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BOOKS RECEIVED

Legal Aspects of Pupil Transportation. By Ralph D. Mawdsley. Topeka, Kan.: National Organization of Legal Problems of Education. 1985. Pp. 47. Softcover. \$9.95.

This monograph is very helpful in pointing out to school officials the legal aspects of transportation decisions. The publication is an excellent way for attorneys who work in the field to apprise their clients of the legal impact of their actions or inactions.

Liability in the pupil transportation setting fits into a negligence matrix similar to other negligence theory lawsuits. Absent a judicial or legislative mandate, local school districts are not required to furnish pupil transportation; however, even if a school district decides not to provide pupil transportation, it may still incur liability. Accidents incurred in the use of private vehicles for school functions such as field trips can result in the district being held liable, even if the students have waived liability in writing. Also, the school district may incur liability through the use of public transit systems.

A number of duties arise once a school district decides to provide transportation for its students. Such duties include providing safe bus stops, delivering students to their stops, ensuring reasonable conduct by the driver in driving and controlling the students on the bus, and providing safe buses.

Transportation of handicapped students raises unique problems for school districts because federal, and often state, legislation gives school districts special duties toward these students. Also addressed is the school district's "liability" for transportation services for purposes of desegregation.

This publication is very well written and is understandable to the layperson.

The Juvenile Offender and the Law. 3rd ed. by Paul H. Hahn. Cincinnati, Oh: Anderson Publishing Co. 1984. Pp. iz-286. Hardbound. \$19.95.

This book examines the behavior of juveniles who commit crimes and evaluates how the juvenile law system reacts to those offenders. In the author's view, the problem of juvenile offenders is very complex and a "get tough" policy ignores this complexity.

The author discusses a number of causal factors of juvenile delinquency. He links abuse and neglect of children with their later delinquent behavior. He also finds such abuse is connected with the poverty of the juvenile's family. Delinquency among suburban juveniles is said to be on the whole less violent in character than working class behavior and thus receives less attention and fewer convictions. The causal factors cited for suburban delinquency levels include consumerism, the breakdown of traditional family and religious controls, and a lack of adult models.

The author details juvenile use of drugs and concludes that while drug use may have levelled in the 1980's, the age of drug abusers is lower and great peer support exists for drug abuse. The author finds alcohol is the choice "drug" of America's children.

The sexual behavior of developing children is often connected to involvement in juvenile delinquency. Also, evidence is accumulating to show that sexually abused children tend toward delinquency. The author stresses that understanding a juvenile as a "sex victim" should merit equal time with our effort to understand the child as an "offender."

The last third of the book is directed to how the legal process responds to juvenile delinquency. The juvenile court process attempts to act in the best interests of the child rather than to punish. The concept of due process was not extended to juvenile courts until 1966, and since that time a number of constitutional rights have been extended to juvenile proceedings including the right to counsel, the right to adequate warnings of self incrimination, and early notice of charges—although there is no right to a jury trial. The author disapproves of the increasing trend of trying juveniles in adult courts based on their offense; rather, he contends, the transfer should be made only when it is clear that the juvenile system will not be effective in rehabilitating the juvenile.

On the issue of detention facilities, the author states that an unnecessarily large number of juveniles are locked up in secure facilities which provide no rehabilitative function and that almost all juveniles in adult jails have not committed a serious offense. The author notes the abuse juveniles receive in secure facilities and the eight-fold increase of suicides in secure facilities over that of the normal population.

The author concludes that the public today is most concerned with the immediate safety of society and the punishment for the act rather than the interests of the juvenile. The juvenile offender, no matter what his or her crime, returns to the community. Hence, he

or she must be treated, not punished, so that the offender will change his or her behavior patterns to cope with complex community living and not go on to a life of adult crimes.

