

certainly facilitate outcomes which will reduce the risk of injury and the level of anxiety in those taking on such responsibilities.

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### **Educational Management and the Law**

Patrick Walsh

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Subtitled 'A practical guide for managers involved in pre-school, primary, secondary and tertiary education in New Zealand' Patrick Walsh has provided a timely and most useful text for educational administrators. The text utilises a presentation format which, rather than simply addressing the technical aspects of law impacting on schools, discusses and applies legal principles to a wide range of school settings and situations.

As a professional educator with experience as a classroom teacher, school principal and lecturer in various teacher education programs, the author has been exposed to the ever-increasing influence of aspects of law on the everyday life of the school. As a barrister and solicitor he is well placed to identify and bring to education the legal knowledge needed to lead, management and administer schools.

The text comprises seven Chapters each containing extracts from either statute or common law followed by 'Comment' on how these particular aspects of law impact on school administration. All Chapters have a section - headed 'Points to Ponder' - which contain legally-related problems that have the potential to impact on school policies and practices. The author then provides discussion, in the form of 'Points to Consider', of some of the more important issues arising from the problems which principals need to take into account when managing legal matters.

Chapter 1 provides a very brief overview of the areas of law which school administrators may be involved with and which, as a consequence, necessitate their having an appropriate level of legal literacy. Chapter 2, which takes up over one third of the book, analyses selected areas of legislation relevant to educational practice including statutory provisions to do with privacy,

health and safety, employment, human rights, the Bill of Rights, copyright and consumer guarantees. Chapter 3 considers employment law in relation to education while Chapter 4 addresses legal issues related to educational governance and management. Chapter 5 examines the role of various government agencies - including the Auditor, the Education Review Office, the Ombudsman and the Commissioner for Children. What might, arguably, be thought the most important current legal issues for schools - those to do with student management and increasing possibility of educational negligence - are contained in the final two chapters. There is a brief bibliography containing references to conference papers and journal articles as well as relevant texts. In an era of rapid legal and educational change it is comforting to see that the bibliography is largely confined to very recent materials. Appendices A to H contain documents and discussion related to suspensions and expulsion, a school discipline policy and code of conduct as well as important cases to do with school management and employment.

The strengths of this work lie in its user-friendly format and the practical nature of the issues addressed. Legal and educational administration issues are well wedded and have resulted in a book that provides sound practical advice to school administrators. The integration of the law with educational administration is accomplished without any false claims of there being any overarching body of school or educational law such as pertains in the United States but not in New Zealand or Australia. However, the claims that the text applies to all sectors of the New Zealand education system - from pre-school to tertiary - are not substantiated in the book. In this regard, while the areas of the law addressed are certainly applicable across all education levels, the author largely addresses the contents of the book to primary and secondary school administrators. Readers will not find any direct application, by way of extended comment, illustrations in 'Points to Ponder' or 'Points to Consider', of how the law might be seen to impact on tertiary institutions and, to a lesser extent, pre-schools in New Zealand. Indeed, confronted with the extent of the impact of law on education, the task of covering the legal matters pertinent to educational administration at each level was never going to be an easy task, particular in view of limitations on space imposed on authors.

Despite these minor reservations this is a text which will appeal to the wide range of persons who are involved in the nation's education. It has relevance not only for school administrators but for classroom practitioners, members of school boards, parents and, dare I add, students. Areas of law relevant to New Zealand's schools is thoughtfully developed through the array of materials and 'in-basket' type problems typically faced by principals. Above all readers are alerted to emergent areas of concern to schools such as those to do with children's rights including the rights of children with special needs or those associated with issues to do with suspension and exclusion. It is regrettable, however, that limitations on space prevented a detailed discussion being undertaken of the very important emergent topic of schools and the internet.

This is a book which, given reflective consideration of the areas of law and the guidelines for educational administration provided by the author, can only serve to enhance legally safe school policies and practices.

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### **Australian Schools and the Law**

Jane Edwards, Andrew Knott, Dan Riley (eds)  
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In Australia the growing body of Education Law continues to attract examination and discussion. *Australian Schools and the Law* is a different and useful contribution to that examination and discussion.

The editors - a senior lecturer at the University of Melbourne Law School, a solicitor in private practice in Brisbane, and a senior administrator with the Catholic Schools Office in regional New South Wales, respectively - are lawyers with considerable expertise in the field of Education Law. In the forward to the book, they comment that their intention is to provide those who work in schools with an overview of contemporary and emerging legal issues in education. With this in mind, the editors have compiled a collection of chapters by a number of different authors from Queensland, New South Wales, Victoria and the Australian Capital Territory.

The book is divided into three parts: the rights and responsibilities of teachers and schools, students' rights and responsibilities, and legal regulation of activities in schools.

The first part contains eight chapters. Chapter 1 is a tantalising overview of various issues relevant to the management of legal risks in schools. Some of the later chapters in the book then go on to explore in greater detail some of the matters touched on briefly in chapter 1. Chapter 2 examines the recovery of compensation by teachers for work-related stress. It contains an enlightening discussion of different factors that might contribute to work-related stress in schools; it examines the right of teachers to pursue compensation through workers compensation legislation, and it ends, somewhat abruptly, with a brief reference to compensation under common law principles. Chapter 3 is a well-structured discussion of the teacher as employee. It examines