE 1	CASTLE ROCK	CO	80104	40511	2290.6
55	NORTHGLENN-THORNTON 12	THORNTON	CO	80241	33522	1723.4
56	ROARING FORK RE-1	GLENWOOD SPRINGS	CO	81601	4864	342.3
57	ARCHULETA COUNTY 50 JT	PAGOSA SPRINGS	CO	81147	1588	92.2
58	HUERFANO RE-1	WALSENBURG	CO	81089	830	54.1
59	MANCOS RE-6	MANCOS	CO	81328	461	35.2
60	BUFFALO RE-4	MERINO	CO	80741	301	22.5
61	HARTFORD SCHOOL DISTRICT	HARTFORD	CT	6103	22734	1751.2
62	BRIDGEPORT SCHOOL DISTRICT	BRIDGEPORT	CT	6604	22493	1437.4
63	NEW HAVEN SCHOOL DISTRICT	NEW HAVEN	CT	6519	20329	1457.8
64	WATERBURY SCHOOL DISTRICT	WATERBURY	CT	6702	17413	1173.2
65	STAMFORD SCHOOL DISTRICT	STAMFORD	CT	6901	15231	1196.7
66	NEW MILFORD SCHOOL DISTRICT	NEW MILFORD	CT	6776	5204	344.6
67	WINDHAM SCHOOL DISTRICT	WILLIMANTIC	CT	6226	3560	281.8
68	WESTON SCHOOL DISTRICT	WESTON	CT	6883	2413	197.3
69	REGIONAL SCHOOL DISTRICT 08	HEBRON	CT	6248	1529	128
70	WOODBIDGE SCHOOL DISTRICT	WOODBIDGE	CT	6525	939	82.3
71	DISTRICT OF COLUMBIA PUB SCHLS	WASHINGTON	DC	20003	67522	-1
72	CARLOS ROSARIO INTERNATIONAL PCS AGY	WASHINGTON	DC	20010	835	-1
73	SE ACADEMY OF SCHOLASTIC EXCELLENCE PCS AGY	WASHINGTON	DC	20032	670	-1

74	ARTS & TECHNOLOGY PUBLIC CHARTER SCHOOL AGY	WASHINGTON	DC	20019	625	-1
75	PAUL JHS PUBLIC CHARTER SCHOOL AGY	WASHINGTON	DC	20011	586	-1
76	CHRISTINA SCHOOL DISTRICT	NEWARK	DE	19711	19605	1326.8
77	RED CLAY CONSOLIDATED SCHOOL DISTRICT	WILMINGTON	DE	19808	15622	943.5
78	BRANDYWINE SCHOOL DISTRICT	CLAYMONT	DE	19703	10701	665.4
79	COLONIAL SCHOOL DISTRICT	NEW CASTLE	DE	19720	10353	624.7
80	INDIAN RIVER SCHOOL DISTRICT	SELBYVILLE	DE	19975	7746	557.8
81	CHARTER SCHOOL OF WILMINGTON	WILMINGTON	DE	19807	937	44
82	THOMAS A. EDISON CHARTER SCHOOL	WILMINGTON	DE	19802	750	50
83	CAMPUS COMMUNITY CHARTER SCHOOL	DOVER	DE	19904	555	35.3
84	PROVIDENCE CREEK ACADEMY CHARTER SCHOOL	CLAYTON	DE	19938	470	25.4
85	POSITIVE OUTCOMES CHARTER SCHOOL	CAMDEN	DE	19934	78	8
86	DADE COUNTY SCHOOL DISTRICT	MIAMI	FL	33132	373395	18872
87	BROWARD COUNTY SCHOOL DISTRICT	FORT LAUDERDALE	FL	33301	267925	13652
88	HILLSBOROUGH COUNTY SCHOOL DISTRICT	TAMPA	FL	33601	175454	10336
89	PALM BEACH COUNTY SCHOOL DISTRICT	WEST PALM BEACH	FL	33406	164896	9095
90	ORANGE COUNTY SCHOOL DISTRICT	ORLANDO	FL	32802	158718	9458
91	VOLUSIA COUNTY SCHOOL DISTRICT	DELAND	FL	32721	63000	3887
92	CHARLOTTE COUNTY SCHOOL DISTRICT	PORT CHARLOTTE	FL	33948	17714	951
93	MONROE COUNTY SCHOOL DISTRICT	KEY WEST	FL	33041	9218	697
94	WASHINGTON COUNTY SCHOOL DISTRICT	CHIPLEY	FL	32428	3410	193
95	FLORIDA STATE UNIVERSITY LABORATORY SCHOOL	TALLAHASSEE	FL	32311	1494	0
96	GWINNETT COUNTY	LAWRENCEVILLE	GA	30046	122570	8039.8
97	COBB COUNTY	MARIETTA	GA	30061	100389	6756.7
98	DEKALB COUNTY	DECATUR	GA	30032	97967	6558.6
99	FULTON COUNTY	ATLANTA	GA	30315	71372	4832.8
100	ATLANTA CITY	ATLANTA	GA	30335	54946	3859.5
101	LIBERTY COUNTY	HINESVILLE	GA	31313	11274	674.4
102	DALTON CITY	DALTON	GA	30720	5739	366.4
103	MONROE COUNTY	FORSYTH	GA	31029	3872	225.3
104	FORT BENNING DISTRICT	FORT BENNING	GA	31905	3027	211.5
105	CHARLTON COUNTY	FOLKSTON	GA	31537	2015	113.7
106	HAWAII DEPARTMENT OF EDUCATION	HONOLULU	HI	96804	183829	-1
107	DES MOINES INDEPENDENT COMM SCHOOL DISTRICT	DES MOINES	IA	50314	31553	2319.1
108	CEDAR RAPIDS COMM SCHOOL DISTRICT	CEDAR RAPIDS	IA	52404	17528	944.6
109	DAVENPORT COMM SCHOOL DISTRICT	DAVENPORT	IA	52803	16544	1173.8
110	SIOUX CITY COMM SCHOOL DISTRICT	SIOUX CITY	IA	51105	13846	896
111	IOWA CITY COMM SCHOOL DISTRICT	IOWA CITY	IA	52240	10740	660.5
112	NORTH SCOTT COMM	ELDRIDGE	IA	52748	2957	190.8

