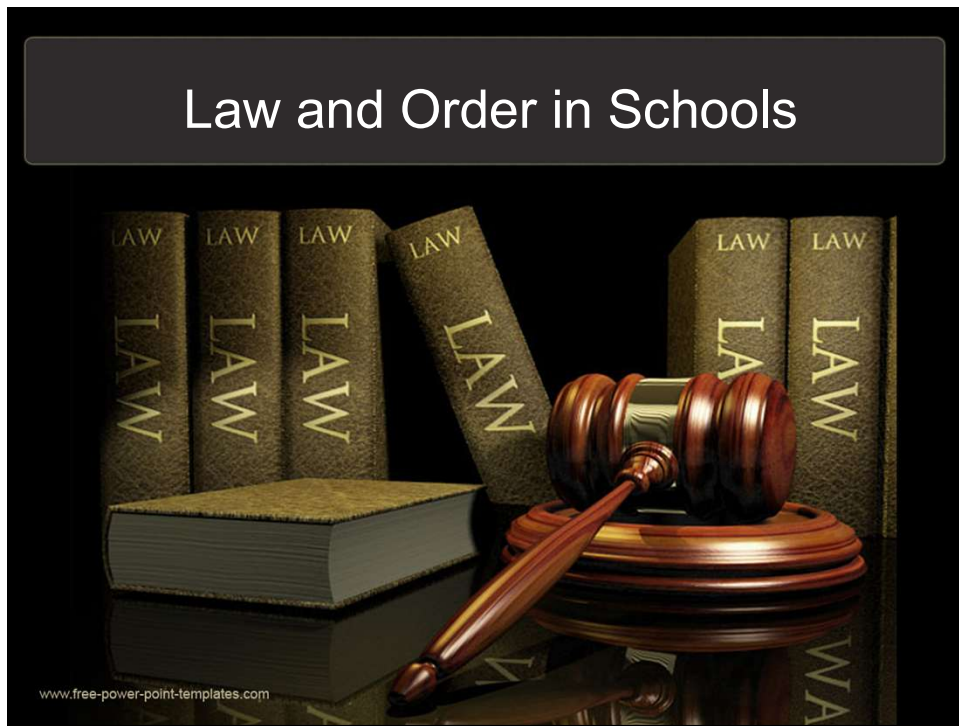


## Law and Order in Schools



1

Presenter: Shirley Woika, PhD

Pennsylvania Psychological Association

Annual Convention  
Virtual

June 19, 2026  
1:00 – 4:00 PM

www.free-power-point-templates.com

2

## Purpose

- The purpose of this workshop is to provide information specific to several discrete areas of school law
- Rather than the typical focus on special education law, this workshop will focus on the legal rights of all students
- Apply knowledge of school law to a variety of case studies

www.free-power-point-templates.com

3

## Foundations of School Psychological Service Delivery

### Legal, Ethical, and Professional Practice

- knowledge of the history and foundations of school psychology; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists

#### Relevance to School Law

- Redlining
- Unintended bias in IQ tests
- Homelessness
- Educator Liability
- Artificial Intelligence and deepfakes
- Legal challenges to yoga/mindfulness



www.free-power-point-templates.com

4

## Legal Literacy of Teachers

- Schimmel & Militello (2007) surveyed 1,300 teachers in grades K-12 in 17 states
  - Findings show that the majority of teachers:
    - Are uninformed or misinformed about student and teacher rights,
    - Have not taken a course in school law,
    - Get their information from other teachers, and
    - Would change their behavior if they knew more about school law.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

5

## Specific Findings

- Teachers were given 12 true/false/unsure questions concerning student rights that had been clearly resolved by the courts for more than a decade
  - Average mean score was 41%
- Teachers were given 17 true/false/unsure items concerning teachers' rights/responsibilities
  - Average mean score was 39%

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

6

## Sample Items

- Teachers cannot be held liable for student injuries that occur in breaking up a fight
- Schools can be held liable for failing to prevent student sexual harassment
- Teachers can be held liable for any injury that occurs if they leave their classroom unattended

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

7

## Consequences of Legal Illiteracy

- Teachers violate students' constitutional rights
- Teachers are often unnecessarily concerned about being held liable for a student's injury
- Teachers view the law as a source of fear and anxiety

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

8

## Principals and the Law

- Twenty-three states require a course in school law for principals
- 493 secondary school principals completed a school law survey
- 87% had completed a law course as part of their principal preparation
- 58% participated in a school law inservice training within 10 years

www.free-power-point-templates.com

9

## Comparison of Results

### Teacher Rights Survey

| Item                  | Percent Correct |            |
|-----------------------|-----------------|------------|
|                       | Teachers        | Principals |
| Stop fight – injury   | 26%             | 41%        |
| Sexual harassment     | 5%              | 7%         |
| Liable for any injury | 3%              | 6%         |

www.free-power-point-templates.com

10

## What we know...

- Highest scores on school law survey were earned by teachers who took a law course while they were teachers
- Next highest scores were earned by teachers who took a law course during certification
- Knowledge of the law is positively correlated with law training

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

11

## School Psychologists and the Law

- 67 school psychologists representing 18 states completed a school law survey
- 48% had completed a law course as part of their training
- 24% participated in a school law inservice training within 10 years

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

12

## Comparison of Results

### Teacher Rights Survey

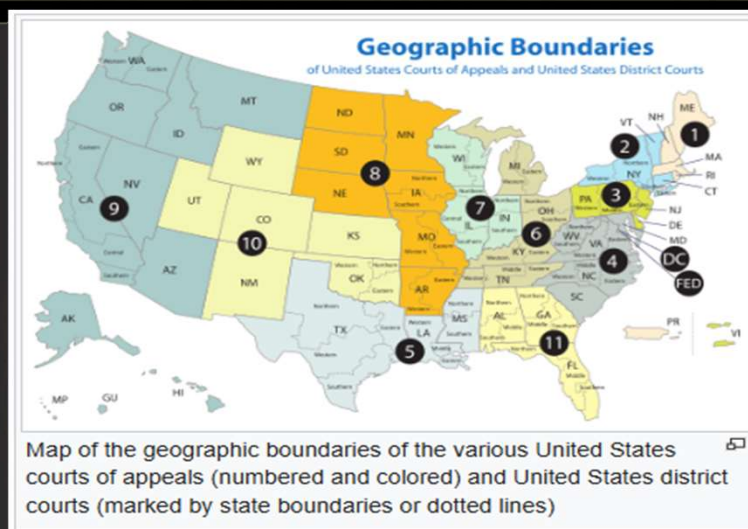
#### Percent Correct

| Item                  | Teachers | Principals | SPSY |
|-----------------------|----------|------------|------|
| Stop fight – injury   | 26%      | 41%        | 34%  |
| Sexual harassment     | 5%       | 7%         | 16%  |
| Liable for any injury | 3%       | 6%         | 18%  |

