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Foreword

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FOREWORD

Americans are thoroughly diverse people and in reality have very few things in common. Despite this diversity, all of us are linked in the common experience of education. Whether as part of the fifty-five percent of the population enrolled in or employed by an educational institution, an employer needing a skilled workforce, or even a taxpayer paying for the provision of public education, all facets of American society are affected by education.

More than affecting all facets of society in the present, decisions made about education today will have long lasting effects. After all, at the heart of any education debate lies a future American society. Poor education today translates into a poor workforce in the future and, thus, affects far more than the single child of a single family.

As an issue that touches all Americans present and future, it hardly should be surprising that the public good of education is also one of the most controversial issues in our country. The legal and constitutional issues drawn into the education question are as diverse as the society raising them. Schools are a microcosm of American political life, places where issues like religious freedom, free speech, basic morality, privacy, and even gun control are confronted regularly.

Within this issue, the microcosm, which schools and the provision of education represents, is broken up and discussed, and clear arguments and solutions are made. It begins with the most basic of questions about education: how is this public good to be financed. Dr. James G. Ward begins by inviting analysis of the financing of public education and proposes an ethical framework to guide debate. This invitation is picked up by school finance expert Dr. Deborah Verstegen, as she demonstrates what works and what has not in the realm of school finance litigation. Dr. R. Craig Wood, a veteran of several cases and legislative actions, most notably in Missouri, completes the provision debate by explaining and outlining the successful school finance case.

This issue then moves into questions of how that education, now financed, can be provided within the bounds of our most basic American freedoms. Dr. Martha McCarthy addresses and analyzes the always cantankerous issue of the freedom of religion in public education. Maryland school board attorney P. Tyson Bennett addresses the concerns and alternatives that school boards have when forced to choose between their legal obligations to one group of students and protecting the privacy of others. Not forgetting those dedicated

professionals that work within the bounds of the classroom, Dr. Ralph Mawdsley concludes this issue by making a case for the privacy rights of teachers both inside and outside the school setting.

Working on this important issue has been an experience unlike any other. No topic other than education law would have provided the opportunity to learn as much about so many different areas of the law, ranging from equal protection to the various freedoms of the First Amendment to the law of sexual harassment. In producing it, I am indebted first and foremost to the authors, without whom there would be no articles from which to learn or publish. Of no less importance are the editors and staff members of the *Public Law Review*, whose tireless efforts made publication much easier. Specific appreciation must go to Carol Parsons, Susie Lee, and my family and friends, all of whom kept me focused, on track, and on time.

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