	SCHOOL DISTRICT					
113	WASHINGTON COMM SCHOOL DISTRICT	WASHINGTON	IA	52353	1730	135.7
114	ALGONA COMM SCHOOL DISTRICT	ALGONA	IA	50511	1341	103.2
115	SOLON COMM SCHOOL DISTRICT	SOLON	IA	52333	1099	72.6
116	EDDYVILLE-BLAKESBURG COMM SCHOOL DISTRICT	EDDYVILLE	IA	52553	909	72
117	BOISE INDEPENDENT DISTRICT	BOISE	ID	83709	26266	1491
118	MERIDIAN JOINT DISTRICT	MERIDIAN	ID	83642	26113	1312.2
119	NAMPA SCHOOL DISTRICT	NAMPA	ID	83686	12715	674.8
120	POCATELLO DISTRICT	POCATELLO	ID	83204	11949	621.6
121	IDAHO FALLS DISTRICT	IDAHO FALLS	ID	83401	10514	537.1
122	KUNA JOINT DISTRICT	KUNA	ID	83634	3321	166.7
123	SHELLEY JOINT DISTRICT	SHELLEY	ID	83274	1990	99
124	NEW PLYMOUTH DISTRICT	NEW PLYMOUTH	ID	83655	986	54.8
125	HANSEN DISTRICT	HANSEN	ID	83334	374	27.9
126	ROCKLAND DISTRICT	ROCKLAND	ID	83271	147	16.8
127	CITY OF CHICAGO SCHOOL DIST 299	CHICAGO	IL	60603	436048	23396
128	SCHOOL DISTRICT 46	ELGIN	IL	60120	39153	2307.8
129	ROCKFORD SCHOOL DIST 205	ROCKFORD	IL	61104	28361	1688.1
130	INDIAN PRAIRIE C U SCH DIST 204	AURORA	IL	60504	25795	1595.5
131	NAPERVILLE C U DIST 203	NAPERVILLE	IL	60540	19020	1075.9
132	BARRINGTON C U SCHOOL DIST 220	BARRINGTON	IL	60010	8564	496.9
133	KANKAKEE SCHOOL DIST 111	KANKAKEE	IL	60901	5864	339.1
134	NORTH CHICAGO SCHOOL DIST 187	NORTH CHICAGO	IL	60064	4652	281
135	BELLEVILLE SCHOOL DIST 118	BELLEVILLE	IL	62220	3695	200.5
136	LOCKPORT TWP HS DIST 205	LOCKPORT	IL	60441	3180	116.2
137	INDIANAPOLIS PUBLIC SCHOOLS	INDIANAPOLIS	IN	46204	40731	2751.3
138	FORT WAYNE COMMUNITY SCHOOLS	FORT WAYNE	IN	46802	32114	1827.3
139	EVANSVILLE-VANDEBURGH SCH CORP	EVANSVILLE	IN	47708	22825	1426.8
140	SOUTH BEND COMMUNITY SCH CORP	SOUTH BEND	IN	46601	21662	1309.9
141	GARY COMMUNITY SCHOOL CORP	GARY	IN	46402	19035	1016.2
142	KOKOMO-CENTER TWP CON SCH CORP	KOKOMO	IN	46904	7013	494.5
143	CLAY COMMUNITY SCHOOLS	KNIGHTSVILLE	IN	47857	4619	299
144	SCHOOL CITY OF HOBART	HOBART	IN	46342	3430	179.5
145	RUSH COUNTY SCHOOLS	RUSHVILLE	IN	46173	2675	165.3
146	TIPPECANOE VALLEY SCHOOL CORP	AKRON	IN	46910	2130	118.2
147	WICHITA	WICHITA	KS	67202	48913	2970.9
148	SHAWNEE MISSION PUB SCH	SHAWNEE MISSION	KS	66204	29824	1929.6
149	OLATHE	OLATHE	KS	66063	22174	1539.3
150	KANSAS CITY	KANSAS CITY	KS	66101	20810	1295
151	BLUE VALLEY	OVERLAND PARK	KS	66283	18641	1209.1
152	GREAT BEND	GREAT BEND	KS	67530	3209	234.9
153	LABETTE COUNTY	ALTAMONT	KS	67330	1707	106.9
154	KAW VALLEY	ST MARYS	KS	66536	1128	90.1

