

Keep Your Name Out of the News and Yourself Out of Court

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Today's schoolteachers face increasing legal scrutiny. Student rights, curriculum challenges, sexual harassment, child abuse, and social media use are among the many issues teachers must navigate in an evolving and increasingly public educational legal landscape. Unfortunately, there are numerous instances in which teachers lose their jobs, damage their reputations, or even face criminal charges for willful or unintentional actions that breach professional standards. Staying informed can help teachers avoid legal pitfalls while enjoying their work.

Understand Professional Responsibilities

Teachers must understand their professional responsibilities. Teachers should carefully review their employment contracts and district and school policies to understand procedures and expectations regarding their conduct and duties. This also includes having a working knowledge of policies on grading, attendance, communication with parents, and the appropriate use of technology. Teachers should also be familiar with state education laws, particularly those related to tenure, evaluation, and dismissal. Seeking clarification from administrators before making decisions that could impact employment is one of the best ways to avoid disciplinary action.

Protecting Students' Rights

Another crucial area involves safeguarding students' rights, such as the rights to privacy, free expression, and due process. For example, the federal Family Educational Rights and Privacy Act prohibits teachers from sharing student records with-

out parental approval. Additionally, searches of students' persons or their belongings must be conducted only after reasonable suspicion is established, and the scope of the search must be reasonable. Teachers must also allow students to express their viewpoints to the extent that doing so is not substantially disruptive, lewd or obscene, instructionally inappropriate, or condoning the use of illicit drugs. Teachers must also administer disciplinary actions fairly, ensuring that rules are clearly understood and that students who commit violations are afforded appropriate due process.

Professional and Ethical Conduct

Teachers are role models. Their personal behavior impacts their reputation and the integrity of the profession. Therefore, teachers must maintain professional and ethical conduct both in and out of the classroom, giving rise to several behavioral standards. Misuse of social media is a common legal risk; therefore, teachers should avoid posting inappropriate content, making political posts during school hours, or engaging in online interactions with students that could be perceived as unprofessional. Communications via school networks and devices are generally public records and should be treated as if they could appear on the front page of the local newspaper.

Additionally, teachers must comply with mandatory reporting laws concerning suspected child abuse or neglect. Failing to report such suspicions can result in criminal charges, loss of employment, and revocation of their teaching license. As one board of education attorney stated, "Do not ignore those funny tummy feelings; if you think something is wrong, report

it."

Maintaining professional boundaries is just as important; teachers should avoid favoritism and inappropriate communication with students, especially through social media. Activities that may lead to accusations of sexual harassment include being alone with a student, offering rides in personal vehicles, giving gifts to individual students, tutoring at odd times or locations, social interactions with students, getting too close to parents, or taking students to a teacher's home. Following these standards

helps prevent misconduct charges or violations of student rights.

Provide Appropriate Supervision

Schools are expected to provide safe learning environments. A tort is a wrongful act or failure to act based on negligence that causes injury or harm to another by one on whom society has imposed a duty to act for the safety of that person. This means that teachers are expected to provide the conditions and sufficient supervision to minimize the likelihood of harm to students. Additionally, teachers have a duty to provide medical care when it is apparent that any delay would worsen the condition of a child or endanger their life.

