

## Legal Issues and Responsibilities

TED 400

## Objectives of Presentation

- A: Describe general legal requirements for the teacher
- B: Describe district and school requirements for the teacher
- C: Describe legal requirements for parents and students

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## Part A

General legal requirements for the teacher

## Daily Time Requirements

- Instructional days are determined by the state (180 days; some schools may have alternative days)
- Instructional minutes are also determined by the state (differs for each grade level)
- Teachers are expected to be at school site for 6 hours each day (some schools require minutes before & minutes after)
  - e.g., Secondary teachers in LAUSD must be on campus 15 minutes before and after school day

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## Supervision

- Determined by the local contract
- Teacher is responsible for students while on duty
- Teacher must remain vigilant, cannot ignore a fight, and must make an attempt to stop the fight.
- Teachers must never leave students unsupervised in a classroom without a credentialed adult.

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## Tutoring

- Teachers can refer students for after school tutoring
- Teachers may tutor in own class after school with parental permission on a voluntary basis
- Teachers must ensure that appropriate supervision is provided at all times.

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## Reporting Accidents

- All contracted teachers must report all accidents that occur in class or during supervision duty

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## Reporting Child Abuse

- Governed by federal and state laws
- Teacher must report to administration and law enforcement agencies all suspected cases of child abuse and suspect visible signs of injuries/wounds
- Treat negligence as child abuse
- Districts have strict policies regarding reporting procedures

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## Sexual Harassment

- Teachers must:
  - Know the school/district policy
  - Implement the policy including explaining said policy to students
  - Abide by the policy
  - Report any “reported” sexual harassment

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## Corporal Punishment

- Corporal punishment is not allowed
- Teachers may not use physical force to reprimand a student
- Teachers may use restraint (holding student’s arms) to break-up a fight or to defend themselves

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## Truancy

- Truancy is considered illegal due to compulsory attendance laws
- Teachers have the responsibility to notify attendance office of prolonged absences and must document attempts to contact parent
- Administration refers chronic and prolonged attendance problem to SARB (Student Attendance and Review Board)

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## Student Detention

- A student may be detained for 15 minutes after school in a teacher’s class
- The teacher must notify parent if detention is longer than 15 minutes
- If the school has after school detention, the teacher can refer student to counselor/dean/administration for detention (administrative decision)

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## Student Suspension

- A teacher may suspend a student from class for 2 days maximum (that day and one more day) with office referral.
- Administration may suspend for a total of 20 days in one school year.

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## Excluding Students from School Participation

- Only the administration has the right to exclude a student.
- Exclusion is typically for health and/or safety reasons.

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## Student Expulsion from the District

- Only the administration has the right to expel a student for violations of school district policy, Education Code and/or CA Penal Code.

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## Teacher Negligence

- Refusing to supervise students
- Leaving students alone in class or when assigned to supervision duty
- Failing to report an accident, suspected child abuse, alleged sexual harassment, illegal possession
- Above actions can result in teacher suspension or dismissal

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## Part B

Describe school and district requirements for the teacher

## Probationary Period

- In LAUSD, it is 2 years
- It may be 3 years for some districts

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## Tenure

- Tenure (protection of employment) is granted after 2 years and one day with satisfactory evaluation after the preliminary credential

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## Revocation of Teaching Credential

- A teacher loses his/her credential for illegal conduct (i.e. child endangerment and felonies)
- Teachers should seek legal counsel
- In most cases the revocation is irreversible

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## Leaves

- Some are granted by districts (sabbatical, personal-education advancement)
- Others are granted because of the Education Code and district policies (maternity, illness, death in family)

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## Textbook Selection

- Teachers must use textbooks adopted by the state, approved by district, and (in some cases) determined by department
- Teachers may use supplemental text(s) if district and school approve
- Most sites have strict rules about video/audio materials

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## First-Aid

- Teachers are expected to administer first-aid
- Under the SB 2042 credential, first-aid is a standard that the district must administer during its induction program

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## Drugs/Narcotics

- Teacher drug use or possession is grounds for immediate dismissal.
- If a teacher is suspected to be under the influence, most districts will refer to district physician for further attention.

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## Teaching and Religion

- There is a clear separation of state and church.
- A teacher must not recommend one religion over another and must not force personal religious view on students
- Either action is grounds for insubordination



### TPE 12: Professional, Legal, and Ethical Obligations

Candidates for a Teaching Credential take responsibility for student academic learning outcomes. They are aware of their own personal values and biases and recognize ways in which these values and biases affect the teaching and learning of students. They resist racism and acts of intolerance. Candidates appropriately manage their professional time spent in teaching responsibilities to ensure that academic goals are met. They understand important elements of California and federal laws and procedures pertaining to the education of English learners, gifted students, and individuals with disabilities, including implications for their placement in classrooms. Candidates can identify suspected cases of child abuse, neglect, or sexual harassment. They maintain a non-hostile classroom environment. They carry out laws and district guidelines for reporting such cases. They understand and implement school and district policies and state and federal law in responding to inappropriate or violent student behavior.