155	NEODESHA	NEODESHA	KS	66757	881	66.7
156	DURHAM-HILLSBORO-LEHIGH	HILLSBORO	KS	67063	711	48.8
157	JEFFERSON COUNTY	LOUISVILLE	KY	40232	95651	5020.6
158	FAYETTE COUNTY	LEXINGTON	KY	40502	34296	2422.1
159	BOONE CO	FLORENCE	KY	41042	14650	814.2
160	HARDIN COUNTY	ELIZABETHTOWN	KY	42701	13391	773.3
161	KENTON COUNTY	ERLANGER	KY	41018	12668	696.9
162	MARSHALL COUNTY	BENTON	KY	42025	4823	294.9
163	BELL CO	PINEVILLE	KY	40977	3311	202.5
164	ESTILL COUNTY	IRVINE	KY	40336	2703	178.7
165	UNION COUNTY	MORGANFIELD	KY	42437	2556	154.7
166	BARDSTOWN IND	BARDSTOWN	KY	40004	2094	119
167	ORLEANS PARISH SCHOOL BOARD	NEW ORLEANS	LA	70114	70246	3932.5
168	EAST BATON ROUGE PARISH SCHOOL BOARD	BATON ROUGE	LA	70821	52434	3472.5
169	JEFFERSON PARISH SCHOOL BOARD	HARVEY	LA	70058	51501	3244.7
170	CADDO PARISH SCHOOL BOARD	SHREVEPORT	LA	71130	44556	2958.2
171	SAINT TAMMANY PARISH SCHOOL BOARD	COVINGTON	LA	70434	34081	2373.6
172	SAINT MARY PARISH SCHOOL BOARD	CENTERVILLE	LA	70522	10363	718.9
173	EVANGELINE PARISH SCHOOL BOARD	VILLE PLATTE	LA	70586	6337	410.6
174	CONCORDIA PARISH SCHOOL BOARD	VIDALIA	LA	71373	3845	264.4
175	EAST FELICIANA PARISH SCHOOL BOARD	CLINTON	LA	70722	2504	169
176	LA SCHOOL FOR THE DEAF	BATON ROUGE	LA	70821	221	70.9
177	BOSTON	BOSTON	MA	2108	61552	-1
178	SPRINGFIELD	SPRINGFIELD	MA	1102	26594	-1
179	WORCESTER	WORCESTER	MA	1609	25680	-1
180	BROCKTON	BROCKTON	MA	2301	16681	-1
181	LOWELL	LOWELL	MA	1852	15472	-1
182	LEXINGTON	LEXINGTON	MA	2420	6051	-1
183	FALMOUTH	EAST FALMOUTH	MA	2536	4578	-1
184	WALPOLE	WALPOLE	MA	2081	3676	-1
185	DEDHAM	DEDHAM	MA	2027	2983	-1
186	ACTON-BOXBOROUGH	ACTON	MA	1720	2497	-1
187	MONTGOMERY COUNTY PUBLIC SCHLS	ROCKVILLE	MD	20850	138983	-1
188	PRINCE GEORGES COUNTY PUB SCHS	UPPER MARLBORO	MD	20772	135439	-1
189	BALTIMORE COUNTY PUBLIC SCHLS	TOWSON	MD	21204	108297	-1
190	BALTIMORE CITY PUB SCH SYSTEM	BALTIMORE	MD	21202	96230	-1
191	ANNE ARUNDEL COUNTY PUB SCHLS	ANNAPOLIS	MD	21401	74787	-1
192	HARFORD COUNTY PUBLIC SCHOOLS	BEL AIR	MD	21014	40252	-1
193	BOARD OF EDUC, CHARLES COUNTY	LA PLATA	MD	20646	24794	1347.8
194	BOARD OF ED, WASHINGTON COUNTY	HAGERSTOWN	MD	21741	20102	-1
195	BOARD OF ED, QUEEN ANNES COUNTY	CENTREVILLE	MD	21617	7523	433.9
196	BOARD OF ED, WORCESTER COUNTY	NEWARK	MD	21841	6871	487.9
197	PORTLAND PUBLIC SCHOOLS	PORTLAND	ME	4103	7555	639.9

198	LEWISTON SCHOOL DEPARTMENT	LEWISTON	ME	4240	4689	298.1
199	MSAD 06 BUXTON	BAR MILLS	ME	4004	4132	291.4
200	BANGOR SCHOOL DEPARTMENT	BANGOR	ME	4401	4079	306.2
201	SANFORD SCHOOL DEPARTMENT	SANFORD	ME	4073	3834	253.5
202	MSAD 61 BRIDGTON	BRIDGTON	ME	4009	2206	193.8
203	MSAD 64 E CORINTH	E CORINTH	ME	4427	1218	78.3
204	MILLINOCKET SCHOOL DEPARTMENT	MILLINOCKET	ME	4462	841	63.4
205	CALAIS SCHOOL DEPARTMENT	CALAIS	ME	4619	591	51.8
206	DAYTON SCHOOL DEPARTMENT	SACO	ME	4072	375	16.5
207	DETROIT CITY SCHOOL DISTRICT	DETROIT	MI	48202	173742	-1
208	UTICA COMMUNITY SCHOOLS	STERLING HEIGH	MI	48312	29177	-1
209	GRAND RAPIDS PUBLIC SCHOOLS	GRAND RAPIDS	MI	49501	23418	-1
210	FLINT CITY SCHOOL DISTRICT	FLINT	MI	48503	21443	-1
211	LIVONIA PUBLIC SCHOOLS	LIVONIA	MI	48154	18423	-1
212	PORTAGE PUBLIC SCHOOLS	PORTAGE	MI	49002	9140	448.9
213	GRAND HAVEN AREA PUBLIC SCHOOLS	GRAND HAVEN	MI	49417	6056	325.5
214	HAZEL PARK CITY SCHOOL DISTRICT	HAZEL PARK	MI	48030	4854	-1
215	FERNDALE PUBLIC SCHOOLS	FERNDALE	MI	48220	3935	-1
216	LAKEVIEW PUBLIC SCHOOLS (MACOMB)	ST. CLAIR SHOR	MI	48081	3409	154.2
217	MINNEAPOLIS	MINNEAPOLIS	MN	55413	46037	3047.7
218	ST. PAUL	ST. PAUL	MN	55102	43923	2829.5
219	ANOKA-HENNEPIN	COON RAPIDS	MN	55433	41383	2133.3
220	ROSEMOUNT-APPLE VALLEY-EAGAN	ROSEMOUNT	MN	55068	28486	1693.7
221	OSSEO	MAPLE GROVE	MN	55369	21824	1175.6
222	ST. FRANCIS	ST. FRANCIS	MN	55070	5973	296.4
223	SAUK RAPIDS	SAUK RAPIDS	MN	56379	3600	215.4
224	WACONIA	WACONIA	MN	55387	2327	124.1
225	BROOKLYN CENTER	BROOKLYN CENTER	MN	55430	1732	100
226	PEQUOT LAKES	PEQUOT LAKES	MN	56472	1369	82.2
227	ST. LOUIS CITY	ST LOUIS	MO	63101	45480	3510.6
228	KANSAS CITY 33	KANSAS CITY	MO	64106	38521	2644.4
229	SPRINGFIELD R-XII	SPRINGFIELD	MO	65802	24626	1521.6
230	ROCKWOOD R-VI	EUREKA	MO	63025	22313	1332.2
231	PARKWAY C-2	CHESTERFIELD	MO	63017	20354	1218.4
232	NORTH KANSAS CITY 74	KANSAS CITY	MO	64116	17296	1189.4
233	ST. CHARLES R-VI	ST CHARLES	MO	63303	5879	448.4
234	HANNIBAL 60	HANNIBAL	MO	63401	3742	278.9
235	HARRISONVILLE R-IX	HARRISONVILLE	MO	64701	2544	163.8
236	MONETT R-I	MONETT	MO	65708	2061	148.2
237	SALEM R-80	SALEM	MO	65560	1521	108
238	JACKSON PUBLIC SCHOOL DIST	JACKSON	MS	39225	31529	1873.1
239	DESOTO CO SCHOOL DIST	HERNANDO	MS	38632	22145	1096.6
240	RANKIN CO SCHOOL DIST	BRANDON	MS	39043	15528	971.6
241	HARRISON CO SCHOOL DIST	GULFPORT	MS	39503	13018	772.2
242	MADISON CO SCHOOL DIST	FLORA	MS	39071	9423	603.1
243	GEORGE CO SCHOOL DIST	LUCEDALE	MS	39452	3968	248.6

