

# Brigham Young University Education and Law Journal

---

Volume 2005 | Number 1

Article 1

---

Spring 3-1-2005

## Frontmatter

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

---

### Recommended Citation

*Frontmatter*, 2005 BYU Educ. & L.J. (2005).

Available at: <https://digitalcommons.law.byu.edu/elj/vol2005/iss1/1>

.

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](mailto:hunterlawlibrary@byu.edu).

# BRIGHAM YOUNG UNIVERSITY EDUCATION AND LAW JOURNAL



**Volume 2005**

**Number 1**

**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  
JRCB 471G  
Provo, Utah 84602

CITATION: 2005 BYU EDUC. & L.J. [page number]

Copyright © Brigham Young University Education and Law Journal, 2005.

BRIGHAM YOUNG UNIVERSITY  
EDUCATION AND LAW JOURNAL

Volume 2005

Number 1

*Editor-in-Chief*

Betsy Fowler

*Executive Editor*

P. Scott Smith

*Managing Editor*

M. Brooke Wilkins

*Publications Editors*

Samuel S. Beus

Kathrina M. Ross

*Solicitations Editors*

Alexander P. Dunn

Joshua Smith

*Note & Comment Editor*

Jacob R. Powell

*Street Law Coordinator*

Natali Morris

*Lead Articles Editors*

Vanessa Clegg

Holly Hinckley Lesan

*Senior Editors*

Ronald Burchett

Julio Carranza

Charlotte Johnson

Lisa Johnston Nicholes

Andrea M. Worthen

*Associate Editors*

David Christiansen

Kristin Evans

Christine Farnsworth

Autumn Fitzwater

Barbara Fuller

Greg Hunt

Lily Huntington

Callie Jones

Lanni Jones

Taralyn Jones

Jason Knapp

Debra Lowe

Adam Stevens

Marin Turley

*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***

Kevin J. Worthen

***Faculty***

Augustine-Adams, Kif (1995), B.A., J.D.  
Backman, James H. (1974), B.A., J.D.  
Burns, Jean W. (1986), B.A., J.D.  
Dominguez, David (1989), B.A., J.D.  
Driessen, Marguerite A. (1996), B.A., J.D.  
Durham, W. Cole, Jr. (1976), B.A., J.D.  
EchoHawk, Larry (1995), B.S., 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., M.P.A., J.D.  
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.  
Sewell, Elizabeth A. (2000), B.A., 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.  
Janis, Blair  
Jensen, Mary O.  
Jones, Sara D.  
Kono, David M.  
Lindquist, Shawn J.

Lindsay, Hon. Kay A.  
Long, Lance N.  
Lorimer, Brent  
Lyman, Lovisa  
Mabey, Ralph R.  
Mangelson, Michael  
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.  
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, Laurie C.

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

***Chair***

E. Vance Randall

***Professors***

Hite, Steven J. (1985) Ed.D.  
Holsinger, Donald (1972) Ph.D.  
Randall, E. Vance (1989) Ph.D.

***Associate Professors***

Baugh, Steven C. (1978) Ed.D.  
Ferrin, Scott (1996) J.D., Ed.D.  
Geo-JaJa, MacLeans (1986) Ph.D.  
Hilton, Sterling (1996) Ph.D.  
Jacob, James (2004) Ph.D.  
Matthews, Joseph L. (1987) Ed.D.  
Richards, A. LeGrand (1982) Ph.D.

***Assistant Professors***

Hite, Julie (1999) Ph.D.  
Mayes, Clifford T. (1997) Ph.D.  
Willardson, J.D. (1987) Ed.D.  
Williams, Ellen J. (1990) Ed.D.

***Adjunct Faculty***

Hyer, Karen (1968) J.D., Ph.D.  
Poulsen, Denis (1979) M.Ed.

## 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 2006 should be submitted by Monday, August 1, 2005. Papers for the second issue of volume 2006 should be submitted by Friday, November 25, 2005. Papers dealing in any area of education law are considered by the *Journal* staff for publication. An abstract and the author's resume or vita should be included with each submission.

To expedite the editing and publication process, 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 1**

*Articles*

Finding Success in the “Cauldron of Competition:” The Effectiveness of Academic Support Programs  
*Leslie Yalof Garfield & Kelly Koenig Levi* ..... 1

Trying to Push a Square Peg through a Round Hole: Why the Higher Education Style of Strict Scrutiny Review Does Not Fit When Courts Consider K–12 Admissions Programs  
*James Nial Robinson II*..... 51

High School Exit Exams Meet IDEA—An Examination of the History, Legal Ramifications, and Implications for Local School Administrators and Teachers  
*Jennifer R. Rowe*..... 75

*Notes and Comments*

Affirmative Action: Challenges and Opportunities  
*Jeremy R. Green* ..... 139

The Sport of Numbers: Manipulating Title IX to Rationalize Discrimination against Women  
*Lisa Yonka Stevens* ..... 155