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## Symposium: Law and Education. Editor's Note

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## SYMPOSIUM: LAW AND EDUCATION

### EDITOR'S NOTE

In recent years the interface between law and education has become increasingly important. The large number of recent United States Supreme Court opinions involving education issues is indicative of this trend.<sup>1</sup> Recognizing the increasing significance of this area of law, the current editors of the *Review* determined to dedicate a portion of one book in Volume 50 to a symposium on "Law and Education."

The Symposium begins with an article on legal education by Dr. Charles Odegaard, President Emeritus of the University of Washington. Bringing to bear his many years of experience as an educator and administrator, Dr. Odegaard concludes that law schools should break out of their traditional isolation from the remainder of the university and consider a more interdisciplinary approach to legal education.

Then follows an article by Professor Arval Morris on equal educational opportunity. Professor Morris discusses various definitions of equal educational opportunity, the contrast between the negative approach to equal educational opportunity under the fourteenth amendment and the positive approach required by some state constitutions, and the question of affirmative action programs based on race. Last year, the *Review* published an article by Professor Morris<sup>2</sup> in which

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1. See, e.g., *Wood v. Strickland*, 95 S. Ct. 992 (1975) (liability of school board members for intentional violation of students' constitutional rights); *Goss v. Lopez*, 95 S. Ct. 729 (1975) (procedural due process rights of high school students); *Gilmore v. City of Montgomery*, 417 U.S. 556 (1974) (exclusive use of public facilities by segregated schools); *DeFunis v. Odegaard*, 416 U.S. 312 (1974) (racially-based admissions program); *Lau v. Nichols*, 414 U.S. 563 (1974) (failure of school system to provide English language instruction to linguistic minorities); *Committee for Public Education & Religious Liberty v. Nyquist*, 413 U.S. 756 (1973) (tuition reimbursement and tax credit for parents of children in nonpublic schools); *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1 (1973) (public school financing); *Wisconsin v. Yoder*, 406 U.S. 205 (1972) (parental control over child's education); *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971) (school assignment based on race).

2. Morris, *Equal Protection, Affirmative Action and Racial Preferences in Law Admissions: DeFunis v. Odegaard*, 49 WASH. L. REV. 1 (1973).

he discussed the state court proceedings in *DeFunis v. Odegaard*, up to and including the decision of the Washington Supreme Court upholding the preferential admissions program of the University of Washington School of Law. Professor Morris brings the *DeFunis* case up to date by discussing, *inter alia*, the mootness holding of the United States Supreme Court and the subsequent stalemate upon remand to the Washington Supreme Court.

Dean Alan Matheson of the Arizona State University College of Law has contributed an article on tenure in higher education. Dean Matheson deals with the concept of tenure, its acquisition, its benefits, and the grounds and procedures by which it may be lost.

The final article in the Symposium was written by Mr. Joel Moskowitz of the California Attorney General's Office. Mr. Moskowitz addresses the sensitive issues surrounding parental control over a child's education. In *Wisconsin v. Yoder*, the United States Supreme Court held that Amish parents could lawfully remove their children from public school notwithstanding a compulsory education law. Taking *Yoder* as the watchword in this area of law, Mr. Moskowitz discusses, *inter alia*, the right to establish alternative home and private schools and a parent's right to remove a child from a particular class or a violent school situation.

Two members of the *Review* have contributed notes to the Symposium. The first note discusses aid to parochial schools, concluding that tuition reimbursements and tax credits for parents of children in nonpublic schools do not violate the establishment clause of the first amendment. The second note examines recently promulgated administrative rules which establish substantive and procedural due process rights for Washington's common school students. The note argues that due process rights of these students should be expanded and applied to all suspensions and to corporal punishment.

Clearly, the scope of the Symposium is not exhaustive. There are many other important issues in the area of law and education, *e.g.*, school financing, teachers' right to strike and bilingual education. Although we were not able to include an article on all of the problem areas, it is our hope that the articles and notes herein will provide insights into some of the problems involved in this increasingly complex area of law.

Lyle K. Wilson  
Symposium Editor