244	LOUISVILLE MUNICIPAL SCHOOL DIST	LOUISVILLE	MS	39339	3041	222.7
245	BAY ST LOUIS WAVELAND SCHOOL DIST	BAY ST LOUIS	MS	39520	2208	150.4
246	NEWTON COUNTY SCHOOL DISTRICT	DECATUR	MS	39327	1726	116.3
247	CARROLL COUNTY SCHOOL DIST	CARROLLTON	MS	38917	1150	76.8
248	BILLINGS ELEM	BILLINGS	MT	59101	10154	623
249	GREAT FALLS ELEM	GREAT FALLS	MT	59403	7690	487.2
250	BILLINGS H S	BILLINGS	MT	59101	5624	316.6
251	MISSOULA ELEM	MISSOULA	MT	59801	5135	312.5
252	HELENA ELEM	HELENA	MT	59601	5020	262.9
253	EAST HELENA ELEM	EAST HELENA	MT	59635	1054	52.7
254	CUSTER COUNTY H S	MILES CITY	MT	59301	570	39.3
255	BEAVERHEAD COUNTY H S	DILLON	MT	59725	412	24.6
256	WEST VALLEY ELEM	KALISPELL	MT	59901	312	20.5
257	WEST YELLOWSTONE K-12	WEST YELLOWSTONE	MT	59758	233	18.2
258	CHARLOTTE-MECKLENBURG SCHOOLS	CHARLOTTE	NC	28230	109767	6668
259	WAKE COUNTY SCHOOLS	RALEIGH	NC	27611	104836	7110
260	GUILFORD COUNTY SCHOOLS	GREENSBORO	NC	27402	65677	4471
261	CUMBERLAND COUNTY SCHOOLS	FAYETTEVILLE	NC	28302	52094	3642
262	FORSYTH COUNTY SCHOOLS	WINSTON SALEM	NC	27102	46806	3590
263	ROCKINGHAM COUNTY SCHOOLS	EDEN	NC	27288	14871	1030
264	EDGEcombe COUNTY SCHOOLS	TARBORO	NC	27886	7825	536
265	KANNAPOLIS CITY SCHOOLS	KANNAPOLIS	NC	28083	4396	305
266	YANCEY COUNTY SCHOOLS	BURNSVILLE	NC	28714	2509	193
267	NC SCHOOL OF SCIENCE AND MATH	DURHAM	NC	27715	564	62
268	FARGO 1	FARGO	ND	58102	11159	705.2
269	BISMARCK 1	BISMARCK	ND	58501	10489	650.3
270	GRAND FORKS 1	GRAND FORKS	ND	58206	8041	599
271	MINOT 1	MINOT	ND	58701	7015	483.4
272	WEST FARGO 6	WEST FARGO	ND	58078	5262	317.2
273	CAVALIER 6	CAVALIER	ND	58220	556	38.7
274	GRIGGS COUNTY CENTRAL 18	COOPERSTOWN	ND	58425	341	28.2
275	EDGELEY 3	EDGELEY	ND	58433	260	21.1
276	MAPLE VALLEY 4	TOWER CITY	ND	58071	199	21.6
277	PEMBINA 1	PEMBINA	ND	58271	149	15
278	OMAHA PUBLIC SCHOOLS	OMAHA	NE	68131	45986	3042.4
279	LINCOLN PUBLIC SCHOOLS	LINCOLN	NE	68501	31867	2322.9
280	MILLARD PUBLIC SCHOOLS	OMAHA	NE	68137	19476	1240.5
281	BELLEVUE PUBLIC SCHOOLS	BELLEVUE	NE	68005	8886	573.6
282	PAPILLION-LA VISTA PUBLIC SCHS	PAPILLION	NE	68046	8114	492.1
283	AURORA PUBLIC SCHOOLS	AURORA	NE	68818	1311	84.1
284	MILFORD PUBLIC SCHOOLS	MILFORD	NE	68405	706	45.7
285	GIBBON PUBLIC SCHOOLS	GIBBON	NE	68840	530	41.3
286	SUTTON PUBLIC SCHOOLS	SUTTON	NE	68979	443	33.7
287	LYONS-DECATUR NORTHEAST SCHS	LYONS	NE	68038	366	33.2
288	MANCHESTER SCHOOL DISTRICT	MANCHESTER	NH	3104	17576	1129.1
289	NASHUA SCHOOL DISTRICT	NASHUA	NH	3061	13487	859.8
290	LONDONDERRY SCHOOL	LONDONDERRY	NH	3053	5700	392.6