www.free-power-point-templates.com

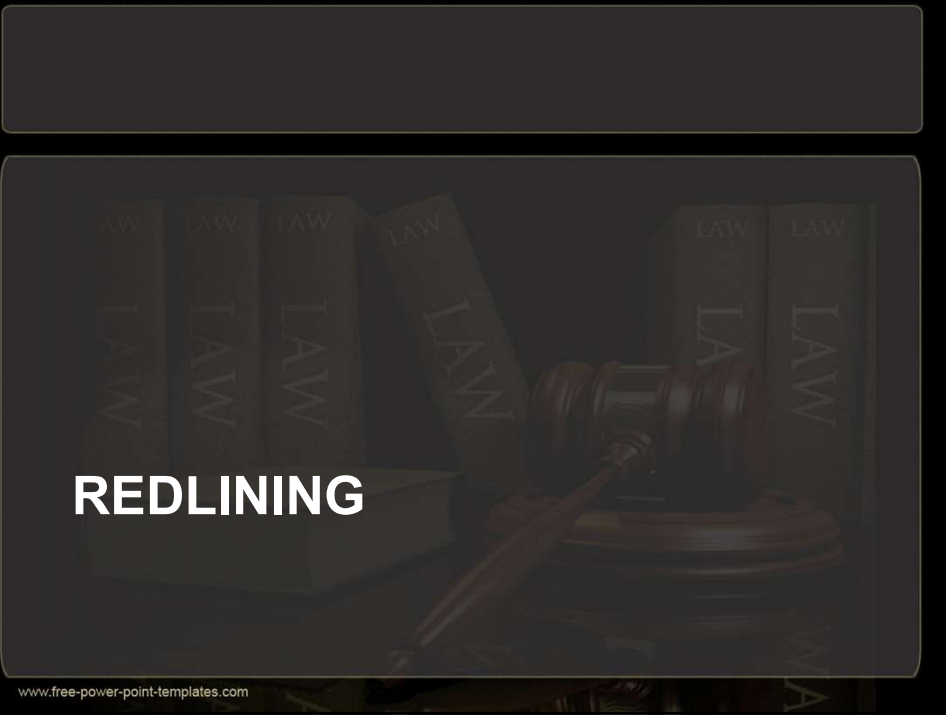
13

## US Court of Appeals



www.free-power-point-templates.com

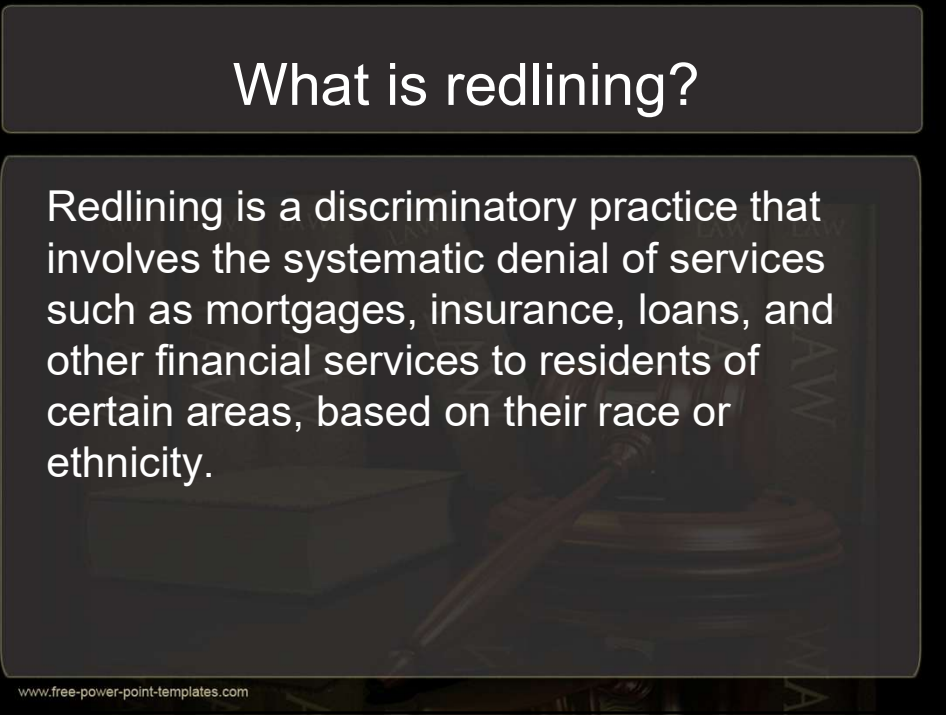
14

The background of the slide features a dark, moody image of several law books with the word 'LAW' on their spines, and a wooden gavel resting on a surface in front of them.

## REDLINING

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

15

The background of the slide features a dark, moody image of several law books with the word 'LAW' on their spines, and a wooden gavel resting on a surface in front of them.

## What is redlining?

Redlining is a discriminatory practice that involves the systematic denial of services such as mortgages, insurance, loans, and other financial services to residents of certain areas, based on their race or ethnicity.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

16

## What is redlining?

Redlining disregards individuals' qualifications and creditworthiness to refuse such services, solely based on the residency of those individuals in minority neighborhoods, which were also quite often deemed "hazardous" or "dangerous."

www.free-power-point-templates.com

17

## Related Concepts

### Covenants

**16. RACIAL RESTRICTIONS.** No property in said Addition shall at any time be sold, conveyed, rented or leased in whole or in part to any person or persons not of the White or Caucasian race. No person other than one of the White or Caucasian race shall be permitted to occupy any property in said Addition or portion thereof or building thereon except a domestic servant actually employed by a person of the White or Caucasian race where the latter is an occupant of such property.

**17. ANIMALS.** No fowl or animal other than song birds, dogs or cats as household pets, shall at any time be kept upon land embraced in this Addition.

**18. AMENDMENTS.** The owner or owners of the legal title to not less than 300 residence lots in said Addition may at any time by an instrument in writing duly signed and acknowledged by said owner or owners, terminate or amend said Mutual Easements of Blue Ridge Addition, and such termination or amend-

www.free-power-point-templates.com

18

## Related Concepts

### Zoning



### LOOK At These Homes NOW!

An entire block ruined by negro invasion. Every house marked "X" now occupied by negroes. ACTUAL PHOTOGRAPH OF 4300 WEST BELLE PLACE.

SAVE YOUR HOME! VOTE FOR SEGREGATION!

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

19

## Historical Background

- - 1934 – FDR's New Deal led to the National Housing Act of 1934
- - Home Owner's Loan Corporation (HOLC) was established
- - Residential security maps
  - \* Green – best areas, best people
  - \* Blue – good people, like white-collar families
  - \* Yellow – declining areas with working-class families
  - \* Red – detrimental influences, hazardous, foreign-born, low-class whites, blacks

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

20

## Historical Background

- Redlining made it difficult to buy or refinance
  - \* Landlords abandoned properties
  - \* City services became unreliable
  - \* Property values dropped
  - \* Crime increased
- Continued for 30 years

www.free-power-point-templates.com

21

## Historical Background



www.free-power-point-templates.com

22

## 1968 – Fair Housing Act Passed

- Encourages equal housing opportunities regardless of race, religion, or national origin
- Offers protections for future homeowners and renters but does little to fix damage already done
- Discrimination in housing is major reason for differences in wealth
- Schools impacted due to property taxes as a main funding source

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

23

## Constitutional Basis for Equality

### 1868 – 14<sup>th</sup> Amendment

- - “... nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws”
- - Right to due process and equal protection at the state and federal level

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

24

## Significant Cases

### 1896 - Plessy v. Ferguson

- Supreme Court case upheld a Louisiana state law that allowed for “equal but separate accommodations for the white and colored races.”

### 1954 – Brown v. Board of Education of Topeka

- Overruled Plessy v. Ferguson
- Separate educational facilities are inherently unequal
- Provided support for desegregation

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

25

## Separate but Equal??



[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

26

## Separate but Equal??



www.free-power-point-templates.com

27

## Significant Cases (continued)

1969 – Alexander v. Holmes County BOE  
(Mississippi)

- Supreme Court Decision
- “The obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools”
- Unitary system no longer discriminates based on race in 6 areas (student assignment, faculty, staff, transportation, extracurricular activities, and facilities)

www.free-power-point-templates.com

28

## Significant Cases (continued)

1971 – Swann v. Charlotte-Mecklenberg Board of Education

- 4 Issues that set the precedent for desegregation
- \* Use of racial quotas
- \* Elimination of one-race schools
- \* Racial gerrymandering of attendance zones
- \* Use of busing for remedial purposes

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

29

## Significant Cases (continued)

1974 – Morgan v. Hennigan

- - Tallulah Morgan + 14 other parents and the NAACP filed suit against the Boston School Committee's president James Hennigan
- - Failure to comply with the 1965 Racial Imbalance Act
- - Ruled that busing plan must be implemented
- - Violence erupted, but busing continued for the next 13 years
- - Control returned to the city in 1988

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

30

## Busing in North Carolina (1973)



www.free-power-point-templates.com

31

## Desegregation Efforts



32

## De Facto and De Jure Segregation

- De Facto – “in fact”, unintentional
- De Jure – “by law”, intentional
- All segregation in the South viewed as de jure
- Cause of segregation was harder to detect in the North because Blacks who attended primarily Black schools lived in predominantly Black sections of their cities
- Segregation permissible in North if de facto

www.free-power-point-templates.com

33

## 1974 Milliken v. Bradley (Detroit, MI)

- Upheld by the US Supreme Court
- Milliken was governor of Michigan
- Mandatory busing across school districts could only be implemented where it could be shown that districts enacted policies that caused the original segregation
- Clarified distinction between de jure and de facto segregation

www.free-power-point-templates.com

34

## Long Legal Battles Ensued

Andrews and the US v. Monroe City SD (Louisiana)

- 1965 Jimmy Andrews' mother sued SD alleging racial segregation & discrimination
- 1979 – US joined suit
- 1992 – Not all areas were unitary
- 2015 – Issues still remained
- 2018 – Finally met last requirement for unitary schools
- Took 53 years to get compliance!

www.free-power-point-templates.com

35

## More Recent Rulings

05/23/2023 – Coalition for TJ v. Fairfax County (VA)

- US Court of Appeals – 4<sup>th</sup> Circuit
- Admissions policy rewritten to address lack of diversity as Thomas Jefferson HS for Science and Technology
- Board members' text exchanges show intent to target Asian-Americans

www.free-power-point-templates.com

36

## Coalition for TJ v. Fairfax County (Continued)

- Federal judge found illegal racial balancing had occurred
- Plan itself was race-neutral, but the underlying discussions by Board members relied too heavily on race
- Appeals panel overturned
- Coalition petitioned Supreme Court to hear the case but Supreme Court declined

