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## Book Reviews

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# Book Reviews

THE SCHOOL PRINCIPAL AND THE LAW. By Ralph D. Stern. Topeka, Kansas: National Organization on Legal Problems of Education, 1978. Pp. 252.

*Reviewed by Richard Brown, Jr.\**

As stated in the foreword, the formidable and diverse array of new education-related federal and state laws and court decisions are having a tremendous impact on the principal's day-to-day decisions. Therefore, the book, *The School Principal and the Law*, was written for the explicit purpose of helping school principals place the myriad of legal issues that presently confront them in perspective.

The book is essentially a book of readings. Each chapter, written specifically for the book, addresses a particular topic and was written by a nationally recognized expert in the field of school law and school administration. The same format is used for each chapter and includes an introductory statement, a discussion of subtopics, and a conclusion.

Even though the treatment of each topic constitutes a separate chapter, the book actually focuses on three major task areas of educational administration, i.e., professional staff personnel, student personnel, and fiscal and physical resources. In addition to these, the final chapter is devoted to the topic of equality of educational opportunity.

Chapter one, written by Ivan Gluckman, deals with the legal status of the principal in America. Beginning with a brief history of the principalship, the author discusses the employment and tenure status of the principal as well as his contractual and constitutional protections. The significance of such a discussion is illustrated by the fact that there are only fifteen states that provide a legal identity for the principalship in their school codes.

Contributor Irving Evers advocates that the authority of the principal over teachers, student teachers, and teacher aides under his supervision is too often overlooked. He maintains that the principal has the right to make and enforce proper and reasonable rules and regulations for teachers and others of his employ to follow. In a related chapter, Larry French looks at the principal's responsibilities in regard to teacher employment, evaluation, and dismissal. He argues that one of the most important documents of a school board is the written contract of employment; the school principal must be cognizant of the entire process in order to effectively perform his functions. Chapters 4 and 5 focus on the principal's role during collective negotiations and teacher strikes.

Edmund Reutter and Robert Phay present a most comprehensive discussion in their respective chapters on substantive and procedural issues regarding

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student discipline. The two chapters, which occupy approximately forty percent of the work, provide the reader with not only the latest actions of the courts in regard to specific types of school rules and regulations, but are in essence, a treatise on the concept of due process. Each of the authors agrees that the courts have not taken away the principal's authority to regulate student conduct in order that the proper functioning of the school may be achieved. The key words reasonableness and fairness, however, must be kept in mind when framing school governance policies.

In chapter 8, Charles Wetterer makes a case for the necessity of anticipating possible emergency situations involving student crime and the development of well-planned procedures and policies. This would have a two-fold effect of minimizing the possibility of negligence on the part of school officials, and more importantly, of insuring students their rights and protection.

The Family Educational Rights and Privacy Act of 1974 is the topic presented by August Steinhilber and Michael Resnick. They contend that the act is aimed more at correcting current and prospective weaknesses in the schools' procedures for handling such records than in penalizing school systems for past acts of omission and commission. Also, Ralph Stern, the book's editor, writes on the subject of tort liability and emphasizes that the conscientious principal has no need to fear a lawsuit involving his liability.

The responsibilities and risks of the principal in relation to school income from such sources as student activities, commemorative school items, and sale of school supplies are looked at in chapter 11. Richard Strahan concludes that the operational problems in this area are seldom the object of court action, but rather a possible cause for an inefficient rating on the principal's annual evaluation report.

In my view, the author succeeds in his broadly stated purpose. However, since the title of the book indicates it was written for a particular administrative group, that is, the school principal, the reviewer suggests that a slightly modified format would have made the work much more functional. Whereas the introductory remarks and the discussions of specific subtopics are extremely well written, many of the chapters' conclusions are not commensurable, for example:

As more and varied categories of personnel are assigned to principals—a fact which reflects changing educational concepts—an increasing amount of the principal's time will be spent on personnel matters.

A much better use of the book's space would have been a listing of "recommendations for action," or perhaps, "implications for the principalship."

The real strength of the book lies in the collective qualifications of its contributors. Each chapter's author drew heavily upon the literature and displayed a broad knowledge of his assigned subject. In addition, the chapter topics are timely and relevant for the contemporary school principal.

Since *The School Principal and the Law* is quite similar to several existing books on the subject, it may not reveal substantially new information to educators familiar with the subject. However, the book is definitely an excellent resource for gaining a better understanding of some of the dynamics relative to administering a school system.