	DISTRICT					
291	CONCORD SCHOOL DISTRICT	CONCORD	NH	3301	5360	354.6
292	SALEM SCHOOL DISTRICT	SALEM	NH	3079	5235	306
293	PELHAM SCHOOL DISTRICT	WINDHAM	NH	3087	1974	122.2
294	WEARE SCHOOL DISTRICT	HENNIKER	NH	3242	1255	77.3
295	AUBURN SCHOOL DISTRICT	HOOKSETT	NH	3106	629	41
296	CHESTERFIELD SCHOOL DISTRICT	KEENE	NH	3431	416	33
297	STRATFORD SCHOOL DISTRICT	GROVETON	NH	3582	185	21.6
298	NEWARK CITY	NEWARK	NJ	7102	42395	3512
299	JERSEY CITY	JERSEY CITY	NJ	7305	31259	2557.8
300	PATERSON CITY	PATERSON	NJ	7505	26193	2296.7
301	ELIZABETH CITY	ELIZABETH	NJ	7207	21024	1798.3
302	TOMS RIVER REGIONAL	TOMS RIVER	NJ	8753	18303	1114.8
303	SOUTH BRUNSWICK TWP	MONMOUTH JUNCTION	NJ	8852	8151	625.5
304	WESTFIELD TOWN	WESTFIELD	NJ	7090	5656	407.6
305	RANDOLPH TWP	RANDOLPH	NJ	7869	5451	383.9
306	MONTVILLE TWP	MONTVILLE	NJ	7045	3818	257.2
307	ASBURY PARK CITY	ASBURY PARK	NJ	7712	3043	320
308	ALBUQUERQUE PUBLIC SCHOOLS	ALBUQUERQUE	NM	87125	88120	5968.4
309	LAS CRUCES PUBLIC SCHOOLS	LAS CRUCES	NM	88001	22800	1495.2
310	GALLUP-MCKINLEY COUNTY SCHOOL	GALLUP	NM	87305	13618	872.8
311	SANTA FE PUBLIC SCHOOLS	SANTA FE	NM	87505	13557	870.4
312	GADSDEN INDEPENDENT SCHOOLS	ANTHONY	NM	88021	13454	821.1
313	CENTRAL CONSOLIDATED SCHOOLS	SHIPROCK	NM	87420	7083	493.4
314	TAOS MUNICIPAL SCHOOLS	TAOS	NM	87571	3289	251.5
315	COBRE CONSOLIDATED SCHOOLS	BAYARD	NM	88023	1698	125.6
316	SANTA ROSA CONSOLIDATED SCHLS	SANTA ROSA	NM	88435	738	57.1
317	LOGAN MUNICIPAL SCHOOLS	LOGAN	NM	88426	257	20.4
318	CLARK COUNTY SCHOOL DISTRICT	LAS VEGAS	NV	89121	256574	-1
319	WASHOE COUNTY SCHOOL DISTRICT	RENO	NV	89520	60384	-1
320	ELKO COUNTY SCHOOL DISTRICT	ELKO	NV	89801	9694	581
321	CARSON CITY SCHOOL DISTRICT	CARSON CITY	NV	89701	8834	482
322	LYON COUNTY SCHOOL DISTRICT	YERINGTON	NV	89447	7268	427
323	WHITE PINE COUNTY SCHOOL DISTRICT	EAST ELY	NV	89315	1435	85
324	MINERAL COUNTY SCHOOL DISTRICT	HAWTHORNE	NV	89415	787	58
325	STOREY COUNTY SCHOOL DISTRICT	VIRGINIA CITY	NV	89440	450	37
326	EUREKA COUNTY SCHOOL DISTRICT	EUREKA	NV	89316	239	23
327	MCDERMITT SCH DIST 051	MCDERMITT	NV	89421	-2	-2
328	NEW YORK CITY PUBLIC SCHOOLS	BROOKLYN	NY	11201	1077381	-1
329	BUFFALO CITY SD	BUFFALO	NY	14202	43474	-1
330	ROCHESTER CITY SD	ROCHESTER	NY	14614	35659	-1
331	YONKERS CITY SD	YONKERS	NY	10701	26398	-1

332	SYRACUSE CITY SD	SYRACUSE	NY	13210	22455	-1
333	SCHENECTADY CITY SD	SCHENECTADY	NY	12303	8526	-1
334	UNIONDALE UFSD	UNIONDALE	NY	11553	6325	496.1
335	MAHOPAC CSD	MAHOPAC	NY	10541	5255	365.4
336	COPIAGUE UFSD	COPIAGUE	NY	11726	4635	285.4
337	KATONAH-LEWISBORO UFSD	SOUTH SALEM	NY	10590	4112	302.7
338	CLEVELAND MUNICIPAL SD	CLEVELAND	OH	44114	71616	-1
339	COLUMBUS CITY SD	COLUMBUS	OH	43215	64175	-1
340	CINCINNATI CITY SD	CINCINNATI	OH	45201	42715	-1
341	TOLEDO CITY SD	TOLEDO	OH	43608	35742	-1
342	AKRON CITY SD	AKRON	OH	44308	29532	-1
343	CENTERVILLE CITY SD	CENTERVILLE	OH	45458	7899	456.1
344	STOW-MUNROE FALLS CITY SD	STOW	OH	44224	5963	315.9
345	FREMONT CITY SD	FREMONT	OH	43420	4612	262.3
346	PIQUA CITY SD	PIQUA	OH	45356	3914	179.1
347	VANDALIA-BUTLER CITY SD	VANDALIA	OH	45377	3476	220.2
348	TULSA	TULSA	OK	74147	43029	2607.9
349	OKLAHOMA CITY	OKLAHOMA CITY	OK	73106	40856	2619.8
350	PUTNAM CITY	WARR ACRES	OK	73122	19356	1180.6
351	MOORE	MOORE	OK	73160	18458	1092.5
352	EDMOND	EDMOND	OK	73003	17872	1005.7
353	GUTHRIE	GUTHRIE	OK	73044	3143	208.8
354	CUSHING	CUSHING	OK	74023	1923	128.9
355	STILWELL	STILWELL	OK	74960	1430	96.3
356	BETHEL	SHAWNEE	OK	74801	1183	70.1
357	JONES	JONES	OK	73049	1002	66.6
358	PORTLAND SCH DIST 1J	PORTLAND	OR	97208	51654	-1
359	SALEM/KEIZER SCH DIST 24J	SALEM	OR	97309	37137	-1
360	BEAVERTON SCH DIST 48J	BEAVERTON	OR	97006	35320	-1
361	HILLSBORO SCH DIST 01J	HILLSBORO	OR	97123	18850	856.7
362	EUGENE SCH DIST 04J	EUGENE	OR	97402	18735	-1
363	NEWBERG SCH DIST 29J	NEWBERG	OR	97132	5002	230.7
364	NORTH SANTIAM SCH DIST 29J	STAYTON	OR	97383	2417	119.1
365	YAMHILL-CARLTON SCH DIST 001	YAMHILL	OR	97148	1262	69.8
366	GLIDE SCH DIST 012	GLIDE	OR	97443	827	45.9
367	ENTERPRISE SCH DIST 21	ENTERPRISE	OR	97828	438	25.5
368	PHILADELPHIA CITY SD	PHILADELPHIA	PA	19103	192683	9762
369	PITTSBURGH SD	PITTSBURGH	PA	15213	35146	2558.2
370	CENTRAL BUCKS SD	DOYLESTOWN	PA	18901	18549	1027.6
371	ALLENTOWN CITY SD	ALLENTOWN	PA	18105	16693	859.8
372	READING SD	READING	PA	19601	16128	862.9
373	COATESVILLE AREA SD	COATESVILLE	PA	19320	7548	493.5
374	PENN HILLS SD	PITTSBURGH	PA	15235	6005	412.3
375	CHELTENHAM TOWNSHIP SD	ELKINS PARK	PA	19027	4886	343.9
376	UPPER SAINT CLAIR SD	PITTSBURGH	PA	15241	4174	255.4
377	PETERS TOWNSHIP SD	MCMURRAY	PA	15317	3769	209.5
378	PROVIDENCE SCH DIST	PROVIDENCE	RI	2903	27580	-1
379	WARWICK SCH DIST	WARWICK	RI	2889	12085	-1
380	CRANSTON SCH DIST	CRANSTON	RI	2910	11269	-1
381	PAWTUCKET SCH DIST	PAWTUCKET	RI	2860	9973	-1
382	WOONSOCKET SCH DIST	WOONSOCKET	RI	2895	6839	-1
383	NORTH PROVIDENCE SCH DIST	NORTH PROVIDENCE	RI	2911	3445	-1
384	NEWPORT SCH DIST	NEWPORT	RI	2840	2915	-1

