

Fall 3-2-2012

Frontmatter

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

Recommended Citation

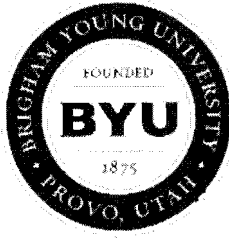
Frontmatter, 2012 BYU Educ. & L.J. (2012).

Available at: <https://digitalcommons.law.byu.edu/elj/vol2012/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 2012

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, \$58 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: 2012 BYU EDUC. & L.J. [page number]

ISSN: 1930-5273

ONLINE ISSN: 1930-5281

Copyright © Brigham Young University Education and Law Journal, 2012.

BRIGHAM YOUNG UNIVERSITY
EDUCATION AND LAW JOURNAL

Volume 2012

Number 2

Editor-in-Chief

JESSICA TYLER

Executive Editor

GRAHAM ROBINSON

Publications Editor

JULIE BLACK

Note & Comment Editors

MARY DITTO

NATE WHITE

Lead Articles Editors

LORNALEI MEREDITH

ADAM MONTEITH

*Managing Editor -
Publication*

SANDRA MAZAN

*Managing Editor -
Administration*

GREG JEFFS

Submissions Editors

KEITH BARLOW

NICHOLAS DUDOICH

Senior Editors

HYRUM HEMINGWAY

KRISTIN MCLINTOCK

MARY NELSON

KATELYN TROTTIER

Associate Editors

JON BEER

GARRETT BEESTON

JUSTIN CAPLIN

DALLAS DEAN

JON HOGELIN

SAVANAH LAWRENCE

IAN MACCALLUM

MICHELLE MCPHERSON

KRYSTAL PETERSON

TOM STONE

GARRET STORY

CAMILLE WIGHT

Faculty Advisor

SCOTT E. FERRIN

Brigham Young University
EDUCATION AND LAW JOURNAL

Board of Advisors

CHARLES J. RUSSO, J.D., ED.D.
University of Dayton

PRESTON C. GREEN III, J.D., ED.D.
Penn State University

RICHARD FOSSEY, J.D., ED.D.
University of North Texas

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;
Founding Editor, Australia &
New Zealand Journal of Law &
Education

RALPH MAWDSLEY, J.D., PH.D.
Cleveland State University

JULIE F. MEAD, PH.D.
University of Wisconsin,
Madison

JULIE UNDERWOOD, J.D., PH.D.
Former 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**

Faculty

- AUGUSTINE-ADAMS, KIF (1995), Associate Dean and Charles E. Jones Professor of Law. B.A., 1988, Brigham Young University; J.D., 1992, Harvard Law School.
- BACKMAN, JAMES H. (1974), Stephen L. Richards Professor of Law. B.A., 1969, Harvard University; J.D., 1972, University of Utah.
- BARADARAN, MEHRSA (2010), Assistant Professor of Law. B.A., 2002, Brigham Young University; J.D., 2005, New York University.
- BARADARAN, SHIMA (2010), Associate Professor of Law. B.S., 2001, Brigham Young University; J.D., 2004, Brigham Young University.
- CAMERON, SCOTT W. (1989), Associate Dean. A.B., 1970, M.A., 1971, Stanford University; J.D., 1976, Brigham Young University.
- DANIELS, BRIGHAM (2010), Associate Professor of Law. M.P.A., 2000, University of Utah; J.D., 2003, Stanford Law School; Ph.D., 2010, Duke University.
- DOMINGUEZ, DAVID (1989), Professor of Law. B.A., 1977, Yale University; J.D., 1980, University of California, Berkeley.
- DOXEY, GARY (2009), Associate Director, International Center for Law and Religion Studies. B.A., 1980, J.D., 1984, Brigham Young University, PH.D., 1992, University of Cambridge.
- DURHAM, W. COLE, JR. (1976), Gates University Professor of Law and Director, International Center for Law and Religion Studies. A.B., 1972, J.D., 1975, Harvard University.
- ECHOHAWK, LARRY (1995), Professor of Law. B.S., 1970, Brigham Young University; J.D., 1973, University of Utah.
- FARMER, LARRY C. (1974), Marion G. Romney Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.
- FEE, JOHN E. (2000), Professor of Law. B.A., 1992, Brigham Young University; J.D., 1995, University of Chicago.
- FLEMING, J. CLIFTON, JR. (1974), Ernest L. Wilkinson Professor of Law. B.S., 1964, Brigham Young University; J.D., 1967, George Washington University.
- GEDICKS, FREDERICK M. (1990), Guy Anderson Chair and Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of Southern California.
- GERDY, KRISTIN (1995), Teaching Professor and Director, Rex E. Lee Advocacy Program. B.A., 1992, J.D., 1995, Brigham Young University.
- GORDON, JAMES D. III (1984), Interim Dean and Marion B. and Rulon A. Earl Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of California, Berkeley.
- HANSEN, H. REESE (1974), Howard W. Hunter Professor of Law. B.S., 1964, Utah State University; J.D., 1972, University of Utah.

