

5.76 TEACHER LIABILITY IN CASE OF PUPIL ACCIDENTS

POLICY NO. 5142

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In view of some recent findings the following safety and accident information should be of interest to all teachers:

The courts have imposed liability upon teachers in cases where they have failed to exercise adequate supervision over the pupils in the classroom and playground. Any hazard to safety that can be guarded against by appropriate supervision is the duty of the teacher. A teacher who leaves a class unsupervised may be considered negligent if some injury to a pupil results from lack of supervision.

Absences from the classroom for a few minutes are not likely to be interpreted as negligent supervision when the teacher's absence is connected with the performance of duty.

It should also be noted that the practice of sending pupils on errands outside of the school building is dangerous. Under no circumstances can this be regarded as a part of the school program. Even if a school function is involved in connection with the errand, pupils are not messengers and cannot be regarded as such by teachers.

The courts have ruled that it is the duty of a teacher in the public schools to exercise proper supervision over pupils in his charge and to exercise reasonable care to prevent injury. Nonfeasance is as much of a breach of a teacher's duty as is misfeasance.

Parental permission slips are variations of waiver forms and were originally intended to relieve the teacher of responsibility in accident cases. It has been ruled, however, that permission slips are valueless as a release, as a parent cannot legally waive the responsibility of the teacher for his child. They have some value, however, in public relations and as a device to make parents aware of the activities that are a normal part of the class.

Teachers may administer first aid, of a limited nature, while awaiting professional medical assistance. No medicine should be administered by a teacher or other school employee. When a student becomes ill or is injured, the teacher must exercise reasonable care in attending the child's needs. The parents of the child should be contacted as soon as possible to give instructions on how they want the child handled. If the parents cannot be reached, the teacher or principal should take action that would be reasonable in caring for the child. They should either contact the family physician, the school nurse, call for an ambulance, or take other action that they think is in the child's best interest.

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