385	NARRAGANSETT SCH DIST	NARRAGANSETT	RI	2882	1736	-1
386	BOARD OF REGENTS SCHS	PROVIDENCE	RI	2903	1223	-1
387	KINGSTON HILL ACADEMY CHARTER SCH	PEACE DALE	RI	2879	40	-1
388	GREENVILLE COUNTY SCHOOL DISTRICT	GREENVILLE	SC	29602	63270	-1
389	CHARLESTON COUNTY SCHOOL DISTRICT	CHARLESTON	SC	29401	44008	3023.9
390	HORRY COUNTY SCHOOL DISTRICT	CONWAY	SC	29527	30826	1995.5
391	BERKELEY COUNTY SCHOOL DISTRICT	MONCKS CORNER	SC	29461	28585	-1
392	RICHLAND COUNTY SCHOOL DISTRICT 01	COLUMBIA	SC	29201	27393	1951.1
393	SUMTER COUNTY SCHOOL DISTRICT 02	SUMTER	SC	29150	9856	597
394	ANDERSON COUNTY SCHOOL DISTRICT 01	WILLIAMSTON	SC	29697	7939	-1
395	MARION COUNTY SCHOOL DISTRICT 01	MARION	SC	29571	3254	201.2
396	FLORENCE COUNTY SCHOOL DISTRICT 05	JOHNSONVILLE	SC	29555	1541	101.7
397	SUMTER CO CAREER CTR	SUMTER	SC	29150	-2	19
398	SIOUX FALLS SCHOOL DISTRICT 49-5	SIOUX FALLS	SD	57105	20072	1212.3
399	RAPID CITY AREA SCHOOL DISTRICT 51-4	RAPID CITY	SD	57701	13820	805.4
400	WATERTOWN SCHOOL DISTRICT 14-4	WATERTOWN	SD	57201	3952	238.7
401	ABERDEEN SCHOOL DISTRICT 06-1	ABERDEEN	SD	57401	3797	227.1
402	PINE RIDGE AGENCY	PINE RIDGE	SD	57770	3179	-1
403	DELL RAPIDS SCHOOL DISTRICT 49-3	DELL RAPIDS	SD	57022	965	60
404	WEBSTER SCHOOL DISTRICT 18-4	WEBSTER	SD	57274	526	38.6
405	AGAR-BLUNT-ONIDA SCHOOL DISTRICT 58-3	ONIDA	SD	57564	335	37.2
406	CENTERVILLE SCHOOL DISTRICT 60-1	CENTERVILLE	SD	57014	262	23.8
407	BRIDGEWATER SCHOOL DISTRICT 43-6	BRIDGEWATER	SD	57319	198	18.1
408	MEMPHIS CITY SCHOOL DISTRICT	MEMPHIS	TN	38112	118039	-1
409	NASHVILLE-DAVIDSON COUNTY SD	NASHVILLE	TN	37204	67954	-1
410	KNOX COUNTY SCHOOL DISTRICT	KNOXVILLE	TN	37902	53411	-1
411	SHELBY COUNTY SCHOOL DISTRICT	MEMPHIS	TN	38112	45439	-1
412	LAWRENCE COUNTY SCHOOL DISTRICT	LAWRENCEBURG	TN	38464	6700	-1
413	OBION COUNTY SCHOOL DISTRICT	UNION CITY	TN	38261	4015	-1
414	GIBSON SPECIAL DISTRICT	DYER	TN	38330	2655	-1
415	TRENTON CITY SCHOOL DISTRICT	TRENTON	TN	38382	1472	-1
416	PICKETT COUNTY SCHOOL DISTRICT	BYRDSTOWN	TN	38549	708	-1
417	HOUSTON ISD	HOUSTON	TX	77027	212099	12385.6
418	DALLAS ISD	DALLAS	TX	75204	163347	10754.3
419	FORT WORTH ISD	FORT WORTH	TX	76107	81081	4953.2
420	AUSTIN ISD	AUSTIN	TX	78703	78608	5333.8
421	CYPRESS-FAIRBANKS ISD	HOUSTON	TX	77269	71165	4601
422	IRVING ISD	IRVING	TX	75015	30860	2208.4

