

McGown & Markling Co.

A LEGAL PROFESSIONAL ASSOCIATION

Serving Ohio Schools

McGown & Markling Co., L.P.A.
1894 North Cleveland-Massillon Rd.
Akron, Ohio 44333
Telephone 330.670.0005
Facsimile 330.670.0002

www.mcgownmarkling.com

SCHOOL LAW NEWSLETTER

A Dress Code Victory for Schools!

In *Blau v. Fort Thomas Pub. School Dist.* (C.A.6, Feb. 8, 2005), 2005 U.S. App. LEXIS 1969, the United States Court of Appeals for the Sixth Circuit found a dress code policy that prohibited, among other things, clothing that is too tight, revealing or baggy as well as **tops and bottoms that do not overlap**; clothing that is distressed or has holes in it; unnaturally colored hair that is distracting to the educational process, including blue, green, purple, or orange hair; visible body piercing other than ears; clothing that is too long, flip-flop sandals, or high performance shoes; **pants, shorts or skirts that are not of a solid color of navy blue, black, any shade of khaki, or white**; shorts, skirts, or shorts that do not reach mid-thigh or longer; bottoms made with stretch knits, flannel, or fleece such as sweatpants, jogging pants, or any type of athletic clothing as well as baggy, sagging, or form-fitting pants; **tops that are not a solid color and are not crew neck style, polo style with buttons, oxford style, or turtleneck**; tops with writing on them and logos larger than the size of a quarter; tops that are not of an appropriate size and fit; and form-fitting or baggy shirts or any material that is sheer or lightweight enough to be seen through.

Ohio is in the Sixth Circuit. Now is the time to consider revising your dress code policy to the extent you desire to "create unity, strengthen school spirit and pride, and focus attention upon learning and away from distractions." The Fort Thomas Public School District found that dress codes had "enhanced school safety, improved the learning environment, promoted good behavior, reduced discipline problems, improved test scores, improved children's self-respect and self-esteem, bridged socio-economic differences between families, helped eliminate stereotypes and produced a cost savings for families."



Registration for the School Law Seminar is limited to the Cleveland, Ohio location at this time. Registration material can be found on [Pages 2-3](#). If you would like a school attorney to present to your organization, please contact us at info@mcgownmarkling.com.

Administrator Spotlight



Dr. Kevin L. Guynn is Director of the Office for Exceptional Children in the Chardon Local School District and the co-author of *Hazing in High Schools: Causes and Consequences*.

This Phi Delta Kappa publication addresses the causes and consequences of hazing in high schools, as well as suggestions for eliminating hazing, and can be obtained by visiting www.pdkmembers.org.



Please route this newsletter to:

- Principals
- Pupil Services
- Special Education
- Board Members
- Other Administrators



To subscribe to this newsletter, please e-mail us at subscribe@mcgownmarkling.com.

To unsubscribe, please e-mail us at remove@mcgownmarkling.com.

Volume II, Issue II
February 2005



United States Supreme Court

On February 22, 2005, the United States Supreme Court agreed to hear the case of *Schaffer v. Weast* (Case No. 04-698) to determine which side bears the legal burden of proof when parents and school districts disagree over the services or placement that children with disabilities require. The Individuals with Disabilities Education Act is silent on that question and courts have been split on the issue.

A ruling is expected in June 2005. Stay tuned!

Ohio Supreme Court

On February 16, 2005, the Ohio Supreme Court has agreed to review a case challenging the constitutionality of Ohio's charter school system. Stay tuned!

Announcements

Matthew John Markling has been selected for inclusion in *Who's Who in Law Education* for his service as an adjunct faculty member for the University of Akron School of Law and a senior lecturer for the University of Akron College of Education.

ADVERTISEMENT ONLY. The Firm became aware of and verified the identity and specific legal need of the addressee through the Ohio Department of Education's directory information, the addressee's own school district website, and/or direct subscription. The Firm disclaims any prior acquaintance or contact with the addressee. The Firm disclaims any predetermined evaluation of the merits of the addressee's legal needs.

School Law Seminar

McGown & Markling Co.

A LEGAL PROFESSIONAL ASSOCIATION

Serving Ohio Schools



Spring 2005 Series

Remaining Available Date

Friday, April 8, 2005: Cleveland, Ohio

Registration
8:00 a.m. to 8:30 a.m.

Breakout Session 1 A: **Student Discipline, Policies and Handbooks**
8:30 a.m. to 10:00 a.m.

