

# BOOK REVIEW

## *Education Law - Third Edition*

Anthony F Brown & Marvin A Zuker

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Anthony F Brown and Justice Marvin A Zuker, the authors of the Third Edition of *Education Law*, note in the Preface that the constant evolution of education law is reflected in the changes to this edition. The scope of the discussion of contemporary education law is broad, and the authors provide a thoughtful critical analysis of the evolving education law. In the Preface the authors state that an underlying premise of the book is ‘that legal issues in education are better understood in the context of other, related areas of law, such as family law and young offenders law’ (p. vi). Throughout the book, the discussion of legislation deals chiefly with the Ontario and Canadian statutes. These statutes are listed in the Index. An extensive Table of Cases is provided. The *Canadian Charter of Rights and Freedoms* and the *Young Offenders Act* are included in an Appendix.

Chapter 1 deals with School Boards. The constitutional provisions are described, and the detailed discussion of provincial legislation relates to Ontario. The provincial jurisdiction over education is described, and the issues discussed include denominational rights, minority language education rights, and native education. Issues relevant to the exercise of provincial power over education and the exercise of delegated power by school boards are analysed. Legal issues which can arise in the work of school boards, such as procedural fairness and natural justice in dealing with employees, public access to board meetings, conflicts of interest, access to information, the control of property, and the election and organisation of the board are analysed in detail. The legal context of private schools in Ontario is also described. Chapter 2 deals with the Civil Liability of School Boards and Their Employees. Negligence, limitation periods, occupiers’ liability, intentional torts, fiduciary duty, educational malpractice, and risk management are covered. The analysis of case law is wide-ranging, and the discussion of legislation relates chiefly to Ontario.

Chapter 3 deals with The Family, and describes the current developments in the law relating to marriage, divorce, custody and access, and domestic violence. The chief focus of the discussion of legislation is the law of Ontario. The relevance of the rights conferred by the *Charter of Rights and Freedoms* to the family is discussed, and the nature of parental authority is also explored. Chapter 4 provides an exhaustive coverage of legislation and case-law relating to Pupils and the Law. Legal issues relating to matters such as school attendance, discipline, searches, suspension and expulsion in Ontario, free speech, academic penalties, dress codes, student internet use, confidentiality, administration of medication to pupils, youth criminal justice in Canada, and the confidentiality of student records are clearly described and analysed. Chapter 5 deals with Special Education, and covers special education law in Ontario, the discipline of exceptional pupils, and issues arising from the provisions of the *Canadian Charter of Rights and Freedoms* and of provincial human rights laws.

The final chapter, Chapter 6, deals with the law relating to teachers. The chapter commences with an interesting discussion of the changing criteria for the teacher as a role model. Legislation and case-law relating to misconduct, exploitation and harassment are analysed. The legislation relating to the Ontario College of Teachers is described. Legislation and case-law relating to matters such as academic freedom and the evaluation of teachers are described. Finally, there is discussion of case-law indicating the extent of the application by the Canadian Supreme Court of the provisions of the *Charter of Rights and Freedoms*.

In this Third Edition of *Education Law* the authors' sophisticated analysis of the emerging issues in Canadian education law provides interesting insights into current issues in education law and reveals the complexity of the legal context of the establishment and governance of education systems in the twenty-first century. The authors express the hope that this edition 'will assist the reader in understanding and reflecting upon the legal issues that continue to confront educators, laws and courts, and to appreciate how the law has evolved to this point' (p. vii). The Third Edition of *Education Law* should certainly achieve this aim.

**Dr Ann R Shorten**