- HERNANDEZ, CARL III (2001), Assistant Dean. A.A., 1985, College of the Sequoias; B.A., 1988, J.D./M.P.A., 1992, Brigham Young University.
- HOAGLAND, MARY H. (1994), Assistant Dean. B.A., 1978, Brigham Young University; M.A., 1982, San Diego State University; J.D. 1984, San Joaquin College of Law; Ph.D., 2007, Brigham Young University.
- JONES, RONNELL ANDERSEN (2008), Associate Professor of Law. B.S., 1995, Utah State University; J.D., 2000, The Ohio State University.
- MOORE, DAVID H. (2008), Professor of Law. B.A., 1992, J.D., 1996, Brigham Young University.
- NÚÑEZ, D. CAROLINA (2007), Associate Professor of Law. B.A., 2001, J.D., 2004, Brigham Young University.
- PRESTON, CHERYL BAILEY (1989), Edwin M. Thomas Professor of Law. B.A., 1975, J.D., 1979, Brigham Young University.
- RASBAND, JAMES R. (1995), University Associate Academic Vice President and Hugh W. Colton Professor of Law. B.A., 1986, Brigham Young University; J.D., 1989, Harvard Law School.
- SCHARFFS, BRETT G. (1997), Professor of Law. B.S.B.A., 1986, M.A., 1987, Georgetown University; B.Phil., 1989, Oxford University; J.D., 1992, Yale Law School.
- SMITH, D. GORDON (2007), Glen L. Farr Professor of Law. B.S., 1986, Brigham Young University; J.D., 1990, University of Chicago Law School.
- STAHEL, KORY D. (2007), Director, Law Library. B.A., 1984, J.D., 1987, M.L.I.S., 1991, Brigham Young University.
- SUN, LISA GROW (2008), Associate Professor of Law. B.S., 1994, University of Utah; J.D., 1997, Harvard Law School.
- WARDLE, LYNN D. (1978), Bruce C. Hafen Professor of Law. B.A., 1971, Brigham Young University; J.D., 1974, Duke University.
- WELCH, JOHN W. (1980), Robert K. Thomas University Professor of Law. B.A., 1970, M.A., 1970, Brigham Young University; J.D., 1975, Duke University.
- WORTHEN, KEVIN J (1987), Dean and Hugh W. Colton Professor of Law. B.A., 1979, J.D., 1982, Brigham Young University.

Part-Time Faculty

AFFLECK, ADAM S.
ANDERSEN, M. STEVEN
BENSON, DEE V.
BENSON, RANDALL
CAMP, CAROLYNN
CLARK, ELIZABETH
CUNDICK, TED
DAVIS, MARK D.
DEERE, MONTE M.
FACKRELL, TAMARA
GALLI, CRAIG
GLADE, LEEANN
GLADE, KEVIN
GRIFFITH, SUSAN
GRIFFITH, THOMAS B.
HAMILTON, KEITH

