

Brigham Young University Education and Law Journal

Volume 2004 | Number 2

Article 1

Fall 3-2-2004

Frontmatter

Follow this and additional works at: <https://digitalcommons.law.byu.edu/elj>

Recommended Citation

Frontmatter, 2004 BYU Educ. & L.J. (2004).

Available at: <https://digitalcommons.law.byu.edu/elj/vol2004/iss2/1>

.

This Frontmatter is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Brigham Young University Education and Law Journal by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

BRIGHAM YOUNG UNIVERSITY EDUCATION AND LAW JOURNAL



Volume 2004

Number 2

Brigham Young University Education and Law Journal is published by the Brigham Young University Department of Educational Leadership and the J. Reuben Clark Law School, Provo, Utah 84602. All communications should be sent to the editorial offices at the J. Reuben Clark Law School.

Views expressed herein are to be attributed to their authors and not to the *Brigham Young University Education and Law Journal* nor to Brigham Young University, unless otherwise indicated.

SUBSCRIPTIONS: The *Brigham Young University Education and Law Journal* is published twice annually. The subscription rate is \$32 for one year, \$51 for two years. Periodicals postage paid at Provo, Utah, and at additional mailing office Pub. # 128170. Send address changes to *Brigham Young University Education and Law Journal*, J. Reuben Clark Law School, Room 471G, Provo, Utah 84602.

CITATION: 2004 BYU EDUC. & L.J. [page number]

Copyright © Brigham Young University Education and Law Journal, 2004.

**BRIGHAM YOUNG UNIVERSITY
EDUCATION AND LAW JOURNAL**

Volume 2004

Number 2

Editor-in-Chief
Suzanne H. Curley

Executive Editor
Jacob R. Ross

Managing Editor
Jenny Hodge

Publications Editors
D. Ray Mantle
Aerie Parkinson

Solicitations Editors
Aaron Drake
Erin Eliason

Note & Comment Editors
Timothy P. Daniels
Jeramy R. Green

Lead Articles Editors
Andrew Clawson
M. Brooke Wilkins

Street Law Coordinator
Jessica L. Woodbury

Senior Editors

Amberly Draper Dattilo
Betsy Fowler
Jared N. Hawkins

Jennie T. Jonsson
Joseph Prete
Andrea M. Worthen

Associate Editors

Laina Behrends Arras
Karyn K. Bates
Samuel Beus
Vanessa Clegg
Alexander P. Dunn
Hutch 'Unga Fale

Holly Hinckley Lesan
Natali Morris
Kathrina R. Murphy
Jacob Powell
Joshua Smith
P. Scott Smith

Faculty Advisor
Scott Ferrin, J.D., Ed.D.

Dean Advisor
Constance K. Lundberg, J.D.

**BRIGHAM YOUNG UNIVERSITY
EDUCATION AND LAW JOURNAL**

Board of Advisors

Charles Russo, J.D., Ed.D.
University of Dayton

Preston C. Green, III, J.D., Ed.D.
University of Massachusetts, Amherst

Richard Fossey, J.D., Ed.D.
University of Houston

Philip T. K. Daniel, J.D., Ed.D.
Ohio State University

Fred Hartmeister, J.D., Ed.D.
Texas Tech University

Frank Brown, Ph.D.
University of North Carolina,
Chapel Hill

Jay Heubert, J.D., Ed.D.
Teachers College, Columbia

Doug Stewart, Ph.D.
Queensland University of Technology;
Editor of Australia & New Zealand
Journal of Law & Education

Ralph Mawdsley, J.D., Ph.D.
Cleveland State University

Julie Mead, Ph.D.
University of Wisconsin, Madison

Julie Underwood, J.D., Ph.D.
Associate Executive Director &
General Counsel, National School
Boards Association