423	TYLER ISD	TYLER	TX	75710	17096	1214.4
424	FRISCO ISD	FRISCO	TX	75034	11145	825.2
425	SEGUIN ISD	SEGUIN	TX	78155	7681	568
426	SHARYLAND ISD	MISSION	TX	78572	6236	365.7
427	JORDAN SCHOOL DISTRICT	SANDY	UT	84070	73808	3010.8
428	GRANITE SCHOOL DISTRICT	SALT LAKE CITY	UT	84115	71181	3085.5
429	DAVIS SCHOOL DISTRICT	FARMINGTON	UT	84025	60367	2594.3
430	ALPINE SCHOOL DISTRICT	AMERICAN FORK	UT	84003	49159	2052.5
431	WEBER SCHOOL DISTRICT	OGDEN	UT	84405	28125	1237.8
432	PARK CITY SCHOOL DISTRICT	PARK CITY	UT	84060	4009	223.8
433	SAN JUAN SCHOOL DISTRICT	BLANDING	UT	84511	2989	204.6
434	BEAVER SCHOOL DISTRICT	BEAVER	UT	84713	1469	70.6
435	UINTAH RIVER HIGH AGENCY	FORT DUCHESNE	UT	84026	56	3.2
436	ACAD FOR MATH, ENGIN & SCI AGENCY	SALT LAKE CITY	UT	84108	-2	-2
437	FAIRFAX COUNTY PUBLIC SCHOOLS	FAIRFAX	VA	22030	162585	13882.8
438	VIRGINIA BEACH CITY PUBLIC SCHOOLS	VIRGINIA BEACH	VA	23456	75902	4669.2
439	PRINCE WILLIAM COUNTY PUBLIC SCHOOLS	MANASSAS	VA	20108	60541	4027.6
440	CHESTERFIELD COUNTY PUBLIC SCHOOLS	CHESTERFIELD	VA	23832	53621	3919.5
441	HENRICO COUNTY PUBLIC SCHOOLS	RICHMOND	VA	23233	43698	3221.9
442	LYNCHBURG CITY PUBLIC SCHOOLS	LYNCHBURG	VA	24505	8955	766.4
443	PULASKI COUNTY PUBLIC SCHOOLS	PULASKI	VA	24301	4977	439.5
444	ALLEGHANY COUNTY PUBLIC SCHOOLS	COVINGTON	VA	24426	2929	257.8
445	FLOYD COUNTY PUBLIC SCHOOLS	FLOYD	VA	24091	2030	159
446	BLAND COUNTY PUBLIC SCHOOLS	BASTIAN	VA	24314	904	101
447	BURLINGTON SCHOOL DISTRICT	BURLINGTON	VT	5401	3648	307.9
448	RUTLAND CITY SCHOOL DISTRICT	RUTLAND	VT	5701	2806	233.9
449	SOUTH BURLINGTON SCHOOL DIST	SOUTH BURLINGTON	VT	5403	2617	203.5
450	COLCHESTER SCHOOL DISTRICT	COLCHESTER	VT	5446	2517	164.4
451	HARTFORD SCHOOL DISTRICT	WHITE RIVER JUNCTN	VT	5001	1962	179.1
452	SHELBURNE SCHOOL DISTRICT	SHELBURNE	VT	5482	882	60.7
453	HINESBURG SCHOOL DISTRICT	HINESBURG	VT	5461	558	46.1
454	HARTLAND SCHOOL DISTRICT	HARTLAND	VT	5048	380	33.9
455	FAIRFIELD SCHOOL DISTRICT	FAIRFIELD	VT	5455	259	22.4
456	METTAWEE COMMUNITY SCHOOL	WEST PAWLET	VT	5775	195	18.2
457	SEATTLE SCHOOL DIST 1	SEATTLE	WA	98109	47853	2535.7
458	TACOMA SCH DIST 10	TACOMA	WA	98401	33955	1749.1
459	SPOKANE SCH DIST 81	SPOKANE	WA	99201	31362	1619.1
460	KENT SCHOOL DIST 415	KENT	WA	98031	26694	1389
461	LAKE WASHINGTON SCH DIST 414	REDMOND	WA	98052	24098	1173.9
462	SHORELINE SCH DIST 412	SHORELINE	WA	98155	10099	529.8
463	UNIVERSITY PLACE SCH DIST 83	UNIVERSITY PLA	WA	98466	5296	287.3

464	ANACORTES SCHOOL DIST 103	ANACORTES	WA	98221	3137	149.1
465	DEER PARK SCHOOL DIST 414	DEER PARK	WA	99006	2123	99.2
466	ROYAL SCHOOL DIST 160	ROYAL CITY	WA	99357	1394	77.1
467	MILWAUKEE	MILWAUKEE	WI	53201	97293	-1
468	MADISON METROPOLITAN	MADISON	WI	53703	24966	-1
469	RACINE	RACINE	WI	53404	21565	-1
470	KENOSHA	KENOSHA	WI	53141	21088	-1
471	GREEN BAY AREA	GREEN BAY	WI	54305	20474	1425.5
472	MUSKEGO-NORWAY	MUSKEGO	WI	53150	4641	289.6
473	MENOMONIE AREA	MENOMONIE	WI	54751	3348	211.1
474	RICE LAKE AREA	RICE LAKE	WI	54868	2668	-1
475	HAYWARD COMMUNITY	HAYWARD	WI	54843	2029	-1
476	PLATTEVILLE	PLATTEVILLE	WI	53818	1627	112.8
477	KANAWHA COUNTY SCHOOL DISTRICT	CHARLESTON	WV	25311	28417	-1
478	BERKELEY COUNTY SCHOOL DIST	MARTINSBURG	WV	25401	13772	944.5
479	WOOD COUNTY SCHOOL DISTRICT	PARKERSBURG	WV	26101	13753	904.5
480	CABELL COUNTY SCHOOL DISTRICT	HUNTINGTON	WV	25703	12294	-1
481	RALEIGH COUNTY SCHOOL DISTRICT	BECKLEY	WV	25801	11903	814
482	WYOMING COUNTY SCHOOL DISTRICT	PINEVILLE	WV	24874	4261	330.5
483	UPSHUR COUNTY SCHOOL DISTRICT	BUCKHANNON	WV	26201	3904	284
484	LINCOLN COUNTY SCHOOL DISTRICT	HAMLIN	WV	25523	3873	283
485	GILMER COUNTY SCHOOL DISTRICT	GLENVILLE	WV	26351	1115	66.5
486	WIRT COUNTY SCHOOL DISTRICT	ELIZABETH	WV	26143	1045	78.5
487	LARAMIE COUNTY SCHOOL DISTRICT #1	CHEYENNE	WY	82001	13101	878.6
488	NATRONA COUNTY SCHOOL DISTRICT #1	CASPER	WY	82601	11652	794.4
489	CAMPBELL COUNTY SCHOOL DISTRICT #1	GILLETTE	WY	82717	7368	534.7
490	SWEETWATER COUNTY SCHOOL DISTRICT #1	ROCK SPRINGS	WY	82902	4264	299.7
491	ALBANY COUNTY SCHOOL DISTRICT #1	LARAMIE	WY	82070	3659	314.9
492	PARK COUNTY SCHOOL DISTRICT # 6	CODY	WY	82414	2305	166
493	LARAMIE COUNTY SCHOOL DISTRICT #2	PINE BLUFFS	WY	82082	911	87.7
494	HOT SPRINGS COUNTY SCHOOL DISTRICT #1	THERMOPOLIS	WY	82443	702	64.5
495	WASHAKIE COUNTY SCHOOL DISTRICT #2	TEN SLEEP	WY	82442	104	15
496	ATTENTION HOME	CHEYENNE	WY	82003	38	3.4

