

Teacher Duties and Responsibilities

From The School Act of B.C.

WHO IS INCLUDED

Persons employed by a school board to provide education programs or to supervise and administer public schools must be members of the *College of Teachers* and be certified by it (see guide division 27.0). *The School Act* definition of “teacher,” however, specifically excludes superintendents, assistant superintendents and administrative officers. Head teachers and supervisory personnel are subject to the requirements of the *School Act and Regulations* concerning teachers (section 1(1) SA).

OVERALL RESPONSIBILITIES

The legislature has also thought it necessary to specify certain critical responsibilities of teachers in section 17 (1) of the *School Act*:

“A teachers responsibilities include designing, supervising and assessing educational programs and providing instruction to individual students and groups of students.”

Section 4 SA also requires teachers to be available for consultation with students on the educational programs, while Section 7 (2) does the same for the student’s parents.

SPECIFIC DUTIES

The teacher’s duties specified by cabinet in section 4 of the SA Regulations include:

- (a) providing teaching and other educational services, including advice and instructional assistance to the students assigned to the teacher,
- (b) regularly providing the parents or guardians of the student with reports in respect of the student’s school progress,
- (c) providing such assistance as the board or principal considers necessary for the supervision of students on school premises and at school functions, whenever and wherever held,
- (d) ensuring that students understand and comply with the codes of conduct governing their behaviour and with the rules and policies governing the operation of the school,
- (e) assisting to provide programs to promote students’ intellectual development, human and social development and career development,
- (f) maintaining the records required by the minister, the board and the school principal,
- (g) encouraging the regular attendance of students assigned to the teacher, and
- (h) evaluating students’ intellectual development, human and social development and career development and evaluating educational programs for students as required by the minister or the board.

In addition, each teacher is required to attend all meetings or conferences called by the principal or superintendent, although a teacher may be excused by the principal or superintendent, and to provide information on students as required by the Ministry of Education, the school board or, where

authorized by the board, the parent. A teacher is also required under section 4 of the School Act Regulation to admit to the classroom and to assist bona fide student teachers.

REPORTING CHILD ABUSE

In addition to the requirements of the *School Act and Regulations*, a teacher should be familiar with his/her legal responsibilities under the *Family and Child Service Act* to report children reasonably believed to be in need of protection (see Guide Division 4.0).

WORKING HOURS

The basic work schedule for teachers is in the school board's annual school schedule, and section 8 (1) of the *School Act Regulations* governing minimum hours of instruction (see Guide Division 4.0).

COMMON LAW RESPONSIBILITIES

In addition to the teacher duties and responsibilities specified in the *School Act and Regulations*, there are obligations that arise from the common law. In particular, there is a special standard of care required in supervising students during any school activities, and this responsibility is shared by the classroom teacher, the principal or vice-principal and the school board.

The standards required in various activities, and the factors taken into account by the law reviewed in Division 12.0 of this guide.

"IN LOCO PARENTIS"

Because teachers must provide the same standard of care during school activities as would a reasonable, careful parent, it is a commonly accepted principle that teachers are, with certain exceptions, "in loco parentis" (in place of the parent) and at certain times have the parents' rights, duties and responsibilities. One such exception is teachers not having the right to administer corporal punishment. In addition, the teacher must contact a student's parent or guardian when hospital treatment is required, or if the media or police wish to interview the student. In addition, a teacher is expected to exercise special skills, abilities or experience during certain school activities, even though the ordinary, careful parent might not be in a position to do so. Examples of the special standard of care expected of teachers occur during classes in a science lab, workshop, gymnasium or "outdoor school." For example, the B. C. Court of Appeal in *Thorton vs. Prince George School District* set out as appropriate criteria for gymnasium activities the following questions:

- (a) Is the activity suitable to the pupil's age and condition, mental and physical?
- (b) Is the pupil progressively trained and coached to do it properly to avoid danger?
- (c) Is the equipment adequate and suitably arranged?
- (d) Is their performance, having regard to the inherently dangerous nature of the activity, properly supervised?