Breakout Session 1 B: **Athletic Eligibility and Participation Issues**
8:30 a.m. to 10:00 a.m.

Breakout Session 2 A: **Employee Discipline**
10:00 a.m. to 11:30 a.m.

Breakout Session 2 B: **Residency, Custody and Divorce Issues**
10:00 a.m. to 11:30 a.m.

IDEA Reauthorization Session
11:30 a.m. to 12:30 p.m.

Summer 2005 Series

Remaining Available Date

Friday, June 3, 2005: Cleveland, Ohio

Registration
8:00 a.m. to 8:30 a.m.

Breakout Session 1 A: **Preparing for the Due Process Hearing**
8:30 a.m. to 10:00 a.m.

Breakout Session 1 B: **Hazing and Abuse of Students**
8:30 a.m. to 10:00 a.m.

Breakout Session 2 A: **FERPA, HIPAA and the IDEA**
10:00 a.m. to 11:30 a.m.

Breakout Session 2 B: **FMLA, FLSA, and other Labor Laws**
10:00 a.m. to 11:30 a.m.

IDEA Reauthorization Session
11:30 a.m. to 12:30 p.m.

Fall 2005 Series

Remaining Available Date

Friday, August 19, 2005: Cleveland, Ohio

Registration
8:00 a.m. to 8:30 a.m.

Breakout Session 1 A: **The New IDEA - Part One**
8:30 a.m. to 10:00 a.m.

Breakout Session 1 B: **Student Discipline, Policies and Handbooks**
8:30 a.m. to 10:00 a.m.

Breakout Session 2 A: **The New IDEA - Part Two**
10:00 a.m. to 11:30 a.m.

Breakout Session 2 B: **Residency, Custody and Divorce Issues**
10:00 a.m. to 11:30 a.m.

Question and Answer Session
11:30 a.m. to 12:30 p.m.

www.servingohioschools.com



McGOWN & MARKLING CO.
A LEGAL PROFESSIONAL ASSOCIATION

REGISTRATION INFORMATION ON THE NEXT PAGE

School Law Seminar



Seminar Fees

\$100 per series for single school registrant only
\$ 90 per series for two or more school registrants

For One CEU Credit per Session, Add an Additional \$150 per Session Attended

Registration Methods

Mail: Complete this page to register and mail with payment to:
McGown & Markling Co., L.P.A., 1894 North Cleveland-Massillon Road, Akron, Ohio 44333

Phone: Call 330.670.0005 to register and mail payment to:
McGown & Markling Co., L.P.A., 1894 North Cleveland-Massillon Road, Akron, Ohio 44333

E-mail: Send an e-mail to registration@mcgownmarkling.com to register and mail payment to:
McGown & Markling Co., L.P.A., 1894 North Cleveland-Massillon Road, Akron, Ohio 44333

Remaining Open Seminar Location

Cleveland: The Holiday Inn Independence, 6001 Rockside Road, Independence, Ohio 44131

Names of Attendees

1. Name: _____ Title: _____
E-mail: _____ Session(s): _____
2. Name: _____ Title: _____
E-mail: _____ Session(s): _____
3. Name: _____ Title: _____
E-mail: _____ Session(s): _____

Please make checks payable to McGown & Markling Co., L.P.A.

**Bring the New
IDEA
Directly to You!**

McGown & Markling Co.
A LEGAL PROFESSIONAL ASSOCIATION

Serving Ohio Schools

On December 3, 2004, President George W. Bush signed the Individuals with Disabilities Education Improvement Act. The new IDEA imposes different responsibilities upon educators - like you - in the provision of special education and related services to children with disabilities.

Learn about the new IDEA from Susan McGown, attorney with the school law firm of McGown & Markling Co., L.P.A. Susan will provide you with valuable real-life situations and applications that will assist you throughout your own school district.

When: You decide.

Time: You decide.

Location: Your own school district.

Your ENTIRE school district can attend for ONE registration price per location - no matter how many people are in the room - of \$950.

Registration includes:

- Access to the 4 hour seminar for as many people as you can fit in a room
- Specially prepared presentation handouts made available 48 hours in advance
- Q&A throughout the presentation

To register simply call 330.670.0005 or send an e-mail to registration@mcgownmarkling.com and arrange a mutually convenient time and location.

McGown & Markling Co., L.P.A.
1894 North Cleveland-Massillon Road
Akron, Ohio 44333
Telephone 330.670.0005 Facsimile 330.670.0002

www.mcgownmarkling.com