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

37

## More Recent Rulings

- 10/06/2023 – Latino Action Network v. New Jersey
- - Mercer County Superior Court
- - Lawsuit filed in 2018 argued state failed its obligation to desegregate schools
- - Decision found that the majority of issues couldn't be decided "on the papers" and required going to a full trial or settling the matter

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

38

## More Recent Rulings

12/13/2023 – Cruz Guzman v. State

- Minnesota Supreme Court
- Parents sued in 2015 claiming education rights were violated by segregated schools around Twin Cities
- Lower court ruled only de jure segregation could be the basis of an Education Clause claim

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

39

## Cruz Guzman v. State (Continued)

- MN Supreme Court ruled there is no need to prove State caused segregation to establish a violation of the Education Clause of the MN Constitution
- Must establish that de facto segregation is a substantial factor in depriving students of an adequate education

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

40

## Concluding Thoughts

- State level action may increase as supreme court decisions have not made much impact
- Consider action at the local level
  - \* Look at your school attendance lines
  - \* Are they increasing or decreasing diversity?
  - \* We can draw school zones to make classrooms less segregated. This is how well your district does. - Vox

www.free-power-point-templates.com

41

## UNINTENDED BIAS IN IQ TESTS

www.free-power-point-templates.com

42

## Why are IQ tests used?

Most commonly, IQ tests are used by school psychologists to:

- determine eligibility for special education (SLD, ID)
- determine eligibility for gifted support programs
- predict academic achievement

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

43

## What are other uses?

Entrance to private schools

- Example: Mirman school for gifted students in Los Angeles, CA
- From the school's webpage

Through our experience working with highly gifted students, we have found that students with a Full Scale Wechsler IQ score of 138 and above are more likely to be successful in the Mirman School program. For this reason, this is considered our target score in the Mirman application process.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

44

# Private School Website

## All About IQ Testing

Mirman works with a group of testers with years of experience in identifying gifted students. The evaluation is child friendly and often we hear of students not wanting to leave the psychologist's office because the puzzles and challenges are so fun. We are only able to accept IQ scores from the following testers:

### + 2026-2027 Tuition & Fees

Lower School Tuition: \$46,875

Upper School Tuition: \$51,800

Bus Service (optional): \$4,550 (subject to change)

New Student Fee: \$2,500

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

45

# Private School Website

## + My child is a native speaker of another language. Is the test available in other languages?

For admission to Mirman, we require that the IQ test be administered in English. If your child's first language is not English, it is important for the psychologist to have this information prior to testing. There is no difference in the administration, content, or scoring of the test, but it does help the psychologist and our school interpret the test results.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

46

## What are other uses?

### Entrance to elite groups

- Mensa Society
- 150,000 Mensans in roughly 100 countries throughout the world
- Requires an IQ score at the 98th percentile or higher

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

47

## What are other uses?

### Used by the military:

- All recruits take the Armed Services Vocational Aptitude Battery (ASVAB)
- Although not an IQ test, ASVAB is highly correlated with IQ ( $r = .8$ )
- Lowest PRs to join include:
  - Air Force = 36th
  - Navy = 35th
  - Marine Corps = 32nd
  - Army = 31st

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

48

## What are other uses?

### Used in employment

- IQ as a predictor of job performance is above 0 for all work studied to date
- Varies with the type of job (range .2 - .6)
- IQ is more strongly correlated with reasoning and less with motor function, but IQ test scores predict performance ratings in all occupations

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

49

## IQ and Employment

### Supreme Court Case: Griggs v. Duke Power Company (1971)

- July 6, 1965 - Civil Rights Act of 1964 took effect
- Same day, Duke Power added an IQ test as a requirement for transfer to higher-paying departments
- Blacks were 10x less likely to meet new transfer requirements

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

50

## Griggs v. Duke (1971)

- Ruled that IQ requirement did not pertain to applicants' ability to perform the job
- Unintentionally discriminated against black employees
- Under Title VII of the Civil Rights Act of 1964, tests with disparate impact on ethnic minorities must demonstrate that the tests are "reasonably related" to the job for which the test is required

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

51

## Other Uses in Employment

- 46 year old Robert Jordan took an ability test as part of the application process to be a Connecticut police officer in March 1996
- He learned he was not selected for an interview and suspected age discrimination
- Upon further inquiry, he learned that he was removed from consideration because he scored a 33 (about 125) on the ability measure and the city only considered candidates with scores between 20 and 27

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

52

## Jordan v City of New London

- Cut-off existed to prevent frequent job turnover caused by hiring overqualified applicants
- Theorized that those with high scores would get bored with police work and leave soon after undergoing costly training
- Ruling in 1999 was for the defendant because they had shown a rational basis for the policy
- in 2000, the ruling was affirmed on appeal

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

53

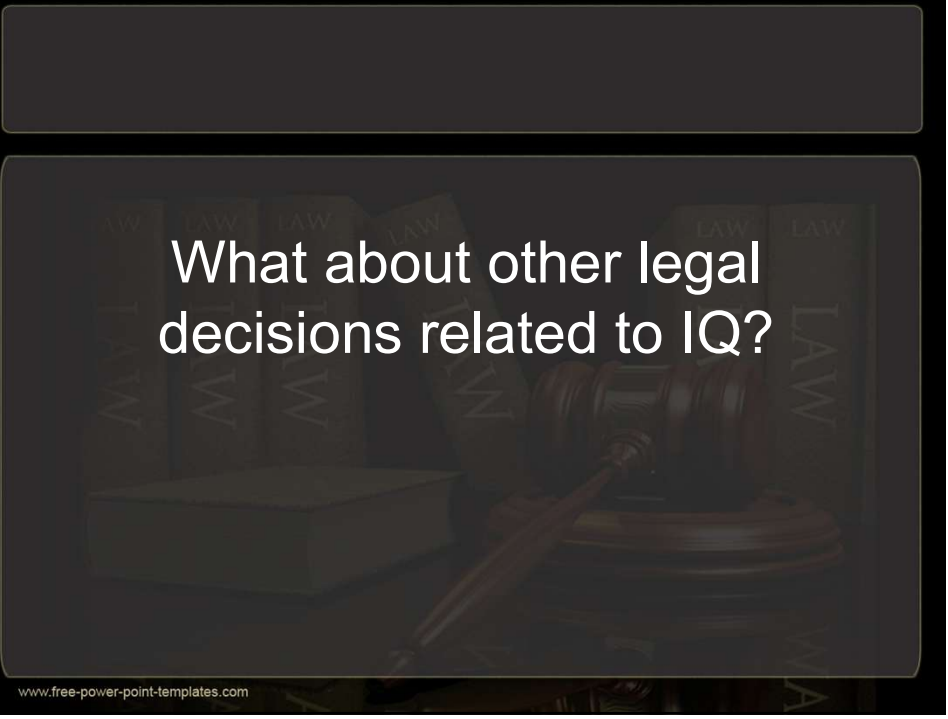
## Jordan v City of New London

Potential impact in 2 areas:

1. In a time of shrinking applications to police forces, legal decisions related to the selection process are significant
2. Rejection due to high intelligence creates or reinforces a negative stereotype of police

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

54



What about other legal decisions related to IQ?

www.free-power-point-templates.com

55

## Capital Murder

Murder plus some circumstance such as

- murdering police officers or firefighters while they are on duty
- murdering a person while committing another felony like rape or abduction
- murdering a child

Each state has its own criteria for when capital murder is charged

Punishable by death penalty

www.free-power-point-templates.com

56

## Capital Murder and IQ

### Penry v. Lynaugh (1989)

- Penry was an adult with a mental age of 7
- Convicted of murder and sentenced to death
- Supreme court case that considered if death sentence was cruel and unusual punishment

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

57

## Penry v Lynaugh

### Decision

- Jury was improperly instructed and should have been told to consider the client's mental deficiencies when sentencing
- Rejected 8th amendment claim that death sentence of those with MR (ID) was cruel and unusual punishment

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

58

## Atkins v Virginia

- Supreme court decision in June 2002
- Atkins (6-3 decision) overturned the Penry decision
- Ruled that executing people with ID violated the 8th Amendment against cruel and unusual punishment
- Public consensus had emerged to show “evolving standards against executing people with intellectual disabilities”

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

59

## Atkins v. Virginia

- Atkins was convicted of abduction, armed robbery and capital murder
- Sentenced to death
- People with ID are at a higher risk of wrongful convictions and death sentences
- More likely to falsely confess to please authorities
- Less able to help prepare their defense
- Adept at hiding ID, even from their lawyer

