Can you be sued? YES! for anything?
1. Know school district policies.
2. Adhere to these policies.
3. Create documentation on actions you take - even phone notes and date them.
4. Use common sense.

5. DO NOT USE SOCIAL MEDIA TO COMMUNICATE WITH STUDENTS AND OR PARENTS!!!!

TORT LIABILITY

TORT
an actionable or civil wrong committed against one person by another independent of contract.

Areas for Discussion in which Torts are Committed
• If injury occurs based on actions of school personnel, liability charges may be imminent.
• Liability may result from deliberate acts committed by another or acts involving negligence.

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In School Setting

- May be class action affecting a number of personnel, especially if negligence may be involved.
- May also involve actions against a single teacher, principal, or board member depending on the circumstances and severity of injury.
- Educators commit a tort when they violate a legally imposed duty (hall, recess, etc.) which results in injury to students.

LIABILITY OF SCHOOL PERSONNEL

- Intentional Torts – assault, battery, libel, slander, defamation, false arrest, malicious prosecution, and invasion of privacy (requires proof of intent or willfulness)
- Unintentional Torts – simple negligence – does not require proof of intent or willfulness

INTENTIONAL TORTS

- Assault
- Battery
- Defamation
- Mental Distress
- False Imprisonment

UNINTENTIONAL TORTS

- Negligence
- Charges of Negligence
- Standard of Care
- Breach of Duty
- Proximate Cause
- Injury

DUTIES RELATED TO SUPERVISION

- Supervision before/after school
- Supervision during school
- Field Trips
- Parental Consent and Written Waivers

TERMS AND CONDITIONS OF EMPLOYMENT
FOURTEENTH AMENDMENT
No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Substantive and Procedural Considerations:
• Due process consists of two essential aspects: substantive and procedural
• Teachers as citizens are entitled to both

Substantive Due Process
This suggests that when a teacher’s rights are restricted, a valid reason must be demonstrated to justify such restriction and the actual means employed to deny the teacher’s rights must be reasonably calculated.

Procedural Due Process
• The significance of substantive and procedural requirements is that both provisions must be met by school officials to succeed in meeting the requirements of the 14th Amendment.
• EXAMPLE: If a school district has a valid reason for dismissing a tenured teacher, but fails to follow established legal procedures, its efforts will be unsuccessful. In successful cases, both aspect of due process must be present.
• The essential element of due process is fundamental fairness.

Academic Freedom
• Teachers are not afforded the broad latitude that allows them to teach just anything
• Academic freedom does support the belief that the classroom is a marketplace of ideas and that teachers should be provided freedom of inquiry, research, and discussion of various ideas and issues

• Teachers must be certain that the subject matter introduced is within the scope of students' intellectual and social maturity levels.
• Teachers are restrained by the requirement that content introduced into the classroom be related to and consistent with the teacher’s certification and teaching assignment.
• Teachers may not use their classroom to promote personal or political agendas. (Ex: religious beliefs, etc.)

Dress and Grooming

School administrators generally contend that proper dress and decorum create a professional image of teachers that has a positive impact on students. On the other hand, teachers contend that dress code regulations invade their right to free expression.

Right of Privacy

Teachers are entitled to:
• Live with a person of the opposite sex
• Give birth to child out of wedlock
• Etc.

Teacher Termination – General Guidelines

• 1. The teacher must be notified of the list of charges
• 2. Adequate time must be provided for the teacher to prepare a rebuttal
• 3. The teacher must be given the names of witnesses and access to evidence
• 4. The hearing must be conducted before an impartial tribunal (local board)

5. The teacher has the right to representation by legal council
6. The teacher (or legal-counsel) can introduce evidence and cross-examine adverse witnesses
7. The school board’s decision must be based on the evidence and findings of the hearing
8. A transcript or record must be maintained of the hearing
9. The teacher has the right to appeal an adverse decision

Grounds for Dismissal or Non-reemployment of Oklahoma teacher

• Willful neglect of duty
• Repeated negligence in performance of duty
• Mental or physical abuse of a child
• Incompetence
Ethical Standards and Performance and Conduct for Oklahoma Teachers

In fulfillment of the obligation to the student, the teacher:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning,
2. Shall not unreasonably deny the student access to varying points of view,
3. Shall not deliberately suppress or distort subject matter relevant to the student’s progress,
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety,
5. Shall not intentionally expose the student to embarrassment or disparagement,
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly
   A. Exclude any student from participation in any program;
   B. Deny benefits to any students; or
   C. Grant any advantage to any student.

RELIGION IN SCHOOLS

FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

PRINCIPLE I
COMMITMENT TO THE STUDENTS

The teacher must strive to help each student realize his or her potential as a worthy and effective member of society. The teacher must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.
7. Shall not use professional relationships with students for private advantage.

8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose and is permitted by law or is required by law.

**PRINCIPLE II**

**COMMITMENT TO THE PROFESSION**

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

1. Shall not, in an application for a professional position, deliberately make a false statement or fail to disclose a material fact related to competency and qualifications;

2. Shall not misrepresent his/her professional qualifications;

3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute;

4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position;

5. Shall not assist an unqualified person in the unauthorized practice of the profession;

6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law;

7. Shall not knowingly make false or malicious statements about a colleague; and

8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

**PRINCIPLE III**

**TEACHER DEFINED AND TERMINATION**

Subject to the provisions of the Teacher Due Process Act of 1990, a career teacher may be dismissed or not reemployed for:

1. Willful neglect of duty;

2. Repeated negligence in performance of duty;

3. Mental or physical abuse to a child;

4. Incompetency;

5. Instructional ineffectiveness;

6. Unsatisfactory teaching performance; or


8. Abandonment of contract.
Probationary Teacher
Subject to the provisions of the Teacher Due Process Act, a probationary teacher may be dismissed or not reemployed for cause.

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DO YOU UNDERSTAND THIS?

A teacher shall be dismissed or not reemployed unless a presidential or gubernatorial pardon has been issued, if during the term of employment the teacher is convicted in this state, the United States, or another state of:

1. Any sex offense subject to the Sex Offender Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or
2. Any felony offense.

A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

1. "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and
2. "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.