Documenting Professional Actions

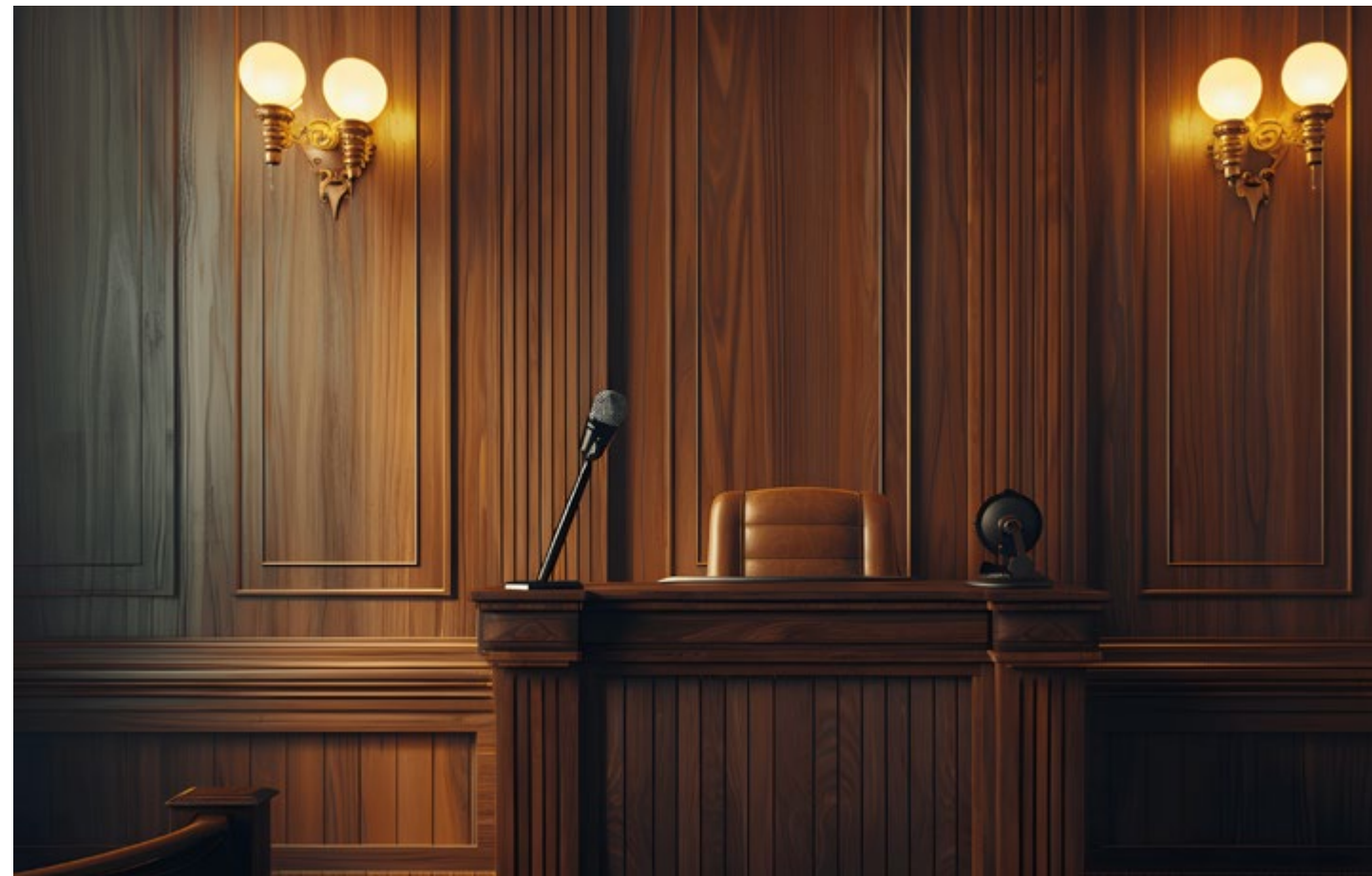
Teachers should also record their professional activities. Documenting instructional plans, parent

interactions, and student discipline incidents can serve as substantial evidence in disputes or investigations. For example, a teacher's thorough records of accommodations provided to a student with a disability can demonstrate compliance with federal laws such as the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.

Ongoing Professional Development

Continuous professional development is essential for legal awareness. As laws and educational policies change, teachers need to attend training sessions on ethics, legal updates, and classroom management. Many school districts offer workshops or online modules that cover topics such as discrimination, harassment, and student confidentiality. Staying current enables teachers to address potential legal pitfalls before they become problems.

In conclusion, teachers can reduce legal risks by understanding their responsibilities, respecting student rights, maintaining professionalism, providing sufficient supervision, documenting their actions, and pursuing ongoing education. By adopting these practices, educators safeguard themselves against legal issues while upholding the integrity of the profession. As one superintendent put it, "Do not do anything that would embarrass yourself, our school, or the school district."



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