

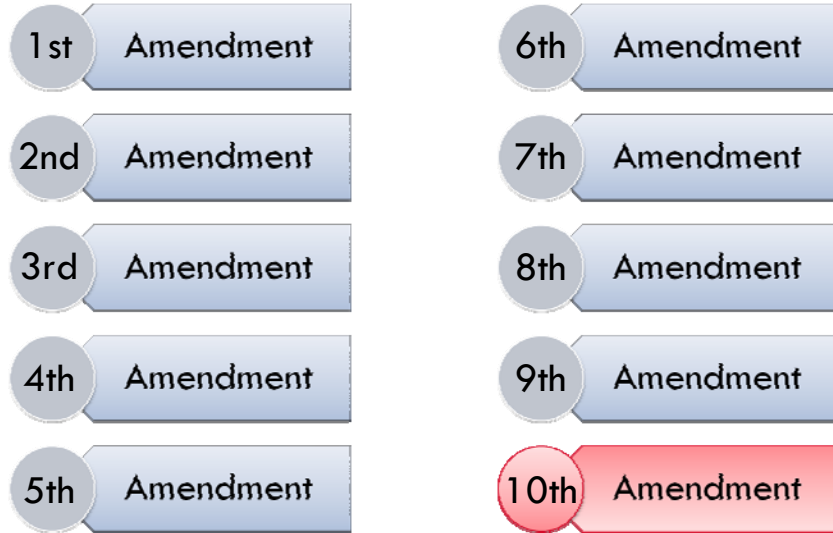


The American Legal System: An Overview



The Bill of Rights

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We'll start our overview of the United States legal system with a quick discussion of the 10th Amendment. The first ten amendments to the United States Constitution also are known as the Bill of Rights and serve as important protections against abuses by the federal government. For example, the well-known 1st Amendment protects American citizens' freedom of speech and religion as well as freedom of the press. Other Constitutional amendments of interest to K-12 educators include the 4th, 5th, 8th, and 14th Amendments. Some of these are addressed in other presentations.



10th Amendment

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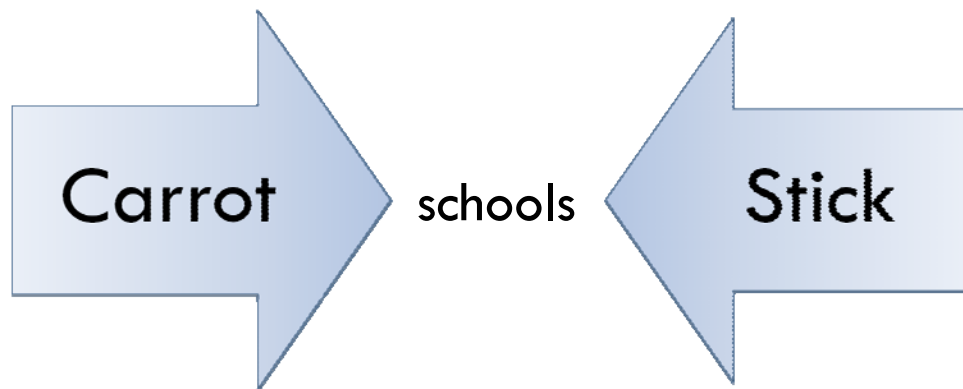
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

As the excerpt on this slide shows, the 10th Amendment says that any and all powers not expressly given to the federal government by the Constitution are reserved to the states and the people. In other words, if the Constitution doesn't say that the federal government has control over some activity, that activity instead falls under the primary purview of the various states. Providing for the defense of our country is one of those activities that the Constitution says belongs to the federal government. In contrast, education happens to be one of those activities that is left for the states. There is no mention of K-12 education in the United States Constitution.



Federal role in education

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The Constitution does not prevent the federal government from enticing the states to let it be involved in education, however. The way the federal government gets its foot in the door, so to speak, in education is to offer the states large sums of money. If the states accept the money, they also must accept the conditions under which the federal government offers it.

The recent No Child Left Behind Act, or NCLB, is an excellent example of how the federal government offers incentives to the states to further national objectives. In exchange for the education monies offered by the federal government, states agreed to institute statewide standardized assessments of K-12 students and to ensure that 100% of students will achieve proficiency on those state assessments by 2014. Other examples of federal incentives include the Individuals with Disabilities Education Act of 2004, or IDEA, and various federal programs related to roads, prisons, and the like.

Federal funds generally constitute about 7% to 10% of state or district educational budgets. Although this may not seem like a lot, the amount is large enough that states and districts, particularly those with fewer financial resources, do not feel like they can afford to turn the money down, even if they disagree with the federal expectations that accompany the money. Because of this, federal laws like NCLB or IDEA sometimes feel more like a stick, or punishment, that beats educators into compliance rather than a carrot, or incentive. It is important to remember that the federal government is involved in K-12 education only because the states allow it to do so by accepting federal monies.