

Legal Position of Interns

Teaching practice is a critically important part of initial teacher training - an invaluable opportunity for student interns to put theory into practice and to learn the tricks of the trade. For many student interns, however, that first experience of teaching is clouded by understandable anxieties about how they would stand in law should something go wrong.

Arkansas law provides that any primary or secondary school which has been accredited by the Department of Education may be entitled to assignments of student interns from institutions of higher learning in this state. Any school district board of directors desiring to cooperate with any college or university is authorized to enter into a contract with the board of trustees of the institution, to be used for training student interns. The State Board of Education establishes the rules and regulations for students authorized by the college to do student teaching. Even under these established guidelines, the student intern is expected to follow the assigned school's regulations regarding calendar, attendance, arrival and departure times as apply to the regular classroom teacher.(A.C. A. 6-17-305).

Student interns in the public schools, while engaged in the performance of their student teaching duties, enjoy the same immunities provided by law for teachers in the public schools. The authority of school personnel over students is established by law (A.C.A 6-18-501). The law specifically assigns teachers, including student interns, the duty of maintaining discipline within the school. Liability issues are the student intern's responsibility in the same manner as they are for all students, even though the educational environment is off campus.

It should be obvious by the nature of the experience that student interns have a duty to apply reasonable care to prevent injury of students in their charge. Duty is one of the elements of negligence, and teachers have a duty to attend to students' safety while they are under school jurisdiction.

IN LOCO PARENTIS

The law provides school personnel the right to exercise the same authority as to conduct and behavior over the pupils attending school, as the parents or guardians. The courts have recognized this authority as the theory of *in loco parentis* or in place of the parent.

The doctrine of *in loco parentis* gives school officials the authority to establish rules and regulations governing student conduct and behavior, which could provide grounds for the deprivation of a liberty or property right. It also gives school officials the authority to recommend expulsion of students for violating rules governing behavior "going to and from their homes.

NEGLIGENCE

All teachers, including those still in training, have a legal duty to take all reasonable care of pupils who are in their charge

§ in the classroom

§ at recess times

§ during and after school activities.

When a pupil suffers injury or loss while in the care of a teacher, that teacher may be held liable if negligence can be proved.

WHAT IS NEGLIGENCE?

The law of negligence is a tort - a civil wrong. It is part of the common law which means that it is law made by a judge, but it has also been modified by statute in some respects. In a case involving the law of negligence, the following must be proved by the courts before a teacher will be held liable for injury or loss:

That there was a duty owed

The term *in loco parentis*, which means “standing in the place of the parent,” describes the duty of care that is owed by a teacher to a pupil. The “duty owed” is also further defined in Arkansas law (A.C. A. 6-17-305) which basically states that one of the professional duties a teacher may be required to perform is maintaining good order and discipline among the pupils and safeguarding their health and safety both when they are authorized to be on the school premises and when they are engaged in authorized school activities elsewhere.

The *loco parentis* rule is a common law duty regulating the conduct of everyone who works with children; the Arkansas School Discipline Act specifies this as a teachers' contractual obligations. If a teacher acts in breach of contract, that breach may be evidence of negligence.

When student interns are teaching in a school, they should be given support and training. If a student intern does not perform her/his duties safely in accordance with common law principles, or according to good practice/contractual obligations, it would be for the school/college to highlight the problem and to suggest a more appropriate approach. In other words, the school/college owes student interns a duty to provide effective support and training.

However, if student interns ignore the guidance available and act negligently, they may be liable for any injury or loss caused to pupils in their care.

THE DUTY OF CARE makes it clear that student interns owe a duty to all pupils in their charge, whether on the playground or in the classroom

WHAT IS THE STANDARD OF THAT DUTY OF CARE?

Under the law of negligence, the standard of conduct expected of student interns is established by determining what a reasonable person would consider appropriate. Some foreseeable risks are therefore acceptable as long as they are within the professional guidelines drawn up by the student's mentor teacher and principal. Students teachers should also take into account the following procedures and provisions in order to ensure that they conform to safe professional practice:

- school rules
- procedures and practices within the department
- school policy and guidelines
- health and safety provisions.

DISCIPLINARY MATTERS

It is crucial for a student intern to know how far they can go to ensure that their instructions are followed by pupils and what to do if they are not. A student intern would clearly have concerns if s/he were unable to control a class and children were allowed to do as they pleased.

