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School Law for the Principal, A Handbook for Practitioners

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**Review of *School Law for the Principal, A Handbook for Practitioners*
by Robert J. Shoop and Dennis R. Dunklee,
Allyn & Bacon, 1992.**

School Law for the Principal, A Handbook for Practitioners

Joan L. Curcio and Amy Milford

There are many good reasons why Shoop and Dunklee's book could be a valuable asset to educators, especially administrators—and professors too. To begin with, the authors have been broadly comprehensive in their scope of legal issues that face school principals. No topic is belabored, or treated extensively. This approach, the use of laymen's language, and the inclusion of learning activities with scenarios, would make it a perfect, basic book on school law with which to train potential school principals. Any professor who has searched for a text for certification courses, for instance, or as an introduction to the law (without case excerpts, or any reference to the act of legal research) will be glad to find the Shoop and Dunklee book. Any practitioner who wants a quick reference and some basic law knowledge on the issues in schools today will welcome it also.

The book begins in the traditional manner of school law texts by explaining the basic sources of law for the reader. This is a necessary chapter and particularly helpful to those unfamiliar with the construction and function of the judicial system or the general structure of government. This very brief chapter covers a good amount of territory, and the authors are skillful in offering the complexities of the legal process in clear terms, for busy practitioners. On our wish list, however, for this important first chapter on the LEGAL ENVIRONMENT, would be more extensive consideration of the concept of *stare decisis* and its varying interpretations through the years, and a bit more attention to the function of the United States Supreme Court, and the significant impact of its decisions on schools in the last forty years. What the reader will find enormously helpful in understanding the process and language of the law is the extensive glossary in the back of the book.

The rest of the book is organized around four broad sections of maximal concern to the practicing school principal: (1) his or her legal relationship to teachers, and (2) to students,

(3) his or her legal responsibility for program management, and (4) tort liability. This organization suits a handbook, allowing the practitioner to go directly to an area which may be particularly applicable or pertinent. If a principal's concern of the moment is a teacher's due process rights, for instance, discussion of those rights will be found in the section that addresses teachers specifically; the principal does not need to wade through pages of general information on the Fourteenth Amendment to get to it.

Perhaps the fourth section, PROGRAM MANAGEMENT, contains the most updated and pressing education issues those of AIDS, homeless children, proselytizing teachers, Christmas observance, school violence, drug activities, testing, and more. Consequently, it is within this section that the learning activities employed by Shoop and Dunklee throughout the book—the scenarios and the Points To Consider—are the most timely, interesting, and engrossing. They are real moments, incidents, that principals will recognize as having happened to them. Now they can weigh and balance them, and reflect upon their own behavior, or potential behavior, in light of the law. These scenarios are useful pedagogical tools, as well as affirmations of what principals confront every day. The summaries at the end of the chapters are useful, too—although, sometimes perhaps, too generally stated. It does become apparent throughout, however, that there are no set answers—only rules of law, and good administrative judgment. Not a bad lesson for principals to grasp.

One other section of the book should be addressed in some detail, in that is, at the same time, the most important, and the least important section of the book. We are referring to Section V, PRINCIPAL'S TORT LIABILITY FOR NEGLIGENCE AND RISK MANAGEMENT. Its importance, of course, derives from the heavy liabilities that accrue to principals as a result of their responsibility for supervision and proper building and equipment maintenance (particularly in light of federal regulations regarding hazardous materials and substances in schools). Every bit of the section devoted to Tort Liability for Negligence and Duty and Standard of Care is productive and necessary for practitioners to know. However, if we could drag our wish list out one more time, we would wish that a little less space were used for issues like a legal audit (more acutely significant to the school district officials and school board members) and Risk Management at the School-District Level, so that concepts like third-party liability, special duty, and deliberate indifference, especially in relation to harassment of students, and cases like *Stoneking v. Bradford Area School District*, might be mentioned.

Shoop and Dunklee have written a well-organized, easy-to-read, current, and useful book; it has some real assets. Perhaps its major asset is that it addresses some very important and timely issues encountered by school principals, and then it offers guidelines for practice after discussing the rule of law. Few books provide the practice this book affords. We would be remiss however in highlighting its major assets if we did not also look for a moment at what the drawbacks of this text might be, for particular uses and certain situations.

This book is written for principals already performing today in typical bureaucratic structures; its mode then is reactive, more than proactive. Therefore, it would not serve entirely as a text, supplementary or otherwise, to accompany a course in which newer concepts of governance (for example, participative decision-making, site-based management, governance by local school councils, elements of total quality management, full service schools, etc.) are introduced. In the same vein, the emphasis on risk management underscores the conservative, "safe" way to maintain a school or school district. Don't misunderstand; we are not being pejorative concerning a principal's need to be fiscally responsible or safety-minded.

Reviewed by Joan L. Curcio, Associate Professor, Department of Educational Leadership, University of Florida, and Amy C. Milford, a doctoral student in the same department, as well as an attorney.

Book Review

Taking precautions, knowing the law, and practicing preventive law are all reasonable steps toward staying out of legal hot water, and to that end, the Shoop and Dunklee book will serve the potential or practicing principal well. It will not directly assist that principal to make decisions about cutting-edge issues, such as: Who has the ultimate legal authority or responsibility when a multidisciplinary team of educators, doctors, and social service workers diagnose and prescribe together for a child or group of children? Are any privacy rights violated when children's records are shared among various disciplines such as those described? Can state regulations be waived in order to accommodate the assessed needs of a particular local school council?

However, as Shoop and Dunklee themselves admit in their Preface, "The organizational basis for this book is the daily activities of the school principal. The book is not intended to explore or even touch on all areas of school law. Nor is it an attempt at an exhaustive analysis of the legal issues that are presented." It is meant to be a book for today, a handbook, a desk reference, and as the presence of activities like the scenarios and Points To Consider confirm, a learning tool for school practitioners about the law as it is written today.

A last comment is one that can be made about any bound volume of school law, and that is how quickly the book itself needs a supplement to keep up with the ever-changing nature of the law. In a book where a quick, panoramic view of a massive topic is given, however, it would have been helpful to have some of the landmines pointed out. In Chapter 11 on Religion in the Schools, for instance, the introduction gives no hint of the judicial discussion that has stalked the Lemon Test in recent years; nor does the reader know that Religious Expression in Ceremonial Programs is a hot topic, or that *Lee v. Weisman* happened, or was even about to happen. There are other examples, such as making only a passing reference to the Individuals with Disabilities Act or stating that there are no data regarding incidence about sexual harassment in school districts.

With all that said, *School Law for the Principal* remains a good choice as an introduction to public school law matters. Shoop and Dunklee deserve to have their book considered for use, and need a pat on the back for their concern for practitioners in the real world.

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