

**Aspects of Educational Law - Second edition**

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During the past few years there has been increasing international interest in matters to do with the impact of law on policies and practices of educational institutions in general and schools in particular. This interest is marked, not only by the growth of education law associations in many countries, but also by the number of texts that have emerged dealing with the many legal matters that have come to increasingly influence the work of the educator. *Aspects of Educational Law* is one such book which, while written for school administrators and teachers in the Republic of South Africa, provides a wealth of information to others both within and outside that country.

*Aspects of Educational Law* is an introduction to education law and replaces the earlier text - *Aspects of Educational Law for Educational Management*. Notwithstanding the change to the title the book contains a most comprehensive discussion of matters which essentially are to do with school management and administration. In this regard it would be just as useful to the busy school administrator or teacher as it would be to pre-service teacher education students. The Editor notes in the Forward that the text “is aimed at the actualization of an educational law basis for the governance and administration of public schools” and extensive links are made throughout the book between the law and best practice in schools. Importantly for the school setting, the contributing authors perceive the law as being “instrumental in ordering the rights and duties of all parties” and it is through the law that “harmonious and balanced order exists”.

The text comprises 13 chapters divided into four main discussion areas. Part 1 examines “The environment of the law of education” and addresses issues to do with the “function” and “essence” of education law, as well as an introductory analysis of legislation, common law and case law as these apply to schools in the Republic. The first chapter presents an interesting discussion of varying perspectives of education law and concludes that “the law of education is in the first instance concerned with authority or the official with authority and secondly with the actions of the subjects of authority as well as those involved in education.” In essence the first four chapters provide the reader with the opportunity of acquiring an appreciation of the link between the law and effective school management and the opportunity of enhancing their personal legal literacy. Part 2, “The educator in the educational environment” examines legal aspects of educators in relation to the learner and a discussion of issues to do with discipline and supervisors’ duties is undertaken. An important component of this section of the book is a discussion of the issues surrounding right behaviour to students. Part III “The educator and his professional environment” has only two chapters and these are devoted to a discussion of the professional nature of teaching, how to acquire registration, and an extended discussion of issues to do with labour law. Part IV “The educator and the

managerial environment” provides a range of very useful information to do with human resource management, school governance, and financial and administrative management.

Each chapter commences with a clear set of objectives which readers “must be able to” reach and there are student exercises (Applications) and somewhat brief summaries contained throughout. The book is well structured with clear headings and sub headings which are clearly outlined in the Contents section and which, together with a relatively brief index, provide a ready reference for school administrators and teachers who may wish to advise her or himself about a particular issue. The bibliography includes references to works on educational leadership, management, and administration as well as the expected legal texts. Each of the sections to do with administration and management is well referenced and citations to research on the various topics are found throughout the book.

Given the recent social and political developments in South Africa *Aspects of Educational Law* is most timely. Considerable emphasis is given in the text to the importance of the Constitution as the fundamental basis of education law. This is given heightened importance by the fact that the Constitution embodies a Bill of Rights which is seen as guaranteeing the protection of fundamental rights of all persons. Nonetheless it will be most interesting to see whether the Constitution is able to provide the hoped for “development of a human rights culture in education.”

*Aspects of Educational Law* utilises a fresh approach to texts on this topic in that it examines everyday administrative and management practices and then applies the relevant areas of law to these procedures. For example in relation to discipline there is an overview of “the characteristics and various forms of discipline” prior to a discussion of legal requirements to do with suspension and expulsion and an analysis of applicable statutory law, common law and case law.

While the book will be a valuable reference source for in-service school administrators and teachers it should also be seen as a core text for pre-service teachers. In this regard there is a considerable volume of information that is essential to beginning teachers and the text should live up to its claim to be an introductory one by providing readers with the opportunity of acquiring an enhanced legal literacy.

From an international perspective, *Aspects of Educational Law* is a welcome addition to the remarkable growth of interest in education law which, it was noted earlier, has emerged throughout many countries in recent years. Although some readers from countries outside South Africa might find the use of discriminatory language as well as key phrases and quotations being in Afrikaans annoying, the text will nonetheless be found to be most useful from an international perspective. Above all it provides international readers with a clear insight into the potential relationship that exists in South Africa between that country's legal system and the orderly administration and management of its schools.

A most comprehensive CD ROM – *Educational Law* is also available. Together with the full contents of *Aspects of Educational Law*, the CD ROM provides an extensive coverage of court cases related to education law, an analysis of international charters to do with education, and a full copy of the Constitution of the Republic of South Africa. A most useful

addition for students undertaking an introductory course on education law is the provision of a range of questions and related discussion materials.

While there are still many questions to be answered concerning CD ROM programs in the teaching and learning process, *Educational Law* provides an extensive and powerful mechanism for those studying education law. Given the opportunities for increased pedagogical initiatives offered through the effective use of the CD ROM package, *Educational Law* should prove to be the basis for a useful and successful teaching and learning program. The program would be of particular value to those undertaking introductory courses in education law and deserves to be considered as a core component of pre-service teacher education courses.

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