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

60

## Atkins v. Virginia

- This case opened a new line of argument for those on death row for capital murder
- I personally have worked on several cases through the Philadelphia public defender's office
- Asked to double score a WAIS-III administered to the inmate in 2004 when he was 21 years old

www.free-power-point-templates.com

61

## Scoring Error

| Reported Scores          |           |              | Corrected Scores         |           |              |
|--------------------------|-----------|--------------|--------------------------|-----------|--------------|
| Verbal Subtests          | Raw Score | Scaled Score | Verbal Subtests          | Raw Score | Scaled Score |
| Vocabulary               | 16        | 5            | Vocabulary               | 16        | 5            |
| Similarities             | 15        | 7            | Similarities             | 15        | 7            |
| Arithmetic               | 8         | 6            | Arithmetic               | 8         | 6            |
| Digit Span               | 14        | 8            | Digit Span               | 14        | 8            |
| Information              | 5         | 5            | Information              | 5         | 5            |
| Comprehension            | 9         | 5            | Comprehension            | 9         | 5            |
| Letter-Number Sequencing | 8         | 7            | Letter-Number Sequencing | 8         | 7            |
| Performance Subtests     |           |              | Performance Subtests     |           |              |
| Picture Completion       | 12        | 5            | Picture Completion       | 12        | 5            |
| Digit Symbol-Coding      | 88        | 12           | Digit Symbol-Coding      | 68        | 8            |
| Block Design             | 24        | 6            | Block Design             | 24        | 6            |
| Matrix Reasoning         | 10        | 6            | Matrix Reasoning         | 10        | 6            |
| Picture Arrangement      | 10        | 7            | Picture Arrangement      | 10        | 7            |
| Symbol Search            | 23        | 6            | Symbol Search            | 23        | 6            |

www.free-power-point-templates.com

62

## Score Changes

| Reported Scores             |           |          | Corrected Scores            |           |          |
|-----------------------------|-----------|----------|-----------------------------|-----------|----------|
| <b>IQ Scores Summary</b>    | Sum of SS | IQ Score | <b>IQ Scores Summary</b>    | Sum of SS | IQ Score |
| Verbal                      | 36        | 76       | Verbal                      | 36        | 76       |
| Performance                 | 36        | 81       | Performance                 | 32        | 77       |
| Full Scale                  | 72        | 77       | Full Scale                  | 68        | 75       |
| <b>Index Scores Summary</b> |           |          | <b>Index Scores Summary</b> |           |          |
| Verbal Comprehension        | 17        | 76       | Verbal Comprehension        | 17        | 76       |
| Perceptual Organization     | 17        | 74       | Perceptual Organization     | 17        | 74       |
| Working Memory              | 21        | 82       | Working Memory              | 21        | 82       |
| Processing Speed            | 18        | 93       | Processing Speed            | 14        | 84       |

On appeal, sentence changed from death penalty to life in prison. Moved off death row.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

63

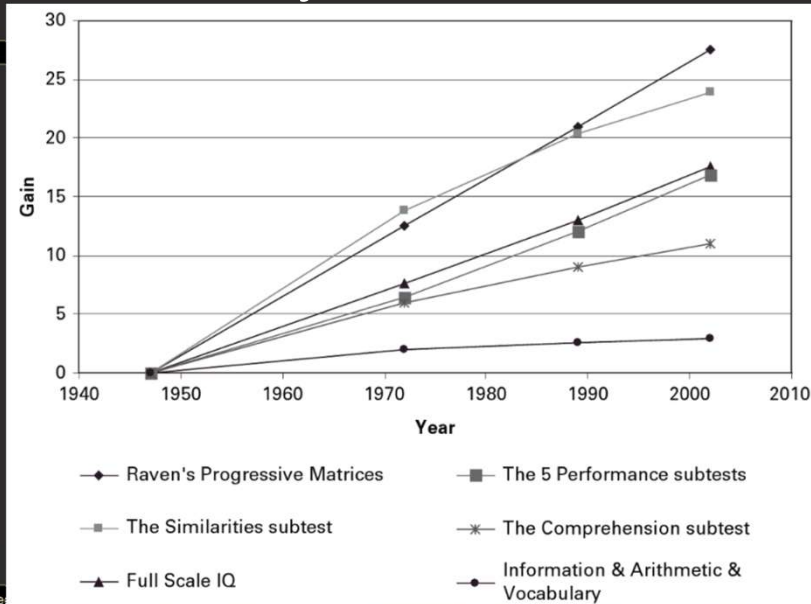
## Other Information

- Attorneys wanted to argue the Flynn Effect
- Flynn Effect refers to the claim that IQ has been increasing substantially over time
- Possible explanations include education, exposure to technology, and nutrition
- May also be the result of increased emphasis on knowledge which encourages the abstract thinking included in IQ tests

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

64

## Flynn Effect



65

## Issue with IQ Testing

To adjust an individual's IQ score for the inflation caused by obsolete norms, test administrators or interpreters should deduct 0.3 points for every year that lapses between the year the test was normed and the year the individual took the test.

Adjusting for the Flynn Effect, therefore, requires adjusting an IQ score downward, with the magnitude of the adjustment contingent on when the particular test was normed and taken.

An examinee gets an FSIQ of 75 on the WAIS-III in 2004 but it was normed in 1997, so the IQ could be adjusted to 72.9 based on the Flynn Effect. ( $7 \times .3 = 2.1$ ;  $75 - 2.1 = 72.9$ )

www.free-power-point-templates.com

66

## Another Case

Hall v Florida (2014) – Supreme Court case that determined that a bright-line IQ threshold for ID is unconstitutional in deciding eligibility for the death penalty

- Florida required an IQ score of 70 or less before being permitted to present any additional ID evidence
- Hall had an IQ of 71 so his motion to present his case for ID was denied
- The State Supreme Court rejected Hall's appeal and found that the State's 70 point threshold was constitutional
- The US Supreme Court disagreed and overturned the decision
- The cut-off of 70 failed to recognize that IQ scores are imprecise

When an IQ score is a death sentence:

<https://www.nytimes.com/2021/01/11/opinion/death-penalty-mental-disability.html>

www.free-power-point-templates.com

67

## And more cases....

In *Hodges v. State*, the Florida Supreme Court held that the legal significance of a Black defendant's low IQ score could be discounted because "IQ tests tend to underestimate particularly the intelligence of African-Americans."

Prior to *Hall*, a score over 70 in Florida automatically disqualified a person from relief from the death penalty but a low score could still be "ethnically adjusted" upward to exceed 70, once again precluding a person, specifically a Black or Brown person, from relief.

While the U.S. Supreme Court found the Florida "bright line" cut off rule unconstitutional, the Court has not yet considered the merits of the claim that "ethnically adjusting" scores upward is constitutional.

www.free-power-point-templates.com

68

## Texas Court of Criminal Appeals

November 2014

- Was judge allowed to subtract points per Flynn?
- No, can consider effect but not change IQ
- Was a Vineland Adaptive Behavior Scale administered retroactively (reflecting on behavior from 25 years earlier) credible?
- No, not designed for this use; family members were motivated to respond in a certain way

www.free-power-point-templates.com

69

## For more information...

*A More Intelligent and Just "Atkins:" Adjusting for the Flynn Effect in Capital Determinations of Mental Retardation or Intellectual Disability (2019)*

Available at:

<https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1336&context=vlr>

www.free-power-point-templates.com

70

## From Vanderbilt Law Review

The practice of adjusting for the Flynn Effect is consistent with the recommendations of the AAIDD and many distinguished experts in the field of intelligence testing,<sup>228</sup> as well as with the recommendations of test publishers who advocate the use of updated norms.<sup>229</sup> On the other hand, some researchers, notably Leigh D. Hagan, Eric Y. Drogin, and Thomas J. Guilmette, assert that adjusting IQ scores based on the Flynn Effect “does not comport with the standard of forensic psychological practice.”<sup>230</sup> To support their conclusion, Hagan and coauthors present empirical research, published in 2008, that surveyed program directors of APA-approved psychology programs, graduate faculty, and clinicians who were certified school psychologists.<sup>231</sup> The results of their survey showed that most of their sample did not adjust for the Flynn Effect in their practices.<sup>232</sup> Hagan and coauthors also found a lack of reference to the Flynn Effect and adjustments for it in IQ-test manuals, a Social Security Administration report and manual, and APA ethical and testing guidelines.<sup>233</sup> Those sources, however, all recommended that clinicians and psychologists rely on up-to-date test norms and use regularly updated tests.<sup>234</sup>