Candidates for a Teaching Credential understand and honor legal and professional obligations to protect the privacy, health, and safety of students, families, and other school professionals. They are aware of and act in accordance with ethical considerations and they model ethical behaviors for students. Candidates understand and honor all laws relating to professional misconduct and moral fitness.

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## Part C

Describe legal requirements for parents and students

## Physical or Verbal Abuse Toward a Teacher

- Teacher should not tolerate this type of behavior and should fill out a report
- Student is liable and will be suspended (and possibly arrested for assault)
- This may lead to expulsion proceedings

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## Parental Custody

- Do not release a student to anyone who comes to your class; send the person to the office
- Only the administration has the right to release a child to parents before the end of the school day
- All visitors to campus must have a visitor's pass; if you see a stranger on campus ask for a visitor's pass or notify administration/security

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## Vandalism

- Students or their parents are liable. Students committing such acts may be suspended and possibly expelled from the district
- Teachers are obligated to report all signs and acts of vandalism, including graffiti
- Try to copy the graffiti for reporting purposes to administration/security

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## Student Alcohol or Drug Abuse

- Administrative search of student's possessions (lockers, backpacks, cars) is permitted with reasonable cause
- Police need warrant
- Discovery may lead to suspension and possible expulsion from the district

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## Due Process

- All students are entitled to due process
- Student has the right to be heard (orally and written statements)
- Student has the right to know alleged accusation and accuser(s)
- Student has right to have counsel/parent present

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## AB 537

- AB 537, the California Student Safety and Violence Prevention Act of 2000, changed California's Education Code by adding actual or perceived sexual orientation and gender identity to the existing nondiscrimination policy. State law says that "gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. The nondiscrimination policy also prohibits harassment and discrimination on the basis of sex, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

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## Complying with Special Education Law: What General Education Teachers Need to Know

- The Individuals with Disabilities Education Improvement Act (IDEIA) mandates that schools educate students with disabilities (SWD) in the least restrictive environment (LRE) to the maxim extent possible. The LRE for most exceptional students is the general education setting. As a result, schools have witnessed a significant increase in SWD "included" in the general education setting.

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## Complying with Special Education Law

- 52% of SWD spent 80% or more of their school day in the general education setting during the 2004-2005 school year. The big concern is that general education teachers receive little training specific to inclusionary practices. Thus, general education teachers often report limited confidence in their knowledge of special education law. And knowledge of these laws are essential to ensuring students rights.

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## Understand the Information Contained on the IEP

- All SWD who qualify for special education and related services have an Individualized Educational Plan (IEP). This legal document specifies the student's present levels of academic achievement and functional performance, goals for the coming year, accommodations and/or modifications, and the special education instruction and related services needed by the student to make adequate yearly progress.

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## Understand the Information Contained on the IEP

- All general education teachers need to know which of their students have an IEP. The law states that the general education teacher must be informed of their specific responsibilities relating to implementing a student's IEP and the specific accommodations, modifications, and supports that the student is entitled to. When a teacher has questions about the IEP, they need to speak to a special education colleague or administrator for clarification.

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## Implementation of the IEP

- Once an IEP has been developed and signed, it must be implemented. Providing the accommodations/modifications in the IEP is not optional.

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## Attend & Participate in IEP Meetings

- The law states that at every IEP meeting at least one general education teacher must be present. The general education teacher participates in the development, review, and revisions of the IEP (i.e. determination of behavioral interventions & supports, supplementary aids & services, program modifications, etc.). All of the student's general education teachers should be present, but if that isn't possible the one present can represent the other general education teachers.

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## Assign Grades According to IEP

- Students should be graded according to the specifications in their IEP. The IEP team determines whether or not the student is working toward a diploma or a modified program. If no grading stipulations are in the IEP, then the student is graded in relation to their peers. When assigning grades, the teacher must allow for accommodations specified in the IEP and not penalize the student for the accommodations received.

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## Hold High Expectations

- Research indicates that schools often hold low expectations for SWD. IDEA calls for not only high expectations, but for challenging expectations equal to those held for all students. This often requires a paradigm shift for many teachers. Research has consistently demonstrated that when schools and teachers hold high expectations for their students academic achievement is increased.

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## Ensure your Classroom is Free from Harassment & Discrimination

- Teachers set the classroom tone with regard to the extent to which SWD are accepted as valuable members of the class or rejected. All school employees must actively ensure safe learning environments where acts of intolerance are not acceptable.

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