Martha McCarthy, Ph.D.
Indiana University, Bloomington

BRIGHAM YOUNG UNIVERSITY
J. REUBEN CLARK LAW SCHOOL FACULTY

Dean of the Law School

H. Reese Hansen

Faculty

Augustine-Adams, Kif (1995), B.A., J.D.
Backman, James H. (1974), A.B., J.D.
Burns, Jean W. (1986), B.A., J.D.
Cameron, Scott W. (1989), B.A., M.A., J.D.
Dominguez, David (1989), B.A., J.D.
Driessen, Marguerite A. (1996), B.A., J.D.
Durham, W. Cole, Jr. (1976), A.B., J.D.
EchoHawk, Larry (1995), B.S., M.B.A., J.D.
Farmer, Larry C. (1977), B.S., Ph.D.
Fee, John E. (2000), B.A., J.D.
Fleming, J. Clifton, Jr. (1974), B.S., J.D.
Floyd, C. Douglas (1980), B.S., LL.B.
Gedicks, Frederick M. (1990), B.A., J.D.
Gerdy, Kristin (1995), B.A., J.D.
Goldsmith, Michael (1985), B.S., J.D.
Gordon, James D. III (1984), B.A., J.D.
Hansen, H. Reese (1974), B.S., J.D.
Hernandez, Carl S., III (2001), B.A., J.D./M.P.A.
Hoagland, Mary (1994), B.A., M.A., J.D.
Lee, Thomas R. (1997), B.A., J.D.
Loveless, A. Scott (2001), B.A., J.D., Ph.D.
Lundberg, Constance K. (1982), B.A., J.D.
Neeleman, Stanley D. (1978), B.A., M.A., J.D.
Preston, Cheryl Bailey (1989), B.A., J.D.
Pullins, Kathy D. (1988), B.A., J.D.
Rasband, James R. (1995), B.A., J.D.
Scharffs, Brett G. (1997), B.S.B.A., M.A., B.Phil., J.D.
Thomas, David A. (1974), B.A., J.D.
Wardle, Lynn D. (1978), B.A., J.D.
Welch, John W. (1980), B.A., M.A., J.D.
Wilkins, Richard G. (1984), B.A., J.D.
Williams, Gerald R. (1969), B.A., J.D.
Wood, Stephen G. (1976), B.A., J.D., J.S.D.
Worthen, Kevin J. (1987), B.A., J.D.

Part Time & Adjunct Faculty

Affleck, Adam S.
Benson, Hon. Dee V.
Bradshaw, Susan
Brian, Pat B.
Chasson, Susan P.
Child, David
Collins, Kent
Craig, Alison E.
Davis, Mark D.
Duncan, William C.
Enke, Alan A.
Fackrell, Tamara
Ferrin, Scott E.
Griffith, Susan W.
Hansen, Dale T.
Israelsen, R. Burns
Janis, Blair
Jensen, Mary O.
Jones, Sara D.
Kono, David M.

Lindsay, Hon. Kay A.
Lindquist, Shawn J.
Long, Lance N.
Lorimer, Brent
Loveless, Scott W.
Mabey, Ralph R.
Maxwell, Robert
Melendez, Barbara
Murray, Kevin R.
Nuffer, David
Owen, Stanford B.
Peterson, Janet
Rice, Vernon R.
Richards, Jonathan W.
Schofield, Jonathon R.
Stringham, John C.
Todd, David R.
Visick, H. Hal
Wilkins, Michael J.
Wise, Jane H.

Law Library Faculty

Armond, David
Averett, Steve E.
Conklin, Curt E.
Fletcher, Galen L.

Hill, Gary
Lyman, Lovisa
Sears, Dennis S.
Urquiaga, Lauren C.

**BRIGHAM YOUNG UNIVERSITY
DEPARTMENT OF EDUCATIONAL LEADERSHIP
AND FOUNDATIONS**

Chair

E. Vance Randall

Professors

Holsinger, Donald (1972), Ph.D.

Patterson, Robert S. (1968), Ph.D. (Dean, College of Education)

Associate Professors

Baugh, Steven C. (1978) Ed.D.

Ferrin, Scott (1996) J.D., Ed.D., (Adjunct, J. Reuben Clark Law School)

Geo-JaJa, MacLeans (1986) Ph.D.