Appendix B Sample of Letter Sent to School Superintendents

201 W. Dartmouth Rd.
Kansas City, MO 64113

«District_Name»
«Address»
«City», «State» «Zip»

Dear Superintendent,

I am a doctoral student at the University of Kansas. The focus of my dissertation is education related litigation trends. In my study, I am seeking to determine the frequency and causes of lawsuits against school districts.

I have created a survey that asks a few basic questions about litigation brought against your school district covering the past three school years (from 2001-2002 to 2003-2004). I would request that you either answer these yourself or forward this survey on to the person in your district who would best be able to complete it. You can access the survey at the following Internet address: <https://www.ku.edu/cgiwrap/sleonard/survey.cgi> I have not asked for specifics, but only for enough information for me to categorize any litigation in your district into the typology used in my study. All responses will be confidential. **When asked for your “district code”, please use the following number: «District_Code».**

Any questions about the survey or my study can be directed to me. You can reach me by email or phone (sleonard@nkcsd.k12.mo.us, 816-822-8807). Your participation in the study is voluntary, but would be greatly appreciated.

If you have any additional questions about your rights as a research participant, you may call (785) 864-7429 or write the Human Subjects Committee Lawrence Campus (HSCL), University of Kansas, 2385 Irving Hill Road, Lawrence, Kansas 66045-7563, email dhann@ku.edu.

I will gladly share the results of my study with you if you are interested. If so, please feel free to contact me.

Thank you,

Susan A. Leonard
Doctoral Student, University of Kansas

Appendix C

Typology of Lawsuits Against School Districts

- I. Suits by students
 - a. Negligence
 - i. By teachers
 - 1. Supervision
 - 2. Instruction
 - ii. By administrators
 - 1. Supervision
 - 2. Facilities/equipment
 - iii. By coaches
 - 1. Supervision
 - 2. Facilities/equipment
 - 3. Instruction
 - b. Control of Behavior
 - i. Expression
 - ii. Association
 - iii. Punishment
 - 1. Exclusion
 - 2. Other
 - iv. Compulsory attendance
 - v. Search and seizure
 - vi. Religious exercise
 - c. School program
 - i. Content of curriculum
 - ii. Grades
 - iii. Textbooks and class materials
 - iv. Extra curricular activities
 - v. Placement
 - d. Equal opportunity issues
 - i. Race and ethnicity
 - 1. desegregation
 - 2. equal treatment
 - ii. Sex
 - iii. Handicapped/SPED
 - 1. Placement in school
 - 2. Special placement
 - 3. IEP issues
 - 4. Other

- II. Suits by employees
 - a. Discrimination in hiring/promotion
 - i. Race
 - ii. Sex
 - iii. Religion
 - iv. Age
 - v. Disability
 - b. Discipline and punishment
 - i. Termination/nonrenewal
 - 1. Challenge reason
 - a. Expression
 - b. Incompetence
 - c. Other
 - 2. Challenge procedure
 - ii. Transfer/reassignment
 - 1. Challenge reason
 - a. Expression
 - b. Incompetence
 - c. Other
 - 2. Challenge procedure
 - iii. Professional negotiations
 - 1. Union rights
 - 2. Negotiability of specific issues
 - 3. Refusal to negotiate
 - 4. Wage Issues
 - 5. Worker's Compensation
 - iv. Torts
 - 1. Negligence
 - 2. Defamation
- III. Suits by Outsiders
 - a. Contracts
 - b. Fiscal issues
 - i. Funding
 - ii. Property
 - c. Negligence
 - d. Policy issues
 - e. ADA accommodations/accessibility

APPENDIX D
SURVEY OF RECENT LITIGATION

(Note: This is a replication of the actual survey. The on-line survey itself was removed from server before an exact copy could be made.)

Please answer all the questions below to the best of your knowledge:

District ID #: _____

Enrollment of District
(# of pupils): _____

Number of Teachers
in the district: _____

Which of the following
best describes your school district? _____ Urban
 _____ Suburban
 _____ Rural/Small Town

What Percentage of your
student population receives
free or reduced lunch? _____

How many lawsuits have
been filed against your
district since the 2001-02
school year? _____

*Please count each case only once
no matter how many courts heard
it or even if it was settled out of court.*

On Page 1 of the survey, you responded that there have been X-number (*Note: The survey program transferred this number from page 1.*) of lawsuits filed against your district since the 2001-02 school year. Please provide the basic facts for each case (see the example below).

Example: 4 lawsuits have been filed against our district since 2001-02

1. Parents sued district because they felt their student's IEP was not being followed.
2. Student sued district for negligence due to an injury occurring in a gym class.
3. Teacher sued district for wrongful dismissal (tenured teacher).
4. A neighborhood church sued the district when they were denied the use of its building to hold meetings and services.

Please limit your responses to 2048 characters or less.