71

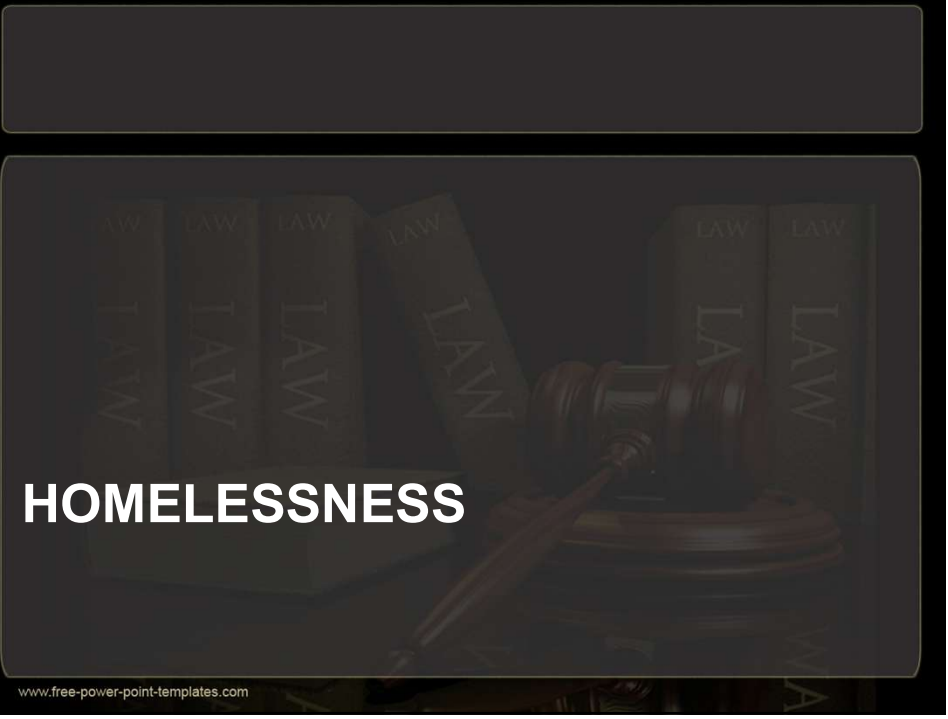
## Ethnic Adjustments

*In his recent masterful article, Professor Robert Sanger revealed that, since the Supreme Court’s decision in Atkins v Virginia, some prosecution experts have endorsed the use of what have been characterized as “ethnic adjustments” in death penalty cases - artificially adding points to the IQ scores of minority death penalty defendants - so as to make such defendants, who would otherwise have been protected by Atkins and, later, by Hall v. Florida, eligible for the death penalty. Sanger accurately concluded that “ethnic adjustments” are not appropriate, clinically or logically, when calculating a defendant’s IQ score for Atkins purposes.*

<https://aulawreview.org/blog/response-your-corrupt-ways-had-finally-made-you-blind-prosecutorial-misconduct-and-the-use-of-ethnic-adjustments-in-death-penalty-cases-of-defendants-with-intellectual-disabilities>

www.free-power-point-templates.com

72



# HOMELESSNESS

www.free-power-point-templates.com

73

## The Realities of Homelessness

- Homelessness increased 18% from 653,104 people in 2023 to 771,480 in 2024 (point in time count – End Homelessness)
- Single-parent, female-headed families account for 85% of all homeless families (Turning Point Community Services) with 42% of children under the age of 6 (Greendoors.org)
- About 26% of the total homeless population consists of families with children (National Low Income Housing Coalition)

www.free-power-point-templates.com

74

## The Realities of Homelessness (Continued)

- Nearly 150,000 children are without homes on any given night
- There are approximately 2.5 million children who become homeless in the United States each year (National Center on Family Homelessness, 2009)
- Homeless families have been shown to be less likely to have mental illnesses, to participate in criminal activity, and to abuse substances or alcohol when compared to single men who are homeless

www.free-power-point-templates.com

75

## Student Homelessness

According to the National Center for Homeless Education, students experiencing homelessness may:

- Be unable to meet standard school enrollment requirements
- Move around and change schools a lot
- Be hungry, tired, and stressed
- Not have school supplies or a quiet place to study
- Not have access to reliable transportation
- Not have a parent or guardian to help them (unaccompanied youth)
- Be chronically absent from school
- Drop out of school
- Get lower grades and score poorly on assessments
- Have special education needs

www.free-power-point-templates.com

76

## Legislative History

The McKinney-Vento Homeless Assistance Act (PL100-77) was the first –and remains the only—major federal legislative response to homelessness.

McKinney-Vento was initially passed in 1987

It has two main foci:

- Housing
- Education

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

77

## McKinney-Vento Legislation

- In the mid-1990s, the McKinney-Vento Housing service delivery model—**The Continuum of Care**—was created (HUD, 2008) and conceptualized as a 3-tier model
- Main objectives:
  - To better coordinate and integrate all services at the local level (i.e., housing, medical, employment, etc.)
  - To move clients along each tier with the end goal as permanent, stable housing

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

78

## Three – Tier Housing Model



www.free-power-point-templates.com

79

## Shelters—The Housing of Last Resort

- Shelters are not intended as permanent housing but for many homeless families, transient housing continues for years
- Shelters are often full; shelters may turn families away, or put families on waiting lists
- Eligibility conditions of shelters often exclude families with boys over the age of 12
- Shelters often have 30, 60, 90 or 120 day time limits
- Shelters do not exist in many suburban and rural areas
- Families may be unaware of alternatives, fleeing in crisis
- If shelters are unavailable, families may turn to friends or family, living in over-crowded, temporary, and sometimes unsafe conditions

www.free-power-point-templates.com

80

## Complex Problems

### "Chronic" Homelessness

We have a housing crisis that leaves many children chronically homeless because their families cannot move into permanent housing.

### Dual Problems

Homeless parents are faced with obstacles when advocating for their children's educational needs while trying to meet basic needs for food, shelter, clothing, and medical care.

### Educational Services

Serving homeless children in schools is difficult and complex making it imperative that school personnel are aware of their responsibilities.

www.free-power-point-templates.com

81

## Definition of Homeless

Preschool, school-aged children, and unaccompanied youth who lack a **fixed, regular, and adequate** nighttime residence—

- Sharing the housing of others due to loss of housing, economic hardship, or a similar reason ("doubled up")
- Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations
- Living in emergency or transitional shelters
- Abandoned in hospitals
- Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as sleeping accommodations for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory living in above circumstances

www.free-power-point-templates.com

82

## Unaccompanied Youth

- Includes a homeless child or youth not in the physical custody of a parent or guardian
- For any child, including an unaccompanied child or youth, to be eligible for McKinney-Vento services, their living arrangement must meet the McKinney-Vento definition of homeless
  - This means the student must lack a fixed, regular, and adequate nighttime residence
- A guardianship issue alone (without homelessness) does not result in McKinney-Vento eligibility

www.free-power-point-templates.com

83

## Fixed, Regular, and Adequate

Definitions depend on locality, but generally:

- **Fixed:** A nighttime residence is fixed if it is stationary, permanent, and not subject to change
- **Regular:** A nighttime residence is regular if it is used on a nightly basis
- **Adequate:** A nighttime residence is adequate if it is sufficient for meeting the physical and psychological needs typically met in a home environment
  - Does the housing have the fundamental utilities, including water, electricity, and heat?
  - Is the housing infested with vermin or mold?
  - Does the housing have a functioning kitchen and working toilet?
  - Does the housing present with unreasonable dangers?

www.free-power-point-templates.com

84

## Educational Rights of Homeless Children/Unaccompanied Youth

Schools must provide educational stability for homeless students

- Must keep homeless students in their schools of origin, to the extent feasible, unless it is against the parent's or guardian's wishes
  - Students (or their parents/guardians) choose whether the student will attend the public school they attended at the time they became homeless or the public school where they are currently living
  - Access to attending school must be provided immediately
- Students are permitted to continue attending their schools of origin for the duration of their homelessness and until the end of the academic year in which they move into permanent housing
- Schools must provide transportation to the school of origin

www.free-power-point-templates.com

85

## Homeless Education Liaison

Every school district must designate a liaison for homeless students.

