Overview of Sources of School Law

As you may remember from Civics in middle school, we have a system of governance in this country that has three branches of government on the federal and state side: the Executive, Legislative, and Judicial. Although public education is mostly a state and local function, the federal government also heavily impacts school systems as well. In the federal system (see chart on pg 3), the Executive branch includes the President, as well as administrative departments, such as the U.S. Department of Education, Department of Justice, Department of Labor, Department of Transportation, etc. These Departments implement many of the laws passed by Congress, and in so doing, they promulgate regulations, which have the force of law. These regulations are published in the Code of Federal Regulations (C.F.R.) and can be found in libraries and online. For example, federal regulations governing special education, pursuant to the Individuals with Disabilities Education Act (IDEA), can be found in 34 C.F.R. Part 300. Public school systems are responsible for complying with federal regulations to the same extent as they must comply with federal and state statutes.

The Legislative Branch consists of Congress (Senate and House of Representatives) and the laws/statutes it passes are found in the United States Code. (U.S.C.) For example, IDEA is found at 20 U.S.C. §1400, et seq. Acts of Congress are also given “Public Law” numbers, so the original law enacted for the education of disabled students was Public Law 94-142.

The Judicial Branch consists of the Federal Courts. There are three levels of the Federal Judiciary. Cases begin in the United States District Courts. Every state has at least one U.S. District Court. Larger states may have two or more District Courts; for example, Virginia has an Eastern District and a Western District. Maryland only has one District, but two divisions - a Baltimore Division and a Greenbelt Division. (The Court’s website can be found at http://www.mdd.uscourts.gov). When cases are decided by the District Court, the Opinions are either “reported” or “unreported.” If reported, they are published in what is called the “Federal Supplement,” which now also has a Second series. An example of a citation is 40 F.Supp.2d 323 (D.Md. 1999), where the 40 refers to the Volume, the 323 to the page of that book, the D.Md. to the U.S. District Court for the District of Maryland and finally, the year.

Cases can be appealed from the District Court to the United States Court of Appeals. There are thirteen (13) Federal Judicial Circuits, which are divided geographically across the country, and include the territories of Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. Maryland is located in the Fourth Circuit, which also includes West Virginia, Virginia, North Carolina, and South Carolina. (That Court’s website can be found at
When cases are decided by the Court of Appeals, the Opinions are either “reported” or “unreported.” If reported, they are published in what is called the “Federal Reporter,” which now also has a Second and a Third series. An example of a citation is 195 F.3d 698 (4th Cir. 1999), where the 195 refers to the Volume, the 698 to the page of that book, the “4th Cir.” to the Judicial Circuit of the U.S. Court of Appeals where the case was decided and finally, the year.

While the Courts of Appeals are required to decide all cases appealed to them, the United States Supreme Court has the power of “certiorari,” which means that it can determine whether or not it will entertain an appeal from the Court of Appeals. The Supreme Court will usually decide to hear cases of national importance or cases in which the various Courts of Appeals may have decided the issue differently, and there is a “split” in the Circuits.