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GOVERNMENT LABOR RELATIONS: TRENDS AND INFORMATION FOR THE FUTURE. Edited by Hugh Jascourt. Oak Park, Illinois: Moore Publishing Company, 1979. Pp. 399.

*Reviewed by Donald W. Brodie\**

*Government Labor Relations* is a three-part collection on public sector collective bargaining: Part one is a well-done analysis of leading cases (approximately 10% of the book); part two is a selection of significant cases preceded by a brief analysis (about 40% of the book); and part three is a collection of writings in the area (about 50% of the book).

The cases and writings are available in their original publications, so one major value of the book lies in making these materials readily available to those not having easy access to a complete library. Another value is the author's useful analysis of the cases, but this is only about one tenth of the book. The major subject emphasis is on unit determination and on scope and duty to bargain.

The case analysis and introduction are instructive and provocative. Organizationally, it is faced with the problem that each state and the federal sector is an independent jurisdiction. The reader can sometimes be left bewildered by the procession of cases coming from so many jurisdictions, though it is typical of most writing that attempts to summarize developments across the entire nation. Collective bargaining is a dynamic field, and the minute one tries to immobilize a matter in print, events continue to speed on. For example, the Federal Sector is no longer under the Executive Order mentioned in the book, but is under new legislation (Title VII, Civil Service Reform Act, P.L. 95-454).

The book is subtitled "Trends and Information for the Future." There is no question but what the collection contains useful information that will not lose its value quickly. However, the material is all treated as though each particular subject is of equal importance to every other subject. It does not readily identify future "trends." There are, however, some useful, if brief, references to matters that doubtlessly will loom larger, such as the careful identification of the role of the public sector labor agency (p.12), the question of the duty of fair representation (p.15), and the role of the public or elements of the public in the bargaining structure (p.21, 30).

The emphasis of the materials is on judicial doctrine (11 decisions) and only secondarily on public labor agency doctrine (4 decisions). This is in keeping with the usual approaches. This approach tends to ignore the importance of the particular legislation of a jurisdiction. Public sector labor relations is primarily a legislative subject. Courts and commentators also often try to ignore this, creating instead some larger philosophy or "common law" notions about public bargaining. The limited role of the courts, however, cannot be overemphasized when one considers that the legislative framework is subject to constant revision. This revision can occur in far less time than it takes to get a decision from a top-level appellate court. Another matter commonly ignored

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by judicial decisions is that more than "labor law" is at issue. The public sector agency is an agency, and all the administrative law doctrine of findings of fact, conclusions of law, procedural fairness, rulemaking requirements, and so forth should play an important role in judicial decision-making.

Of the three sections, the largest is "significant literature." While probably no two persons would agree on what list of articles is the really "significant" list, this section probably has less long-term interest than the other two. Overall, the articles tend to be more topical than penetrating. This is not to say that the articles are not worthwhile. Indeed a number of them are very well written and contain useful information. Not all, however, fit the editor's subtitle of "trends and information for the future." The essential localism of public sector bargaining tends to get lost many times in a writer's effort to give a "big picture" overview.

In sum, the book is a useful collection of information that can be found elsewhere. The best and smallest part of the reader is the editor's own analysis of the judicial case law.

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CHILDREN'S RIGHTS, CONTEMPORARY PERSPECTIVES. Edited by Patricia A. Vardin and Ilene N. Brody. New York: Teacher's College Press, Columbia University, 1979. 182 Pp. \$6.95.

*Reviewed by Cheryl S. McMurry\**

For a book of only 182 pages, *Children's Rights, Contemporary Perspectives* will keep any reader's mind churning far beyond the closing paragraphs. The editors' avowed purpose in compiling the ten articles presented is to "fill a gap in the literature." Doubtless, it accomplishes this purpose. The ultimate value of the book, however, is the demand the material makes on the reader to consider the multitude of difficulties existing in the advocacy of children's rights and to examine his or her own opinions of the value of children and their place in society. While the lay reader may be unacquainted with the various case cites, studies, and institutions mentioned by the various attorney, educator, and psychologist authors, he or she will recognize that the issues involved in the children's rights movement will be felt by every citizen, for the problems are deeply cultural and philosophical, as well as legal, psychological, and political.