CORPORAL PUNISHMENT AND RESTRAINT

Although a teacher in Canada who administers reasonable corporal punishment to a student is exempt from a charge of assault under section 43 of the *Criminal Code*, in British Columbia such punishment would be a violation of the *School Act* section 95 (3) which reads, “discipline...shall be similar to that of a kind, firm and judicious parent, but shall not include corporal punishment.” Consequently, a teacher who does inflict corporal punishment could be subject to disciplinary action, including dismissal for misconduct (see guide section 27.7).

The intent of section 95 (3) SA is that it applies also to principals and vice principals.

What constitutes corporal punishment may be difficult to decide in a particular case. For example, does it include a push to hurry a slow-walking student, or a blow in self-defense if the teacher is threatened? The facts of each case must be considered, and boards of reference to date have taken a position based mainly on the intent of the teacher’s action: did the teacher intend to cause bodily suffering as a penalty? Teachers would be well advised to avoid any physical contact with students that might be construed as having the infliction of pain as its intent.

PHYSICAL RESTRAINT OF STUDENTS

On the other hand, at certain times a teacher’s responsibility requires that the teacher physically restrain a student – for example, to stop potential or actual violence between students, to remove from a student a suspicious or dangerous weapon, or to prevent injury to persons, or property by a hyperactive student. Lawyers state that in the last case not only is the use of reasonable force justified but inaction could leave the teacher liable if he is sued for negligence.

EMERGENCY MEDICAL TREATMENT

Teachers should be careful not to exceed their competence when providing assistance of first aid to an injured or sick student, except in an extreme emergency. As soon as the school staff has assessed the situation and taken appropriate emergency measures, action should be taken to contact the student’s parents and family doctor. Lawyers advise that liability could be incurred by a teacher who in loco parentis signs a hospital admittance form for a student, which includes a consent for treatment statement. Such admittance forms are intended to be signed by a parent or guardian and, in any event, in an emergency the hospital proceeds immediately with necessary treatment, with or without consent. The teacher’s responsibility is limited to helping transfer the student to the hospital, if necessary, and to helping contact the parents.

INTERVIEWING OF STUDENT ON SCHOOL PROPERTY BY POLICE OR NEWS MEDIA

Only in exceptional circumstance may a student be interviewed on school property by a third party, such as the news media or police, without the presence, or at least the consent, of the parents; a teacher should not assume the parents’ responsibility in this situation. The exceptions are in an emergency in which immediate information is needed or the police *insist* on interviewing a student immediately.

In one instance in B. C., news media personnel who persisted in interviewing students on school property during recess delayed the recommencement of classes. In such a situation a request to the news media to leave the school under the provisions of section 191 of the *School Act* should be considered. Section 191 makes it an offence to disturb or interrupt school proceedings and to refuse to leave school grounds when directed by an administrative officer or someone authorized by the school board to make such a direction.

A teacher who permits a student to be interviewed by the news media during school hours could be sued by the parents for invasion of privacy.

OTHER COMMON LAW RESPONSIBILITIES

A Guide of this nature cannot attempt to review all the legal responsibilities and liabilities of the teaching profession. There are many excellent books and articles available, and the B. C. Teachers' Federation has a lawyer on staff to assist teachers with specific problems.

In summary, then, a teacher may be successfully sued for negligence only if four factors can be proved to have been involved:

- (a) The teacher has a legal duty of care toward the student;
- (b) The teacher failed to fulfill this duty of care;
- (c) The student was injured, in whole or part, as a result of this failure;
- (d) The student suffered some actual loss or damage.

Finally, for their own protection, teachers should be certain that field trips or evening or weekend activities involving students have been approved by the school board and are, therefore, covered by the school district's insurance. Also, teachers who transport students in their own vehicle should have adequate liability coverage under the standard automobile policy.

SEARCH AND SEIZURE, QUESTIONING STUDENTS

There may be occasions on which teachers, particularly those in supervisory positions, believe there is a need to question and/or search a student's lockers, desks or even their persons, because of suspected breaches of school rules or the law.

The law governing such matters, involving as it does the *Charter of Rights* and often the *Young Offenders Act*, is too detailed for a book of this nature. It has been covered in *Charter Issues in Education*, published by the B. C. School Trustee Association.