10 School Law and Ethics

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TEACHERS, SCHOOLS, AND SOCIETY
TENTH EDITION
10.1 STANDARDS TO DETERMINE NEGLIGENCE

1. Whether a reasonable person with similar training would act in the same way

2. Whether or not the teacher could have foreseen the possibility of injury
10.2 TEACHER LIABILITY

Student-Generated Definitions

- Misfeasance
- Nonfeasance
- Malfeasance
- Educational malpractice
10.3 CRITERIA FOR FAIR USE OF COPYRIGHTED MATERIALS

- **Brevity**
  Not overly long, meaning:
  - 250 words or less of poems
  - Articles, stories, or essays less than 2,500 words
  - 1,000 words or 10 percent of prose (whichever is less)
  - One illustration from the same book or journal

- **Spontaneity**
  There is insufficient time to obtain written permission

- **Cumulative effect**
  Limiting the number of reproduced published works that may be used in a course to:
  - Nine instances per class, per semester
  - Only one complete piece or two excerpts from the same author
  - Only three pieces from the same book or magazine
# 10.4 Teachers’ Bill of Rights

<table>
<thead>
<tr>
<th>Category</th>
<th>Rights</th>
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</thead>
<tbody>
<tr>
<td>Hiring and pay</td>
<td>Free of discrimination</td>
</tr>
<tr>
<td>Due process</td>
<td>Must be implemented before termination</td>
</tr>
<tr>
<td>Academic freedom</td>
<td>Non-obscene and appropriate materials may be used</td>
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<tr>
<td>Freedom of speech</td>
<td>Practiced as long as it is not intentionally inaccurate, malicious, or disruptive, and it does not disclose personal information</td>
</tr>
<tr>
<td>Freedom of association</td>
<td>Teachers cannot be prohibited from joining organizations</td>
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<td>Personal lifestyle</td>
<td>May be of concern if private behavior disrupts the educational process</td>
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### 10.5 STUDENTS’ BILL OF RIGHTS

<table>
<thead>
<tr>
<th>Right</th>
<th>Description</th>
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<tbody>
<tr>
<td>Freedom of speech</td>
<td>May be practiced if nondisruptive</td>
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<tr>
<td>Freedom of press</td>
<td>May be practiced if nondisruptive, non-obscene, and does not cause psychological damage</td>
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<td>Internet access</td>
<td>May be restricted if vulgar, age-inappropriate, or unsuitable</td>
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<td>Due process (discipline)</td>
<td>Guaranteed before suspension</td>
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<tr>
<td>Non-discrimination</td>
<td>No prohibition from educational activities or benefits based on race, sex, national origin, or disability</td>
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<tr>
<td>Records</td>
<td>Parents and guardians have right to review student records</td>
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<tr>
<td>Freedom of religion</td>
<td>No forced participation in prayer, religious observance, or moments of silence</td>
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10.6 RACE AND SCHOOL SUSPENSIONS

When students were asked for their perceptions of who is harassing whom in their own schools, they reported:

- Students sexually harassing others: 85%
- Teachers and other school employees sexually harassing students: 38%
- Students sexually harassing teachers and other school employees: 36%
- Teachers and other school employees sexually harassing each other: 29%

SOURCE: Harris Interactive, Bullying, Teasing and Sexual Harassment in School. (Washington, DC: American Association of University Women, 2008.)
SENSIBLE SUGGESTIONS TO AVOID GROUNDLESS LAWSUITS

- Keep your meetings with students public
- Separate your personal and professional life
- Avoid offensive or off-color comments
- Avoid physical force
- Seek medical assistance for student injuries
- Avoid touching students
- If charged, avoid contact with the accuser and document the case
- **Act** when required by law
Figure 10.3

Percentage of students who:

- Want to be known as trustworthy: 97%
- Are satisfied with their personal ethics: 92%
- Cheated, stole, or lied: 90%
- Cheated on a test: 60%
- Plagiarized on a written assignment or handed in someone else’s work: 60%
- Lied to save money: 42%
- Used the Internet to plagiarize: 34%

### Student-Generated Responses

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<th>Pro</th>
<th>Con</th>
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<td>Values clarification</td>
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<td>Character education</td>
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<tr>
<td>Moral stages of development</td>
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<tr>
<td>Comprehensive values education</td>
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