The authors all agree that children must be recognized to a greater extent as valuable members of society; their welfare and development are indeed worth protecting. Maxine Greene's introductory article, however, questions how much we really *do* want to recognize children. Do we want to grant them status as complete human beings? If we answer "yes," to what extent are we willing to treat them like all other human beings? This threshold question creates the foundation upon which the following articles build as the authors contemplate the rights that should be accorded children and the placement of responsibility for defining, implementing, and enforcing those rights.

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Hillary Rodham, an often quoted attorney-author in the field of child advocacy, characterizes her article as being from "a legal perspective." The title, however, is limiting, for Ms. Rodham examines children's rights in a far broader and more sensitive manner than the title implies. It is the transformation of children's "needs and interests" into "enforceable rights" that is her thesis. She suggests that the needs and interests of a child must be defined in terms of his or her environment, for different rights may be necessary depending on whether the child is in a family, nonfamily, institutional, or general societal setting.

Within these four environmental possibilities lies the situation that will undoubtedly be the most controversial topic of the children's rights movement: the child's rights in relation to the family. Obviously any such rights must have remedies, and those remedies must lie outside the family nucleus. Hence, they must lie with the state. Expressing concern that the state be limited in its power of family intervention, Ms. Rodham nonetheless advocates an active state role and the development of a governmental family policy defining "what we expect from our families."

Less enthusiastic about state intervention into family life is Robert A. Burt, who cites multiple instances of the state itself victimizing children through an insensitive and undereducated bureaucracy. While agreeing that in many cases, such as life and death medical decisions, the state must intervene to protect the child, he insists that in complex family matters it must be the parents, not an objective state official, who ultimately determine the "best interest of the child."

The fourth chapter continues to question the value of state intervention, focusing on foster care systems, which Marcia Lowry characterizes as frequently "dysfunctional." The author contends that institutions often seem to provide substantially less care and fewer rights for the child than did the intolerable family situation from which he or she was removed.

A special look at the needs and rights of handicapped children is taken by Francis P. Conner and Dennis M. Conners; those already involved in the rapidly expanding area of handicapped law will find this chapter enlightening and well-documented.

While a lawyer's expertise and attention is usually focused on the legal rights of children, Dr. Gerald P. Koocher places squarely upon psychologists the responsibility of emphasizing the "human rights" of a child that will aid in attaining personal achievement and self-satisfaction. Again, he stresses the importance of according the child the same degree of dignity and respect adult members of our society enjoy, and challenges psychologists to heighten their sensitivity and seriousness of purpose when dealing with children.

The recurring theme of adult indifference to society's critical need for happy, healthy, and well-adjusted children is emphasized in David S. Burgess' article. Citing the world-wide effects of disease, illiteracy, and malnutrition, the author argues that even the extensive efforts of the United States to provide medical aid, education, and an adequate diet are not sufficient to insure that the world's children have a better than even chance of growing up to be productive adults. What is needed, states Burgess, is not the typical, brief emotional outpouring

of monetary aid to countries experiencing sudden disaster, but rather an international commitment to "fight against hunger, disease, ignorance and massive indifference that today are robbing millions of children of their rightful heritage of hope and a full creative life".

If the world at large is to be concerned with providing the necessities of life to children, in our own society it is still the family that rightfully bears primary responsibility for the child's development. In an article with which many will agree, Burton L. White reprimands the family for the decreasingly active role it has played in its children's education. Asserting that a child who has experienced little concern and attention at home during the preschool years begins his formal schooling far behind his more attended-to peers, White proposes a voluntary system to educate parents as to the importance of a stable and stimulating early childhood environment.

Mary Conway Kohler examines various projects and programs in which children of all ages are the originators, implementors, and evaluators. Stressing once more that self-worth and pride are attained by accomplishment and recognition, the author also notes the value—to an often oblivious adult world—of realizing what children's contributions can bring.

It is a credit to the editors of this book and an affirmation of their commitment to the topic that they did not ignore the children themselves as valuable participants and contributors. Indeed, the final chapter, "The Children Speak," is the one the reader will be tempted to read first. Children, ages 10 to 14, interviewed other children in the same age group on a variety of topics including running away, incarceration, and child abuse, and their findings are reported here. Although stated in differing ways on a variety of subjects, it is clear that these young people clearly understand that our culture values them less than it does their adult partners in society. It is also clear that they themselves feel the need for some definitive, and dependable, framework of rights.

This is a book which should be read. It should be read by the attorneys, educators, psychologists, and officials who will be instrumental in developing a policy on children's rights. Even more importantly, however, it should be read by the average citizen whose life is so affected by the children of our society.