

July 2013

## A Teacher's Guide to Education Law: Third Edition, by Michael Imber & Tyll Van Geel

Andrew Sicnolf

Follow this and additional works at: <http://digitalcommons.lmu.edu/ce>

### Recommended Citation

Sicnolf, A. (2007). A Teacher's Guide to Education Law: Third Edition, by Michael Imber & Tyll Van Geel. *Journal of Catholic Education*, 10 (3). <http://dx.doi.org/10.15365/joce.1003152013>

This Book Review is brought to you for free with open access by the School of Education at Digital Commons at Loyola Marymount University and Loyola Law School. It has been accepted for publication in *Catholic Education: A Journal of Inquiry and Practice* by the journal's editorial board and has been published on the web by an authorized administrator of Digital Commons at Loyola Marymount University and Loyola Law School. For more information about Digital Commons, please contact [digitalcommons@lmu.edu](mailto:digitalcommons@lmu.edu). To contact the editorial board of *Catholic Education: A Journal of Inquiry and Practice*, please email [CatholicEdJournal@lmu.edu](mailto:CatholicEdJournal@lmu.edu).

people would be better able to compare their religion and other religious perspectives if they have a clear understanding of their own. In fact, guidelines pending before the United States Conference of Catholic Bishops (USCCB) prohibit teaching a free-standing class on world religions in Catholic high schools for this very reason.

The critical issues that are addressed in this book are not as applicable to the United States. The religious model that was established in England and Wales in the 1940s has influenced Ireland's approach to religious education. The study of religion has been adopted in these areas of the world as part of the standard curriculum. With the political issues that have created a distinct separation between church and state in our country, only religious institutions have the freedom to provide a foundation for religious education to children. This book would provide useful information for youth ministers and high school religion teachers who are eager to gain a better understanding of the realities of today's youth, and the influence that it has on their view of religion. It would also allow these educators to reflect on their own perspectives on the purpose of religious education programs in comparison to another part of the world.

*Jocelyn Pierre-Antoine is a third-grade teacher at St. Edward School in Newark, CA.*

---

## **A TEACHER'S GUIDE TO EDUCATION LAW: THIRD EDITION**

MICHAEL IMBER & TYLL VAN GEEL  
LAWRENCE ERLBAUM ASSOCIATES, 2004  
\$39.95, 344 pages

*Reviewed by Andrew Sicnolf*

In *A Teacher's Guide to Education Law: Third Edition*, the authors Imber and Van Geel have added to their previous editions more of the topics of greater importance to present-day schools. Among the issues addressed are the No Child Left Behind Act, school vouchers, race relations in school, and equity and adequacy of school finance. The book covers the hot topics of today's

school situation, giving a factual approach to a variety of issues that occur in schools, the corresponding law that supports the rights of the student or teacher in each situation, as well as the court cases which serve as precedents.

The book is divided into several categories pertinent to student and teacher behavior: Understanding Educational Law, Curriculum, Student Free Speech Rights, Discipline, Equal Educational Opportunity for Race and Gender, Students with Special Needs, Federal Constitutional and Statutory Rights of Teachers, Teacher Employment, Collective Bargaining, and Torts. Each chapter is subsequently broken down into smaller areas of concern within each general theme.

The authors do a thorough job of getting into the intricacies of school law. Unfortunately, today's world is a place of lawsuits and litigations and the authors provide a user's guide and an adequate resource for first-year teachers as well as veteran teachers. Other names the authors could have chosen for the title of this book could include, "What You Can and Can't Do When Situations Occur in Schools" or "Education Law for Dummies" because the purpose of the book is to inform teachers of their rights and responsibilities when handling situations in schools.

The text is clearly organized in terms of chapters and subheadings. Intended as a reference, the book is structured to allow for quick searches of topics for teachers if they are interested in a particular law's origination. Each chapter includes an overview and a summary at the beginning and end of each chapter as well as a lengthy section of notes for extended information about a particular law or court case.