Responsibilities:

- Ensure that children and youth in homeless situations are identified
  - Eligibility determinations made on a case-by-case basis
- Ensure that homeless students enroll in and have full and equal opportunity to succeed in school including Head Start or preschool
- Make referrals for health, mental health, and other services
- Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive such services (e.g., schools, shelters, community food cupboards)
- Ensure parents or guardians in homeless situations are informed of educational and related opportunities available to their children, afforded meaningful opportunities to participate in the education of their children; and are assisted in accessing transportation services

www.free-power-point-templates.com

86

## Dispute Resolution Procedures

When a dispute arises between the school and the homeless student/unaccompanied youth, regarding eligibility, school selection, or enrollment, the student must be:

- Enrolled immediately in the requested school, pending final resolution of the dispute, including all available appeals
- Provided with a written explanation of any dispute-related decisions made by the school, including appeal rights
- Referred to the McKinney-Vento Liaison, who will carry out the dispute resolution process and ensure that the youth is enrolled immediately in the requested school pending the resolution of the dispute
- Students must receive all services for which they are eligible until final resolution of all disputes and appeals

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

87

## Shortcomings of the McKinney-Vento Act

- Accountability, of the type found in IDEA, is absent
- Some school staff members are unfamiliar with their responsibilities under the law
- The educational portion of McKinney-Vento is limited by the severity and apparent insolubility of the chronic shortage of affordable housing
- Nonetheless, it is incumbent upon school personnel to deliver those educational services to which children who are homeless are entitled

**These facts demonstrate an urgent need for psychologists to be prepared to work with families facing homelessness**

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

88

## Court Case in PA

- 2010 - L.R., a minor, by his guardian/grandmother, G.R. v. Steelton-Highspire School District
- LR is a 13-year-old male SPLED student enrolled in SD since 2003
- resides with grandmother/guardian
- 1/27/2009 – fire destroys home; moves in with relatives in Harrisburg (10 miles away)

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

89

## Steelton-Highspire Case

- Awaiting approval for subsidized housing in Steelton
- January through June 2009, Steelton-Highspire recognized LR as homeless and provided transportation for him to attend school per McKinney-Vento
- June 2009 – removed from the roles because he resided in Harrisburg (no notification or notice of right to appeal decision)

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

90

## Steelton-Highspire Case

- - Guardian advised to enroll LR in Harrisburg School District; attempted but denied enrollment
- - Juvenile probation officer and caseworker were unsuccessful in enrolling LR in Harrisburg
- - Finally enrolled in Harrisburg in February; denied school for 5+ months

www.free-power-point-templates.com

91

## Steelton-Highspire Case

- 3/2/2010 – requested reenrollment in Steelton-Highspire
- 3/29/2010 – 2 months after enrollment in Harrisburg; IEP had not been implemented
- - Steelton-Highspire was not certain records had been sent
- - Under the pendency provision of McKinney-Vento, LR wanted to return to Steelton-Highspire

www.free-power-point-templates.com

92

## Steelton-Highspire Case

- - Judge Sylvia Rambo (US District Court) ordered reenrollment in Steelton-Highspire
- - Court opinion found that McKinney-Vento was violated
- - SD of origin is responsible for sustaining student enrollment if homeless
- - Guardians must be informed of any changes in enrollment in writing

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

93

## Best Practices for Addressing Needs of Homeless Students

- Inform parents, guardians, or youth of educational and parent involvement opportunities
- Post public notice of educational rights under McKinney-Vento
- Recruit for programs/services where homeless families live: shelters, motels, other temporary locations
- Inform parents, guardians, or youth of transportation services, including to the school of origin
- Actively collaborate and coordinate with community and school personnel
- Help to identify younger siblings of students who are homeless
- Try to resolve disputes quickly

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

94

## Best Practices (continued)

- Retool enrollment applications by including questions that help determine homeless status, but are “family friendly”
- Transportation: include school district collaboration in community discussion with providers
- Assist with records transfer to new programs
- Obtain parental consent for release of information from providers or liaison in order to obtain new addresses and continue to provide services when families move
- Develop an ongoing plan for serving individual homeless children
- Seek to participate in task forces, councils, advisory groups
- Provide Professional Development on homelessness to all staff members

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

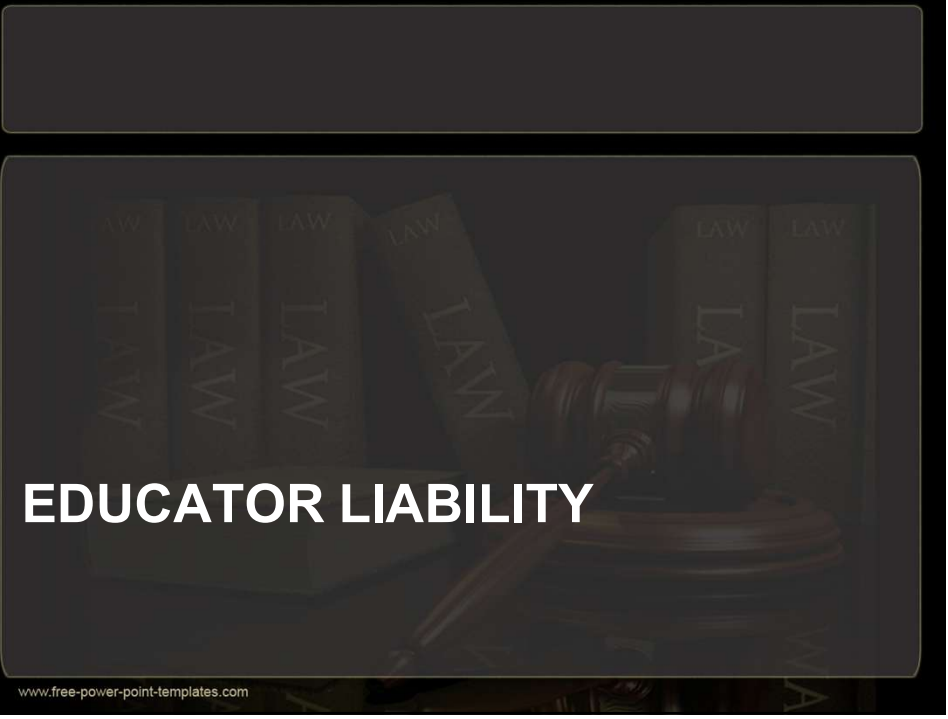
95

## Homeless Resources

- National Association for the Education of Homeless Children and Youth  
<http://www.naehcy.org>
- National Center on Homeless Education  
<http://www.serve.org/nche>
- National Law Center on Homelessness & Poverty  
<http://www.nlchp.org>
- Horizons for Homeless Children  
<http://www.horizonsforhomelesschildren.org>

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

96



## EDUCATOR LIABILITY

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

97

### Imagine if...

You are an SPSY in your 2<sup>nd</sup> year of practice. A 4<sup>th</sup> grader trips over the area rug in your office and falls hard, knocking out a front tooth. The student goes to the nurse's office, and parents are called. The mother arrives and is very upset. She tells the nurse to expect to hear from her attorney. The nurse tells the principal who stops by your office at the end of the day.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

98

## What is liability?

- **Liability** refers to the legal responsibility for actions or failures to act that result in harm, injury, or financial loss to another.
- **Civil liability** focuses on compensation for injured parties.
- **Criminal liability** focuses on punishing unlawful conduct.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

99

## Liability

Standard of proof required

- Civil cases require proof by a *preponderance of the evidence*
- Criminal cases require proof *beyond a reasonable doubt* (a much higher standard)
- Individuals can face both a civil lawsuit filed by the injured party and a criminal prosecution by the state or federal government arising from the same incident

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

100

## Tort Law

- Branch of civil law (not criminal)
- Focuses on wrongful injuries
- A tort is a wrong that is committed by one person against another person or another's property that results in harm
- Legal remedies are available for tort claims
- Monetary damages are typically sought for physical injury, property damage, emotional distress, and loss of income.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

101

## Three Types of Torts

1. Intentional interference
  1. - committed with intent to harm
2. Strict liability
  - applies when an activity is inherently dangerous
3. Negligence
  - applies when there is a failure to exercise reasonable care

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

102

# Negligence

Seminal Case: Palsgraf v. Long Island Railroad Company (1928)

Four factors used to determine negligence

1. Duty of care
2. Breach of Duty
3. Causal Link
4. Injury

www.free-power-point-templates.com

103

## 1. Duty of Care

This element focuses on the legal obligation to adhere to a standard of reasonable care and to avoid carelessness that could foreseeably harm others. Includes:

- - Safety of the physical environment
- - Supervision
- - Foreseeability
- - Mitigation of risks

www.free-power-point-templates.com

104

## 2. Breach of Duty

This element focuses on whether the duty to act responsibly and consistently with an established standard of care was breached.

To determine whether a breach of duty occurred, the harmed individual must identify the duty that existed and demonstrate that it was not met.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

105

## 3. Causal Link

- Focus on determining the connection between negligence and injury.
- Also referred to as legal cause, proximate cause, or causal nexus.
- To be held liable, negligence must be shown to be the cause of the harm.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

106

### 3. Causal Link (continued)

Other terms:

- Substantial cause
- Reasonable person standard
- Reasonably prudent person

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

107

### 4. Injury

An actual injury must have occurred in a negligence case.

The injured persons must show that they suffered harm or an actual loss as a result of a defendant's action.

