



CONTACT: Danielle Rhoades – Goodman Media
(212) 576-2700 x 242

NEW STUDY REVEALS HOW THE BURDEN OF LAW IS PARALYZING AMERICA'S SCHOOLS

The Study, Focusing On New York City, Shows How The Growth Of Law And Bureaucracy Is Overwhelming Educators

NEW YORK, NY – November 29, 2004 – Common Good, the bipartisan legal reform coalition, released today the results of a new study entitled, “Over Ruled: The Burden of Law on America’s Public Schools.” The study, which collected all laws and regulations governing a typical public high school in New York City, is available online at www.cgood.org/burden-of-law.html. It provides an example of the over-legalization of public schools that has taken place nationwide.

The study examines – and presents diagrammed flow charts of – the procedures required for administrators to make certain, even relatively routine, decisions. They include:

- Suspending a disruptive student (involving up to 66 steps and legal considerations which can take 105 days to complete);
- Firing an inept teacher (up to 83 steps and legal considerations which can take over a year to complete including up to 32 steps and considerations just to put a note in the teacher’s file);
- Filling a teacher vacancy (up to 38 steps and legal considerations that can take months and months to complete);
- Replacing a heating system (up to 99 steps and legal considerations which can take months to complete);
- Conducting an athletic event (up to 99 steps and legal considerations governing everything from who can coach to size of ear flaps to automated external defibrillators);
- Suspending a special education student for up to 45 days (up to 35 steps and legal considerations which can take months to complete, in addition to the 66 steps and legal considerations for a regular suspension).

In all, the study found that more than 60 separate sources of laws and regulations, with thousands of discrete legal obligations, currently apply to public high schools in New York City. They include, among other things, the following:

- The New York State Education Law, which is 846 pages long;

- 720 pages of regulations issued by the New York State Commissioner of Education;
- 15,062 decisions – contained in 43 volumes – made by the New York State Commission of Education in response to appeals of decisions made by education professionals;
- The New York City teachers’ contract, which is 204 pages long, with an additional 105-page memorandum of understanding;
- The No Child Left Behind Act, which is 690 pages long;
- More than 200 pages of regulations (not including case law) controlling the discipline of students.

“The burden of law on schools has become staggering,” said Philip K. Howard, Chair of Common Good, “Human beings have cognitive limits. If teachers and principals are forced to spend their time working through these arduous procedures, how will they have the energy, enthusiasm, and time to educate?”

“The demands of excessive paperwork are taking precious time, money, and attention away from education nationwide,” said Dr. Paul Houston, Executive Director of the American Association of School Administrators. “Ultimately, it is the achievement potential of our students that suffers.”

“The examples cited in this study reflect the compliance tangle that school districts and school boards face across the country,” said Julie Underwood, JD, PhD, General Counsel and Associate Executive Director of the National School Boards Association. “They are not the entire laundry list of excessive regulation and litigation, but just examples of the many areas in which litigious groups from across the political spectrum choose to make the nation’s schools into their favorite battleground. We commend Common Good for calling attention to the burden of excessive law and regulation on our public schools.”

“We need to lift this legal burden off America’s schools,” said Philip K. Howard. “Educating our children – not compliance – should be the top priority for teachers. We should let the administrators and teachers use their judgment and then hold them accountable for their performance.”

*Common Good is a bi-partisan legal reform coalition dedicated to restoring common sense to American law. Its board is composed of leaders in a wide range of fields: former government officials, including Griffin Bell, Newt Gingrich, Eric Holder, George McGovern, Diane Ravitch, Alan Simpson, and Richard Thornburgh; current and former university presidents, including Tom Kean, George Rupp, and John Silber, and numerous other leaders in education, healthcare, law, business and public policy. The Chair of Common Good is Philip K. Howard, a lawyer and author of *The Death of Common Sense* and *The Collapse of the Common Good*.*

For further information, contact Danielle Rhoades at (212) 576-2700 or visit www.cgood.org.