Many relevant topics are addressed. For example, one of the subheadings in chapter 5 that discusses the equal educational opportunity of different races and genders also discusses forms of discrimination in schools. One might think that the discussion would focus solely on types of punishment or teachers in certain areas of study being discriminatory to one sex or another, but the book addresses the discrimination of standardized testing and ability grouping, both of which are highly controversial issues in the educational arena today. "Students may claim racial discrimination in standardized tests, tracking and ability grouping....Even in-class pupil grouping policies can violate the Equal Protection Clause" (p. 116). This issue, while highly controversial, is supported by the example of a teacher who put a Black student in a group of four where one of the students was also Black simply because they "view things in a global manner" (p. 116). The authors went on to state that this teacher's actions were deemed unconstitutional, "because the grouping rested on a stereotypical (not scientifically validated) view of Black students" (p. 116). This information, though extremely specific and unusual,

could be significant because most teachers engage in purposeful grouping and therefore need to be cautious of how and why they put students in similar groups.

Unfortunately, the extreme school scenarios provided made this book somewhat mundane. The authors, when speaking about an example of questioning free speech stated, "For example, punching someone in the nose can certainly be seen as a form of expression, but is it free speech?" (p. 50). They continued, "For example, is sleeping in a park speech?" (p. 50). Clearly, this is oversimplifying an issue because not only could these questions be answered with simple common sense, but does it really matter if they are considered forms of speech? Either way, the first scenario would clearly be in violation of another person's rights, and a teacher is not going to need to know how the law was violated, because he or she will know without question that the student is not allowed to punch someone. The second scenario has no relevancy to education.

Another problem with the book is that despite claiming to be for educational administration programs, it quite often addresses the teacher's rights and responsibilities, but almost never addresses the role of the administrator unless it is speaking about a complete school board or school finances. Also, most of the subject matter presented is in the form of common constitutional laws, presented in a remedial fashion. Most educational administration students may already have a foundational knowledge of education law.

There are several examples in the book that address what teachers can and cannot do in an oversimplified manner. For instance, the authors state, "Some statutes may grant teachers the right to an attorney or other representative in dismissal hearings" (p. 224). Also just one page removed from this it states, "School boards have the authority to grant leaves of absence for personal reasons such as illness, for professional reasons such as to pursue additional training, or for public service such as military or jury duty" (p. 225). In both of these instances, the teacher, or at least the administrator would already be aware of this fact. Both of these statements are common sense and do not need to be addressed unless they would go on to say what the administrator's rights are.

Ultimately, the book is an introduction to educational law. The authors succeed in simplifying the information and educating the reader on the legal precedents pertaining to each issue. However, it may not be well suited for an educational administration program. An essential tool for teachers, however, it would be a useful reference for principals to give to their staff. With the many highly controversial issues that teachers face, this book could be used to develop a school staff development plan. In many situations, if teachers were more informed about their rights and current legal policies, they

could avoid problems and focus on teaching. Theoretically, this book could save a teacher from the detrimental situations that so frequently occur in today's schools.

*Andrew Sicnolf is the director of admissions at Bishop Verot High School in Fort Myers, FL.*

---

## **THE WAR AGAINST EXCELLENCE: THE RISING TIDE OF MEDIOCRITY IN AMERICA'S MIDDLE SCHOOLS**

CHERI PIERSON YECKE  
PRAEGER PUBLISHERS, 2003  
\$54.95, 296 pages

*Reviewed by Rosann Whiting*

Has the middle school concept been doomed from the start? According to Yecke, middle level instruction has served only to dilute the curriculum being taught to students in Grades 7 and 8 and has had a negative impact upon those students who are classified as "talented or gifted." The advent of educational practices such as cooperative learning, peer tutoring, and a shift away from ability grouping has caused mediocrity to become prevalent in American middle schools. Yecke sets out to prove that these practices serve to water down middle school curriculum, decrease the expectations teachers have of gifted students, and cause the parents of these students to consider other options for their children's schooling. The author presents a logical delineation of information that serves to validate this central premise.

Initially, Yecke begins by describing the history of middle schools. In doing so, the author discusses the growth of the middle school, defines the concept of middle school curriculum, describes the concepts of ability grouping and cooperative learning, and finally gives the reader an analysis of the major convictions surrounding middle schools. Yecke concludes with ethical implications for the 21st century. The author defines each concept, cites documentation from well-known authorities, cites data to support her premise, and includes quotations from parents of gifted students as well as