This loss may include physical injury, pain and suffering, property damage, or financial loss, such as lost wages or medical expenses.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

108

## Yanes v. City of New York

2020 New York Supreme Court Case

Rainbow Experiment 10<sup>th</sup> grade Chemistry

16-year-old Alonzo Yanes severely burned

US Chemical Safety Board had issued a warning about this demonstration

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

109

## Yanes v. City of New York

Consider the four elements of negligence

1. Duty of care
2. Breach of Duty
3. Causal Link
4. Injury

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

110

## Yanes Decision

Jury awarded \$59 million for past and future pain and suffering

Reduced to \$29 million

Highest pain and suffering award approved by the NY appellate courts to date

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

111

## Another Case

- Orson D. Munn III et al., v Hotchkiss School
- Private boarding school in Connecticut
- Educational trip to China
- Cara Munn got many insect bites and developed an itchy welt
- 10 days later, she showed signs of tick-borne encephalitis and deteriorated
- Airlifted to New York for medical treatment
- Partially paralyzed, lost ability to speak, etc.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

112

## Munn v. Hotchkiss (Continued)

Consider the four elements of negligence

1. Duty of care
2. Breach of Duty
3. Causal Link
4. Injury

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

113

## Munn v. Hotchkiss Decision

- 2013 initial jury awarded \$41.75 million (reduced to \$41.5 million)
- School appealed to the Second Circuit Court of Appeals - upheld
- Appealed to Supreme Court of Connecticut - upheld

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

114

## What about waivers?

Designed to inform parents of the inherent risks associated with a given activity

Situations, such as a lack of supervision or negligence, would invalidate a waiver

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

115

## STUDENT USE OF ARTIFICIAL INTELLIGENCE AND DEEPFAKES

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

116

## What is a deepfake?

Artificial intelligence (AI) generated image, video, or audio file that replaces a person's likeness and/or voice with that of another person

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

117

## AI-generated Image Incident

Issaquah High School in Washington

- 14-year-old male student superimposed breasts and genitalia onto photos of at least six female classmates (age 14-15) and allegedly a school official
- 10/18/2023 – school officials become aware of the rumored images and reached out to parents whose daughters were possibly involved

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

118

## AI-generated Image Incident

- 10/20/2023 – Police learn of the incident from a parent that filed a sex offense report; 2 additional parents also file reports
- Police reach out to school. Assistant Principal reports no images were found on student's phone, "still looking into it"

www.free-power-point-templates.com

119

## AI-generated Image Incident

- 10/23/23 – Detective follows up with school, Asst. Principal says she will only provide her documentation through a search warrant
- Detective asks why a police report was not made; AP responds, "What was I supposed to report?"
- Detective says she is a mandated reporter and must report incidents of sexual abuse to law enforcement

www.free-power-point-templates.com

120

## AI-generated Image Incident

- School District spokesperson says, “Per our legal team, we are not required to report fake images to the police.”
- Reactions?

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

121

## AI-generated Image Incident

- District policy reads: *Personnel need not verify that a child has in fact been abused or neglected. Any conditions or information that may reasonably be related to abuse or neglect should be reported.*
- Policy encourages staff to contact CPS
- A CPS report was filed 6 days later on 10/24/23

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

122

## Another Incident- NJ

- Westfield High School in New Jersey
- Incident happened over the summer but was brought to the attention of school administrators of 10/20/2023

www.free-power-point-templates.com

123

## Another Incident - NJ

Superintendent's statement:

*- All school districts are grappling with the challenges and impact of artificial intelligence and other technology available to students at any time and anywhere. The Westfield Public School District has safeguards in place to prevent this from happening on our network and school-issued devices. We continue to strengthen our efforts by educating our students and establishing clear guidelines to ensure that these new technologies are used responsibly in our schools and beyond.*

www.free-power-point-templates.com

124

## Another Incident - CA

- Beverly Vista Middle School in California
- February 2024
- 5 male students generated images of 16 female classmates
- CA enacted a law in 2020 against non-consensual sexually explicit deepfakes that enabled victims to sue creators and distributors

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

125

## Another Incident - CA

- Student were expelled
- Case was still somewhat ambiguous because the law specifies that images must be pornographic
- Cyber Civil Rights Initiative President – “Not all nude depictions of children are legally considered pornography”

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

126

## Lancaster, PA Incident

- Two boys exchanged altered images in private chat room on Discord
- 100s of images
- 60 female victims (48 fellow students/12 acquaintances; 59 juveniles/1 aged 18)
- One of the boys sent an image to a different chat room in error
- The images were subsequently reported

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

127

## Lancaster Incident

- November 2023 - school officials at Lancaster County Day School received a tip through *Safe to Say*
- District did not contact ChildLine or police
- May 2024 – school received additional information and filed a ChildLine report
- Parents notified law enforcement of concerns, and a criminal investigation followed

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

128

## AI in PA

Two juveniles were charged:

- 1 count – criminal conspiracy
- 59 counts – sexual abuse of children
- 59 counts – dissemination of photographs
- 59 counts – possession of child pornography
- 1 count – dissemination of obscene materials to minors
- 1 count – criminal use of a communication facility
- 59 counts – possession of obscene materials depicting a minor
- 1 count – possession of obscene material
- (+ 1 male charged with possession of child porn unrelated to the AI images)

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

129

## AI in PA

- Another aspect of this case focused on mandatory reporting requirements
- District Attorney determined that there was no requirement to report to ChildLine
- Child-on-child harm is exempted from the definition of child abuse; therefore, there were no charges filed against the school district

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

130

## AI in PA

- PA passed Senate Bill 1213 in October 2024 which went into effect 12/20/2024

5 "Artificially generated sexual depiction." A visual  
 6 depiction:  
 7 (1) that appears to authentically depict an individual  
 8 in a state of nudity or engaged in sexual conduct that did  
 9 not occur in reality; and  
 10 (2) the production of which was substantially dependent  
 11 upon technical means, including artificial intelligence or  
 12 photo editing software, rather than the ability of another  
 13 person to physically impersonate the other person.

www.free-power-point-templates.com

131

## Lancaster Case Update

- News release June 17, 2026
- Parents of 13 of the girls affected by the deepfakes are suing Lancaster County Day School and AI companies in federal court
- Suit alleges school knew and did nothing to protect victims, despite being mandated reporters and receiving a Safe2Say report
- Also claims school "actively obstructed the investigation and covered up what was happening."

www.free-power-point-templates.com

132

## Iowa Case

- North Polk Middle School Case
- Student created multiple social media videos using AI deepfakes of at least 15 school staff and board members.
- Videos include sexual depictions of teachers, accusations that some teachers are pedophiles, and depictions of teachers using weapons.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

133

## Iowa Case

- - Student was suspended for one year.
- - March 2025 – Iowa Board of Education upheld the suspension
- - May 2026 - Board of Education is set to consider an application to rehear a disciplinary appeal filed by the teenager's family.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

134

## Legal Response

- Laws regarding NCII – nonconsensual intimate images (also called “revenge porn”) exist in every state and DC – for authentic images
- Trump signed the Take It Down Act into law on May 19<sup>th</sup>, 2025

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

135

## Take it Down Act

- Federal law signed on 05/19/2025
- Criminal prohibitions took effect immediately
- Platforms had until 5/19/2026 to establish the required notice-and-removal process
- Created new criminal penalties for offenses victimizing minors and adults
- Adults – fines and prison for up to 2 years; if minors are victims – up to 3 years

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

136

## Take It Down Act

- Threats to disclose AI depictions are viewed as a form of coercion or blackmail
- Platforms must establish a process for individuals to notify and request removal of nonconsensual images and remove the depictions within 48 hours

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

137

## 7 Separate Offenses

1. Publications involving “authentic” intimate visual depictions of adults
2. Publications involving authentic visual depictions of minors (under 18)
3. Publications involving digital forgeries of adults
4. Publications involving digital forgeries of minors

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

138

## 7 Offenses (continued)

5. Threats involving authentic intimate depictions of adults or minors

6. Threats involving digital forgeries of adults

7. Threats involving digital forgeries of minors.

These are criminal offenses, so the government bears the burden of proving each element beyond a reasonable doubt.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

139

## Considerations

- Many state laws do not apply to explicit AI-generated deepfakes
- Laws may not consider that perpetrators of deepfake abuse are often minors
- 15% of students report knowing about AI-generated explicit images of a classmate  
(Sept. 2025 – Center for Democracy and Technology)
- Distribution of NCII can have long-lasting, serious MH harm on victims

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

140

## Considerations

- - May be discretion by local officials when minors are charged through juvenile justice systems
- - “Proportional penalties” exist in some states like South Carolina and Florida that consider age, intent, and prior criminal history

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

141

## Considerations

- Most teens don't keep abreast of criminal codes
- AI literacy education initiatives could teach young users what constitutes illegal behavior
- Shaming and scaring kids about common practices like sexting is not effectively preventing abuse and discourages kids from seeking adult help when exploited

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

142

## Considerations

- AI deepfakes could be considered a form of harassment, intimidation or bullying that must be addressed
- Could be viewed as a form of dating violence
- Could be a form of sexual harassment covered under Title IX

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

143

## Finally...

- Revamping the liability protections digital services have under Section 230 could compel tech companies to be more proactive about preventing digital sexual violence

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

144

## Suggestions

- Update district policies on bullying, harassment and related issues to include AI generated images
- Make sure policies reference creating, viewing, and/or distributing explicit deepfakes
- Establish a protocol to address this situation (CPS/Police Involvement)

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

145

## Suggestions

- Schools could proactively reach out to platforms that have deepfake content with students or staff members and demand the content be removed as part of a district's effort to mitigate the harm caused
- Raise awareness of new laws for staff, parents, and students
- Review policies and protocols to clarify the appropriate use of technology

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

146



## LEGAL CHALLENGES TO YOGA AND MINDFULNESS

www.free-power-point-templates.com

147

### Mindfulness Defined

Mindfulness means having a moment-by-moment awareness of thoughts, feelings, bodily sensations and surrounding environment.