HOPKINS, STEVEN
JANIS, BLAIR E.
KIMBALL, DALE A.
KIRKHAM, DAVID M.
LAMBERT, SAMUEL A.
LEE, THOMAS R.
LEITHEAD, HEIDI
LINDQUIST, SHAWN
LINDSAY, KAY A.
LINTON, MORRIS D.
MCCLEVE, SHEILA K.
MCCULLOUGH, LEE S.
MURRAY, KEVIN R.
NIELSON, HOWARD C.,
JR.
NUFFER, DAVID

NYDEGGER, CHAD
OWEN, STANFORD B.
PINEGAR, KEVIN
PULLAN, DEREK P.
RICE, VERNON
ROBERTS, CHARLES L.
SANDBERG, STEVE
SILVA, JOSE
SMITH, ROBERT
TENNEY, RYAN
THOMAS, DAVID A.
TIPPETT, RUST
TODD, DAVID R..
WARNER, PAUL M.
WHISENANT, SHANNON

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

Chair

Sterling C. Hilton

Faculty

- DULANEY, SHANNON K. (2010), Assistant Professor. B.A., 1994, California State University—Fullerton; M.Ed., 2000, Southern Utah University; Ed.D, 2010, Utah State University.
- FERRIN, SCOTT E. (1997), Associate Professor. B.A., 1980, J.D., 1984, Brigham Young University; M.Ed, 1989, Ed.D, 1996, Harvard University.
- GEO-JAJA, MACLEANS A. (2005), Professor. B.S., 1976, Morehead State University; M.S., 1980, Indiana State University; Ph.D., 1986, University of Utah.
- HALLAM, PAMELA R. (2006), Associate Professor. B.A., 1979, M.Ed., 1990, Brigham Young University; Ed.D., 2006, University of Utah.
- HILTON, STERLING C. (2003), Associate Professor. B.A., 1987, M.A., 1990, M.S., 1990, Brigham Young University; Ph.D., Johns Hopkins University.
- HITE, JULIE M. (2006), Associate Professor. B.S., 1980, M.O.B., 1995, Brigham Young University; Ph.D., 1999, University of Utah.
- HITE, STEVEN J. (2003), Professor. B.S., 1980, M.S., 1982, Brigham Young University; Ed.D., 1985, Harvard University.
- MAYES, CLIFFORD T. (1996), Professor. B.A., 1977, University of Arizona; M.A., 1979, University of Oregon; M.A., 1981, University of Arizona; Psy.D., 1992, Southern California University; Ph.D., 1997, University of Utah.
- RANDALL, E. VANCE (2003), Professor. B.S., 1975, M.Ed., 1978, Brigham Young University; Ph.D., 1989, Cornell University.
- RICHARDS, A. LEGRAND (1996), Chair and Associate Professor. B.S., 1975, Brigham Young University; M.Ed., 1976, Harvard University; Ph.D., 1982, Brigham Young University.
- WILLIAMS, ELLEN J. (2000), Associate Professor. B.A., 1966, M.Ed., 1972, Utah State University; Ed.D., 1991, Brigham Young University.

Part-Time Faculty

POULSEN, DENIS P.
SORENSEN, CHRIS

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 *Journal* primarily focuses 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 dealing with 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 2012

Number 2

Articles

- The Taxman on Campus: How Aggressive IRS Initiatives are Increasing Audit and Compliance Risk for Colleges & Universities
William A. Bailey215
- Teacher Effectiveness and Value-Added Modeling: Building a Pathway to Educational Malpractice?
Todd A. DeMitchell, Terri A. DeMitchell, and Douglas Gagnon257
- Diminished Rights of Parents to Seek Reimbursement Under the IDEA for Unilateral Placement of Their Children in Private Schools
Ralph D. Mawdsley.....303
- Can Students be Disciplined for Off-campus Cyberspeech?: The Reach of the First Amendment in the Age of Technology
Allan G. Osborne, Jr. and Charles J. Russo331

Student Notes

- Drawing the Lines: Pushing Past Arlington Heights and Parents Involved in School Attendance Zone Cases
Rebecca M. Abel369
- Disciplining Students with Disabilities: A Comparative Analysis of K-12 and Higher Education
Joseph T. DiMaria413
- Getting *Parents Involved* in Racially Integrated Schools
Cara Sandberg.....449