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Law and Education

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Book Review

Law and Education: Contemporary Issues and Court Decisions. H. C. Hudgins and Richard S. Vacca. Charlottesville: The Michie Company, 1991.

If you haven't had an opportunity to look at the new revision of Hudgins and Vacca's book on *Law and Education*, do it now. With the third revision of their book, the authors address their interest in the constantly changing nature of law. Here is a comprehensive revision which updates law impacting education through the precise selection and addition of statutes and cases which continue to modify that law. The book is as current and complete a treatment of school law that one will find. It was the authors' intent that "... the treatment of these issues ... help various people understand their roles and then perform them consistent with law and sound educational practice." With that as motivation, they have written a work that is useful to student, professor, and practitioner alike. It is not a case book; nor an endless narrative of case after case; nor is it a watered-down "layman's" version; it's a good, substantive, contemporary treatment of education law.

The book is organized into four sections, providing a logical format for understanding the structure of law as it relates to education: (1) Law and Education, (2) Law and Professional Staff, (3) Law and Local Boards of Education, and (4) Law and Students. Each chapter within the sections is sub-divided to provide easy reference to individual topics. A nice touch is the way in which the authors assist the reader by italicizing legal word and phrases. The occasional definitions found in parentheses after legal terms, however, do not fulfill all readers' needs. A legal dictionary would be a good supplement to go with the book, especially as there is not a glossary of terms.

Law and Education, the focus of Section I, is a comprehensive review of the history and structure of the American legal system and the relationship of government to public education. It takes the form of a careful discussion that starts the reader off with a sound foundation for the study of the evolution of education law. Especially helpful is the authors' description of the adjudication process. Like the law, it turns on the concept that "at the very core of the American legal system is the principle that for every wrong done to an individual by the government or by any other individual, there should be a remedy provided." The discussion includes a full review of the avenues for seeking redress which are open to those who labor and live in an educational environment. Also, a useful guide to the tools of research is tucked into this section, a wonderfully valuable part of this book for students, self-taught researchers, advisors of dissertations, and all kinds of folk.

In Section II, Law and Local Boards of Education, four main areas are treated: Status and Power, Tort Liability, Collective Negotiations, and Finance. As the authors caution readers, their

discussion is a general treatment of what boards of education have in common under the law; readers are to refer to specific state statutes for guidance since the laws of one state may not apply to another state, regarding school boards. Nevertheless, given the many questions emerging today around governance, as site-based management, full-service schools, and restructuring get into swing, this section can be really helpful in providing baseline information on law relating to school boards. Also, there is a definitive chronology of decisions related to tort liability, and practical recommendations for educators with which to stay out of legal hot water. In like fashion, the conclusions the authors reach about the future of educational finance as it relates to the courts are not only important to practitioners and students, they are very timely. The finance litigation of the late 1980s is well-documented, and Hudgins and Vacca warn educators to expect to be required by the courts to "provide differing resources to meet differing student needs," even as a posture of fiscal neutrality is maintained.

Predictably, the book focuses largely on the law and professional staff and the law and students, the last two sections. As in the first two sections, the work is comprehensive, rich, well-written, and replete with recommendations. The jewels in these sections are the recent cases which begin to reflect a change in judicial thought, and deserve to catch the attention of all those who follow education law, but especially the practitioners. The authors see, for instance, an emergency of a "court attitude" toward the decision-making of public school personnel and teachers' rights. A part of this new attitude, Hudgins and Vacca suggest, is "a return of federal courts to a hands-off attitude toward public school personnel decisions, a renewed insistence by federal courts that aggrieved individuals seek remedies provided in state law before taking their complaint to federal court, ... and the application of a more flexible standard of due process when personnel decisions are heard in federal court." The Section on the law and students is also thick with new litigation, which of course means that there are updates: on students and substance abuse (drug testing being the significant part there, on "freedom of expression 1990," AIDS issues, and notably, on prayer at graduation ceremonies, to mention a few.

Taken as a whole, the authors have written a balanced, complete, and cogent work on education and the law. Despite the presence of large excerpts from the cases themselves (which may have been helpful in some instances), the book can be used alone as a textbook. Regardless, because of the inclusion of case citations that are current and the recommendations regarding professional practice and performance, this book is a necessity in the library of any student, professor, school official or policymaker whose work is touched by the law. If you liked their older editions, you'll like this book by Hudgins and Vacca even better.

Reviewed by Christine Arab, doctoral student, Educational Leadership, University of Florida and Joan Curcio, Virginia Polytechnic and State University.