Though it has roots in Buddhist meditation, a secular practice of mindfulness has entered the American mainstream in recent years.

Source: Greater Good Science Center, University of California, Berkeley

www.free-power-point-templates.com

148

## Yoga Defined

Yoga - a Hindu spiritual and ascetic discipline, a part of which, including breath control, simple meditation, and the adoption of specific bodily postures, is widely practiced for health and relaxation

Source: Oxford Languages

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

149

## What is the objection?

- The American Center for Law and Justice argues that school mindfulness unconstitutionally coerces children to participate in meditation based on Buddhism
- The Supreme Court has consistently ruled against school prayer and Bible reading, even when children are allowed to “opt out”
- Students may feel pressured to participate due to teacher and peer influences

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

150

## An Early Legal Decision

### Malnak v. Yogi (1979)

- US Court of Appeals for the 3rd Circuit affirmed the US District Court of New Jersey's decision
- Found that an elective course in 5 NJ high schools constituted an establishment of religion in violation of the 1st Amendment
- Course: (SCI/TM) The Science of Creative Intelligence - Transcendental Meditation

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

151

## An Early Legal Decision (continued)

### Malnak v. Yogi (1979)

- Course was offered as an elective
- Instructor was trained by the World Plan Executive Council - dedicated to disseminating the teachings of SCI/TM
- Students were required to attend an off-campus weekend ceremony in which they had to recite Sanskrit chants and make offerings

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

152

## Other Early Cases

Powell v. Perry (1988) Arkansas case

- Concluded that “yoga is a method of practicing Hinduism”

Self-Realization Fellowship Church v. Ananda Church of Self Realization (1995)

- classified the “Hindu-Yoga spiritual tradition” as a “religious tradition”

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

153

## Are school yoga and mindfulness religious practices?

Opinions differ based on the legal context

- First Amendment religious free exercise clause protection
- First Amendment establishment clause restriction

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

154

## Are school yoga and mindfulness religious practices?

New York's Good Samaritan Hospital was sued in 2011 by Dr. Glenn Mendoza for religious discrimination against him

- He described yoga as "devoted spiritual practice rooted in religion and ancient spiritual teachings of meditation ... no different than being Jewish, Hindu, Buddhist, Catholic or Muslim."

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

155

## Are school yoga and mindfulness religious practices?

A year later (2012), Dr. Mendoza tried to co-found a public charter school in PA based on yoga and meditation practices

- He argued that the practices are purely "secular", "educational" tools

Application was denied by PA Charter Appeal Board

It was found legally unacceptable to define a practice as "religious" in one context and "educational" in another as a matter of legal convenience

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

156

## Alabama School Policy

### State Board of Education Administrative Code

- *School personnel shall be prohibited from using any techniques that involve the induction of hypnotic states, guided imagery, meditation or yoga (1993)*
- Memo dated 6/21/2006 by the State of Alabama Department of Education reads: *yoga will not be offered during regular school hours or after regular school hours to public school students on a public school campus in Alabama*

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

157

## Alabama School Policy

- In May of 2021, after 28 years, the ban was lifted when Alabama governor signed a bill allowing public schools to offer yoga
- There are restrictions:
  - Elective K-12
  - English names must be used for all poses and exercises
  - Parental permission required

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

158

## Alabama School Policy

Bill reads: *Chanting, mantras, mudras, use of mandalas, induction of hypnotic states, guided imagery, and namaste greetings shall be expressly prohibited.*

Arguments against:

- Yoga is the practice of Hindu religion
- Violates the establishment clause
- Poses were designed as “an offering of worship” to Hindu gods, not as an exercise

www.free-power-point-templates.com

159

## Alabama School Policy

*“Did you hear about how Alabama is going to un-cancel yoga but also appropriate it and whitewash it at the same time?”*

- Susanna Barkataki  
Yoga advocate  
Instagram Post

www.free-power-point-templates.com

160

## Alabama School Policy

Cultural appropriation - the unacknowledged or inappropriate adoption of the customs, practices, ideas, etc. of one people or society

Saying *namaste* at the end of a yoga class is a classic example of cultural appropriation

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

161

## Sedlock v Baird (2015)

- The Sedlocks and two minor children filed suit against the Encinitas Union SD in CA
- Argued that school's Ashtanga yoga program as part of the physical education curriculum was an impermissible establishment of religion and violated religious freedom provisions
- They wanted the program to cease and to be declared unconstitutional

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

162

## Sedlock v Baird (2015) (Continued)

- Sedlocks were unsuccessful and appealed the decision
- Trial court determined that yoga may be religious in some contexts, but as taught in the District, they were “devoid of any religious, mystical, or spiritual trappings”
- Court of Appeal confirmed the decision

www.free-power-point-templates.com

163

## Cole v Cobb



www.free-power-point-templates.com

164

## Cole v Cobb

In 2014, Bonnie Cole, assistant principal at Bullard Elementary in the Cobb County SD in Kennesaw, Georgia introduced yoga and mindfulness.

Kids folded hands in prayer position in front of their hearts while saying, "Namaste."

They colored mandalas.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

165

## Cole v Cobb

- Parents complained of religious coercion.
- Parents protested, placing their hands on Cole's office window and praying "for Jesus to rid the school of Buddhism".
- Cole was ultimately transferred to another school in the district to calm the situation.
- A lawsuit followed. Who do you think sued who, and what do you think was the basis of the suit?

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

166

## Cole v Cobb

- Cole sued the school for “capitulating” to Christian complaints by ending the yoga program and transferring the director, thereby advancing a competing “religious cause”
- Settlement was reached in November 2019
- Cole was paid \$150,000 in exchange for a “full release, no admission of liability and a resignation effective June 30, 2021”
- Cole’s attorney says schools need to recognize that succumbing to pressure from religious groups is a violation of the Establishment Clause and can result in a claim or lawsuit.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

167

## Addressing Objections

- Yoga and mindfulness programs have been “secularized”
  - Language, gestures, and objects linked to Hinduism, Buddhism and other spiritual traditions have been removed
- BUT studies show that participants in “secular” yoga and mindfulness are more likely to report spiritual experiences and develop spiritual motives the longer they practice, and this practice raises additional concerns specific to cultural appropriation

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

168

## Recommendations

When using instructional materials specific to mindfulness in the school setting, users should consider clearing the materials through the school's curriculum committee with approval from the school board if required by district policy. This is recommended whether the materials are used by a particular educator or as part of a broader curriculum implemented on a larger scale by school counselors/physical education teachers/health teachers.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

169

## Recommendations

- Transparency is essential. Students and parents need to know, not just about the benefits of yoga and mindfulness, but also about potential religious effects, health risks, and alternatives.
- Voluntarism is recommended. Children should not feel pressured to join in or have to opt out to avoid participating.
- Choose programs that are designed as secular programs. Remove religious symbols, mantras, Sanskrit, etc.
- Consider securing parental approval.

[www.free-power-point-templates.com](http://www.free-power-point-templates.com)

170

## Recommendations

Consider who is providing the programming.

- Relying on outside providers with limited understanding of education and child development may not be advisable or sustainable.
- Educators without adequate preparation may also be problematic.

www.free-power-point-templates.com

171

## Other Resources

- Militello, M., Schimmel, D., & Eberwein, H. J. (2009). *If they knew, they would change: How legal knowledge impacts principals' practice*. NASSP Bulletin, 93(1).
- Schimmel, D., & Militello, M. (2007). Legal Literacy for Teachers: A Neglected Responsibility. *Harvard Educational Review*. 77(3). 257-284.
- <https://rewirenewsgroup.com/religion-dispatches/2019/05/17/think-yoga-and-mindfulness-in-public-schools-are-a-no-brainer-think-again/>

Specific cases and other resources are noted in additional slides.

www.free-power-point-templates.com

172