Hite, Steven J. (1985) Ed.D.

Matthews, L. Joseph (1987) Ed.D.

Mayes, Clifford T. (1997) Ph.D.

Randall, E. Vance (1989) Ph.D.

Richards, LeGrand (1982) Ph.D.

Webb, Clark D. (1970), Ph.D.

Williams, Ellen J. (1990) Ed.D.

Assistant Professors

Hite, Julie M. (1999) Ph.D.

Peterson, Erlend D. (1985) Ed.D.

Willardson, J. D. (1987) Ed.D.

Clinical Professor

Poulsen, Denis (1979) M.Ed.

Visiting Scholars

Hyer, Karen (1968) J.D., Ph.D.

INTRODUCTION

The *Brigham Young University Education and Law Journal* is published twice yearly through a cooperative effort of the J. Reuben Clark Law School and the Brigham Young University Department of Educational Leadership and Foundations. It provides a forum for scholarly works concerning legal topics within the field of education. The primary focus of the *Journal* is on discussions of legal issues faced in higher education and by K-12 school administrators, teachers, and their legal advisors.

As one of a limited number of arenas for scholarly discussion in the field of education law, the *Journal* is always in the process of considering papers to publish. Papers for the first issue of volume 2005 should be submitted by Monday, August 2, 2004. Papers for the second issue of volume 2005 should be submitted by Friday, November 26, 2004. Papers dealing in any area of education law are considered by the *Journal* staff for publication. An abstract, accompanied by a resume or vita for the author(s), should be included with submissions.

To expedite the editing and publication process, all papers should be submitted electronically, in Microsoft Word version 97 or newer, to the e-mail address below. Subsequent communications will be sent to authors by e-mail whenever possible. When e-mail is unavailable, please mail a hard copy and a computer diskette. The *BYU Education and Law Journal* reserves the right to reject paper submissions for any reason.

To submit papers, subscribe to the *Journal*, obtain past issues, or make comments, please contact the *Journal* at:

BYU Education and Law Journal
Brigham Young University
471G JRCB
Provo, UT 84602
(801) 422-3671
lawed@lawgate.byu.edu

**BRIGHAM YOUNG UNIVERSITY
EDUCATION AND LAW JOURNAL**

Volume 2004

Number 2

Articles

Across Four Aprils: School Finance Litigation in Virginia <i>Ashley McDonald Delja</i>	191
A Desperate Grab for Free Rehab: Unilateral Placements under IDEA for Students with Drug and Alcohol Addictions <i>David S. Doty</i>	249
Access to Public School Facilities for Religious Expression by Students, Student Groups and Community Organizations: Extending the Reach of the Free Speech Clause <i>Ralph D. Mawdsley</i>	269
The Supreme Court and Pledge of Allegiance: Does God Still Have a Place in American Schools? <i>Charles J. Russo</i>	301
Make an Investment in our School Children: Increase the Nutritional Value of School Lunch Programs <i>Clint G. Salisbury</i>	331

Notes and Comments

Establishing a Culture of Compliance: Applying Corporate Compliance Principles to a University Setting <i>J. Derek Kearl</i>	353
Universal Preschool: A Solution to a Special Education Law Dilemma <i>Alefia E. Mithaiwala</i>	373
Protecting Access to Extracurricular Activities: The Need to Recognize a Fundamental Right to a Minimally Adequate Education <i>Nicholas A. Palumbo</i>	393

BRIGHAM YOUNG UNIVERSITY
EDUCATION AND LAW JOURNAL

Volume 2004

Number 2

*Conference Presentations: Committee on Libraries and Technology
Session, 2004 Association of American Law Schools Annual Meeting*

How Educators Can More Effectively Understand and Combat the Plagiarism Epidemic <i>David A. Thomas</i>	421
Law Student Plagiarism: Why It Happens, Where It's Found, and How to Find It <i>Kristin Gerdy</i>	431
Discipline: An Academic Dean's Perspective on Dealing with Plagiarism <i>Kevin J. Worthen</i>	441