

Book Reviews

School Principals Legal Guide

CCH Australia: Sydney

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The *School Principals Legal Guide* is a package of a 350 page loose reference manual, a **CD-ROM** version of the reference manual and a monthly newsletter, *School Principal*. The reference manual, and **CD-ROM**, will be updated for an additional cost.

The reference manual consists of three sections. The first of these is a well set out and structured 11-page index to Chapter Two. Chapter One comprises a brief, five-page overview of the history of education in Australia and identifies some of the current and emerging legal issues. The brevity of this section limits its usefulness and it merely serves as a pointer to entries in the main section of the manual.

The main section of the reference manual is Chapter Two, which provides an alphabetical series of entries on a range of education law issues. Each entry is structured in the same basic format. Firstly the relevant issue is identified or explained. The relevant law is then outlined and this is followed up by practical advice on managing the particular issue. Each entry concludes with cross-references to other relevant entries and a number also have details of where further information on the topic can be obtained.

The preface to the reference manual indicates that the publication seeks to provide ‘a comprehensive overview of principals’ legal obligations’ and ‘practical management tips to help avoid legal difficulties and manage risks in schools’. While a very noble aim it is also an almost impossible task given the breadth of issues involved and the complications that arise both from Australia’s numerous legal jurisdictions and variety of school types. Unless the publication was to greatly increase in size the choice of issues included in Chapter Two will remain a compromise and the *Guide* will fail to achieve its lofty goal.

The desire for breadth of coverage has resulted in a number of areas of considerable practical importance being treated rather superficially. Copyright, dealt with in the entry on Intellectual Property, is one such area. The entry largely restricts itself to discussion of print copying and fails to address other copyright areas. The complexity of the various rights that may be involved in, say, the production of school musicals is not addressed yet poses an almost annual problem for school principals. The entry on Family Law is also somewhat superficial omitting discussion of a number of practical issues such as the determination of the name to be used for a student. While relatively minor this is a common problem and one that often causes considerable emotional turmoil amongst parents.

The choice of issues to include in the reference manual and their relative prominence is also somewhat curious. There is certainly a strong focus on matters pertaining to occupational health and safety, which comprise a significant portion of the manual. Some issues, such as PAYE, have also been dealt with in considerable detail.

The worth of the inclusion of a five page entry on this topic when there are already a number of publications, including those from the Australian Taxation Office, on the subject is, to the reviewer, questionable. Similarly the need for an entry on Political Education seems debatable.

Overall the entries in the reference section also seem to have an orientation towards government schools both in the choice of entries themselves. The entry relating to student records and files thus indicates that 'they may be accessed through freedom of information legislation'. For principals of non-government schools without any significant levels of legal knowledge this may be of considerable, unnecessary, concern. While government schools are certainly in the majority there are still more than 2,500 non-government schools in Australia whose needs should be considered.

The **CD-ROM** version of the reference manual has the same text as the loose-leaf version but is fully searchable. As well as standard searches, that can include the use of the normal AND, OR, and NOT connectors as well as wildcards, the reference manual can be searched using proximity searches.

Hyperlinks in each entry also allow users to skip directly to related entries for ease of navigation. All entries or parts of entries can be printed or copied to a word processing program. The help function is well laid out and generally the electronic version is easy to use. Unfortunately in this initial edition the template documents referred to in the accompanying documentation are not available. When developed these templates will be one of the most useful features of the electronic reference manual.

The final component of the package, the monthly newsletter is a worthwhile and valuable resource. In a generally non-legalistic manner it provides a blend of discussion regarding current legal issues affecting schools and snippets of news about changes in the legal environment. The monthly reminder of the need to consider legal aspects of school management that the newsletter provides may be indeed be one of the major benefits to schools and school principals of the publication.

Obviously it is relatively easy to be critical of a publication that attempts so much. Despite these shortcomings the reference manual is still an invaluable tool for school principals. Clearly the *School Principals Legal Guide* is not a substitute for professional advice but nor is this its aim. The style of the manual is certainly practical rather than theoretical and the advice that it gives is generally very sound and sensible. Given the strength of the editorial advisory board that has been assembled for the publication any initial failings will undoubtedly be overcome as the publication develops through subsequent editions.

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Aspects of Educational Law - Second edition

Izak J. Oosthuizen (Editor)

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During the past few years there has been increasing international interest in matters to do with the impact of law on policies and practices of educational institutions in general and schools in particular. This interest is marked, not only by the growth of education law associations in many countries, but also by the number of texts that have emerged dealing with the many legal matters that have come to increasingly influence the work of the educator. *Aspects of Educational Law* is one such book which, while written for school administrators and teachers in the Republic of South Africa, provides a wealth of information to others both within and outside that country.

