

Delaney, Jerome (2007). *Legal Dimensions of Education: Implications for Teachers and School Administrators*. Calgary: Detselig

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This volume has the rare distinction of simplifying the convoluted, sometimes cryptic, vagaries of education law. A former teacher and administrator, as well as a professor of education, Delaney surveys the full gamut of legal educational issues including: *Charter* rights, criminal law, tort liability, administrative law and due process, disciplinary law and procedure, as well as the burgeoning areas of copyright and intellectual property rights. Though wide ranging, the key aim of his text is to provide teachers and administrators with the knowledge necessary to ensure that they are able to both protect themselves and to ensure that “[c]ommon sense and a reasonable modicum of caution should prevail and thus students are afforded the degree of professionalism they deserve” (74)

As Brown and Zuker note, “education law is a dynamic, invigorating and intellectually stimulating discipline because it is constantly evolving” (2002, p. v). Fortunately, despite such rich complexity, Delaney’s text is concise, clear and well structured with succinct concluding sections and a wealth of citations for those who wish to delve more deeply into the subject matter. From fights at schools, extracurricular mishaps, to copyright issues and questions of criminal responsibility, schools, Delaney reminds us, can no longer be seen as areas in which interests, rights and conflicts exist beyond the pale of legal norms. Reflecting the fact that the law is a body of knowledge which has meaning only in its real world application, Delaney’s text is replete with questions and scenarios for classroom discussion.

Such a book is both useful and timely as the scope of modern litigation has come to encompass even the most mundane aspects of schooling. In many ways, sensationalist media coverage of legal issues tends to lend the impression that the law is primarily a punitive social mechanism to be feared. In contrast, for Delaney the function of legal knowledge is often simply to provide teachers and administrators with greater insight into the options they have as their disposal as well as their attendant risks (112). Drawing on personal experience as a high school administrator (112) Delaney notes how often the law may provide a means of resolving conflict by providing a set of shared fundamental principles. Indeed, he insists, there is a moral dimension to the need to have educators inform themselves about legal issues in order to fulfill their duties as conscientious professionals. In his words:

Educational policy is a significant part of the lives of teachers and school administrators. More so than ever before, school boards and ministries of education are preoccupied with developing and implementing policies to give direction to the everyday front line

work of educators. What is motivating this may have something to do with the litigious society we're living in but the reality is that policy permeates all aspects of the K-12 school system. It is incumbent on today's teachers and school administrators to be knowledgeable of and conversant with, as is reasonably possible, the plethora of policies found on school boards....throughout this country. (107)

As his comments suggest, Delaney's book serves as an apt reminder of how knowledge of basic legal principles, particularly those regarding civil and criminal responsibility, and professional misconduct provide a means of allowing teachers to develop a rough and ready way of navigating the fast paced realm of everyday schooling. This is a worthwhile aim given that, despite the increasingly litigious nature of contemporary society, teachers often lack knowledge of the most basic legal principles.

Towards such an end, Delaney suggests that the law forms a crucial part of the broader public dialogue which cements school communities and cultures. Recognizing the law as a dispute resolution mechanism, Delaney allows readers to familiarize themselves with the most basic legal principles through application, analysis and shared reflection. Through such a "hands on" pedagogical approach, the law becomes both a principled and pragmatic form of problem solving which teachers can utilize to think about their own school environments. In this way, Delaney provides an approach which moves beyond the memorization of legal rules and norms to cultivate the ability to recognize salient differences across a broad range of educational settings.

By illustrating some of the contemporary challenges existing in the no man's land lying between contemporary scholarship and applied practice, this text brings to mind many of the tensions inherent in the broader fields of legal education. Although the plain language movement, together with wide ranging legal reforms, have sought to make the law accessible and understandable to all citizens, quite often legal texts fail to realize this simple ideal. At its essence, perhaps, legal education is simply about taking the steps necessary to ensure we have a teaching profession, and, by extension, a citizenry that is well apprised of its most fundamental rights and responsibilities. As Lloyd Weinreb has recently pointed out, in many ways understanding the inter-relationship between the informal mechanisms of culture and the iterations of formal legal processes provides important insight into how the law is socially constructed and transmitted:

Law gives expression to a community's values and in turn shapes the community and affects conduct in ways vastly more pervasive and far-reaching than the judgments of a court. Nevertheless, adjudication is the means by which law takes hold formally and

finally and, in a sense, has its concrete being. If close attention to the process of adjudication provides no guarantee that the laws applied are sound, it is also true that the laws are applied, they remain general and abstract and, however sound in principle, are vulnerable to distortion and error. It is, therefore, of first importance that the adjudicative process be understood. (Weinreb, 2005, p. 161)

To extrapolate, we might emphasize the importance of a comprehensive legal education for teachers who are, in many ways, the custodians and guardians of our society's future workers and citizens. Like Weinreb, Delaney points out that it is essential that the law be understood as a process involving those whom it governs as learners and participants. Arguably, the efficacy of our legal system is contingent—at least partially—upon shared broad based competencies and perceptions. Both Weinreb and Delaney, then, see the law as a process, a body of knowledge and a form of reasoning which is dependent on the exigencies of a shared social language.

By precept and example, then, this book reminds us that despite our rapidly changing social reality, teachers need not become neurotic about the possibility of transgressing legal standards. In Delaney's words, "it has been said that today we are living in a highly litigious society. Simply stated, it means that more so than ever before our citizenry is quite keen on their individual rights and are prepared to advocate for those rights" (13). Teachers too, Delaney reminds us, have rights and unless they are informed they risk becoming the unwitting servants of arbitrary power. In a plain spoken, but knowledgeable voice, the author reminds us that universities, professionals and school boards alike must share responsibility for educating the future citizenry who are the inheritors of our society's most cherished democratic values.

From the perspective of critical educators seeking to empower their students; administrators who want to become more aware of the most common legal pitfalls of educational practice; or even, parents who wish to learn more about the legal dimensions of the schooling system, this book affords a valuable opportunity to become apprised of the legal rights and responsibilities that often have a direct bearing on the complex, rapidly evolving world of public schooling. *Legal Dimensions of Education* is a starting point in a much broader dialogue aimed at reclaiming teaching as a respected, empowered profession. Quite simply this book is an inexpensive, concise means of allowing teachers to familiarize themselves with the basic tenets of their legal rights and duties – essential reading for all those endeavoring to become more informed and effective educational professionals.