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From Schoolhouse to Courthouse paints a vivid portrait of the role that courts continue to play in America's classrooms

WASHINGTON DC, September, 2009 — We've all heard of high-profile legal cases involving schools—from strip searches to banners proclaiming “bong hits for Jesus” to prayers before football games. But those are just a drop in the bucket of 7,000-odd education lawsuits filed in America each year. What impact are these cases, and the judges who decide them, having on U.S. schools? How has the courts' involvement in education policymaking changed in recent decades? What might the future hold?

The Thomas B. Fordham Institute and Brookings Institution Press are pleased to announce the publication of *From Schoolhouse to Courthouse: The Judiciary's Role in American Education* (Paperback, \$28.95, publication date: September 8, 2009). This important new book provides a wealth of critical information and insight for scholars, students, attorneys, and school officials alike, examining the effects that the courts have had on American classrooms over the last sixty years and are having today.

Edited by **Joshua M. Dunn**, associate professor of political science at the University of Colorado-Cororado Springs, and **Martin R. West**, assistant professor of education at the Harvard Graduate School of Education, *From Schoolhouse to Courthouse* brings together experts in political science, education policy, and law to paint a comprehensive portrait of the role of the courts in modern American K-12 education.

As Fordham President **Chester E. Finn, Jr.** writes in the foreword, litigation in education often doesn't yield unbiased decisions by “Olympian” judges. “Too often, alas, it is the work of judges seeking particular policy (or political) outcomes and finding (or crafting) legal pathways to their desired destinations.” And, Finn adds, “the consequences for education are frequently mischievous if not downright damaging.”

Yet the book reveals some surprises. In certain areas that might have been expected to generate enormous litigation—such as special education and the No Child Left Behind Act—experts found far less. In areas such as school choice and school discipline, meanwhile, landmark decisions have done little to

stem the tide of litigation. And in some areas, such as school finance and desegregation, new litigation appears to have plateaued or fallen into dormancy.

“In surveying the areas of education policy in which courts have been most active,” write Dunn and West, “it seems clear that the most intensive period of judicial policymaking has passed.”

Yet this doesn't mean the total volume of education litigation will decline. “In areas such as school choice, religion, free speech, and school discipline, courts are being called upon to resolve controversies at an increasing rate,” they observe.

Contributors to the book: **Richard Arum** (New York University), **Samuel R. Bagenstos** (University of Michigan Law School), **Martha Derthick** (University of Virginia), **John Dinan** (Wake Forest University), **Lance D. Fusarelli** (North Carolina State University), **Michael Heise** (Cornell Law School), **Frederick M. Hess** (American Enterprise Institute), **R. Shep Melnick** (Boston College), **Doreet Preiss** (New York University), and **James E. Ryan** (University of Virginia School of Law).

**From Schoolhouse to Courthouse: The Judiciary's Role in
American Education**

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