Aspects of Educational Law is an introduction to education law and replaces the earlier text - *Aspects of Educational Law for Educational Management*. Notwithstanding the change to the title the book contains a most comprehensive discussion of matters which essentially are to do with school management and administration. In this regard it would be just as useful to the busy school administrator or teacher as it would be to pre-service teacher education students. The Editor notes in the Forward that the text “is aimed at the actualization of an educational law basis for the governance and administration of public schools” and extensive links are made throughout the book between the law and best practice in schools. Importantly for the school setting, the contributing authors perceive the law as being “instrumental in ordering the rights and duties of all parties” and it is through the law that “harmonious and balanced order exists”.

The text comprises 13 chapters divided into four main discussion areas. Part 1 examines “The environment of the law of education” and addresses issues to do with the “function” and “essence” of education law, as well as an introductory analysis of legislation, common law and case law as these apply to schools in the Republic. The first chapter presents an interesting discussion of varying perspectives of education law and concludes that “the law of education is in the first instance concerned with authority or the official with authority and secondly with the actions of the subjects of authority as well as those involved in education.” In essence the first four chapters provide the reader with the opportunity of acquiring an appreciation of the link between the law and effective school management and the opportunity of enhancing their personal legal literacy. Part 2, “The educator in the educational environment” examines legal aspects of educators in relation to the learner and a discussion of issues to do with discipline and supervisors’ duties is undertaken. An important component of this section of the book is a discussion of the issues surrounding right behaviour to students. Part III “The educator and his professional environment” has only two chapters and these are devoted to a discussion of the professional nature of teaching, how to acquire registration, and an extended discussion of issues to do with labour law. Part IV “The educator and the

managerial environment” provides a range of very useful information to do with human resource management, school governance, and financial and administrative management.

Each chapter commences with a clear set of objectives which readers “must be able to” reach and there are student exercises (Applications) and somewhat brief summaries contained throughout. The book is well structured with clear headings and sub headings which are clearly outlined in the Contents section and which, together with a relatively brief index, provide a ready reference for school administrators and teachers who may wish to advise her or himself about a particular issue. The bibliography includes references to works on educational leadership, management, and administration as well as the expected legal texts. Each of the sections to do with administration and management is well referenced and citations to research on the various topics are found throughout the book.

Given the recent social and political developments in South Africa *Aspects of Educational Law* is most timely. Considerable emphasis is given in the text to the importance of the Constitution as the fundamental basis of education law. This is given heightened importance by the fact that the Constitution embodies a Bill of Rights which is seen as guaranteeing the protection of fundamental rights of all persons. Nonetheless it will be most interesting to see whether the Constitution is able to provide the hoped for “development of a human rights culture in education.”

Aspects of Educational Law utilises a fresh approach to texts on this topic in that it examines everyday administrative and management practices and then applies the relevant areas of law to these procedures. For example in relation to discipline there is an overview of “the characteristics and various forms of discipline” prior to a discussion of legal requirements to do with suspension and expulsion and an analysis of applicable statutory law, common law and case law.

While the book will be a valuable reference source for in-service school administrators and teachers it should also be seen as a core text for pre-service teachers. In this regard there is a considerable volume of information that is essential to beginning teachers and the text should live up to its claim to be an introductory one by providing readers with the opportunity of acquiring an enhanced legal literacy.

From an international perspective, *Aspects of Educational Law* is a welcome addition to the remarkable growth of interest in education law which, it was noted earlier, has emerged throughout many countries in recent years. Although some readers from countries outside South Africa might find the use of discriminatory language as well as key phrases and quotations being in Afrikaans annoying, the text will nonetheless be found to be most useful from an international perspective. Above all it provides international readers with a clear insight into the potential relationship that exists in South Africa between that country's legal system and the orderly administration and management of its schools.

A most comprehensive CD ROM – *Educational Law* is also available. Together with the full contents of *Aspects of Educational Law*, the CD ROM provides an extensive coverage of court cases related to education law, an analysis of international charters to do with education, and a full copy of the Constitution of the Republic of South Africa. A most useful

addition for students undertaking an introductory course on education law is the provision of a range of questions and related discussion materials.

While there are still many questions to be answered concerning CD ROM programs in the teaching and learning process, *Educational Law* provides an extensive and powerful mechanism for those studying education law. Given the opportunities for increased pedagogical initiatives offered through the effective use of the CD ROM package, *Educational Law* should prove to be the basis for a useful and successful teaching and learning program. The program would be of particular value to those undertaking introductory courses in education law and deserves to be considered as a core component of pre-service teacher education courses.

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