SCHOOL POLICY

Wherever they are teaching, it is vital that student interns acquaint themselves with the school's policy on discipline and ensure that they act in accordance with the rules.

PUPIL DISCIPLINE

The types of punishment open to teachers in a classroom situation are

- corporal punishment
- detention
- confiscation of property.

Corporal punishment is not available to student interns. Arkansas law provides that the principal or his/her designee may administer corporal punishment as a classroom management tool and is therefore limited to certified personnel only. NOTE: Only certified personnel can administer and witness corporal punishment.

The reasonableness of a **detention** must also be judged in the light of school policy which may limit the maximum period of detention allowed. Most schools refer to detention in their rules or student handbook, thus bringing their policy to the attention of parents. Student interns should keep within the school policy on detention and consult with the cooperating before detaining a student.

Even when the use of detention as a disciplinary measure conforms to school rules, it is important for student interns to act fairly and reasonably in all circumstances and to be aware of each child's particular situation. The following factors must always be considered:

- the age and sex of the pupil
- the distance between school and the child's home
- the child's ability to cope with the journey alone
- the hours of daylight
- crossing patrol availability.

Student interns working with younger children are also strongly advised to give parents advance notice of a prospective detention.

Confiscation should be used as a disciplinary measure to prevent inappropriate behavior and this principle should be reflected in the period of confiscation imposed. It may be useful for student interns handing confiscated items to place them in the school office.

Use under due process section

Due process protections are available to all persons in public schools, without regard to their status. Student interns are subject to identical constitutional protection afforded teachers. An essential ingredient of due process is that it has equal application to all citizens, although its content varies according to specific factual contexts. Basic to due process is that an individual receive proper notice, an opportunity to be heard, and a fair hearing.

A student intern may be dismissed for these reasons:

1. Non adherence to school policy and/or procedures.
2. Failure to meet UCA program requirements.
3. Failure to meet moral and ethical standards of the profession as defined by the school and the University of Central Arkansas.

If the school administrator, the mentor teacher, and /or university supervisor decide that a student intern is to be dismissed, the Coordinator of Directed Teaching must be contacted as well as the program area. The student intern will receive a failing grade. The student will have the opportunity to re-enroll in student teaching in a subsequent semester, dependent upon the grounds for dismissal.

Responsibilities

Student interns' dress and grooming must be consistent with the standard established in the assigned school.

A student intern is responsible to secure own transportation to and from student teaching site.

A student intern cannot offer outside activities as an excuse for not performing the functions expected during the student teaching experience.

Student interns cannot be used as substitute teachers in the classroom or in school sponsored related activities (ex. playground, cafeteria, recess).

A student intern is not to administer corporal punishment nor serve as a witness.

Student intern must attend all seminars that university supervisor deems necessary. University supervisors will arrange the place, topic, and design of seminar sessions and notify student interns and mentor teachers in advance.

Student interns cannot drive students to field trips or other school related events or serve as chaperones on busses or vans where no teacher is in attendance.

Student interns must report abuse to appropriate school building officials.

Students are to follow the assigned school's regulations regarding calendar, attendance, arrival and departure times as apply to the regular classroom teacher.

In your role as a student intern you will have responsibilities that require you to represent yourself as a professional. Your participation may include both instructional and non-instructional activities within and outside the immediate classroom assignment in which you will encounter other students, teachers and administrators in educational settings.

There will be occasions when you may not realize what kind of procedures are appropriate for your role. If there are specific concerns inquire of your university supervisor or mentor teacher.

GENERAL CODE OF ETHICS:

Keep confidential all information received about pupils in their classes or schools

Maintain the dignity necessary to gain the respect of their pupils

Be responsible for creating a positive learning environment for all pupils

Be empathetic and courteous toward all pupils

Consider yourself to be members of the community in which you teach

Conform to disciplinary measures used by the approved school policies

Be a positive model for pupils - physically, mentally, ethically

Realize that each pupil is an individual, and take into consideration individual abilities, interests, and preferences

Strive to be impartial in dealing with pupils and be fair in judging pupils' actions and accomplishments

Refrain from imposing religious and political views upon their pupils, and exhibit an open-minded, tolerant attitude toward groups and individuals