

Safety as a Duty



Introduction

Teachers are entrusted with the responsibility to educate our children. In carrying out this fundamental responsibility, the teacher has a number of duties. The breach of a particular duty may lead to liability for both the teacher and the school district that employs the teacher. Understanding a few legal definitions will help science teachers have safer classrooms and reduce their liability to lawsuits.

Legal Definitions

Negligence: Negligence is the breach of duty owed to someone to protect him or her from unreasonable risks of harm.

Duty of Care: Teachers owe their students a duty of care to anticipate dangers that are reasonably foreseeable and to take precautions necessary to prevent the occurrence of those anticipated dangers. The courts have consistently upheld five areas of duty of care:

1. Supervising students in the classroom.
2. Providing adequate instructions to perform the tasks required of them.
3. Maintaining in proper working order equipment to be used in the laboratory.
4. Providing safe facilities and equipment for the performance of the laboratory task.
5. Warning students of the possible dangers involved in performing the activity.

Breach of the Duty of Care: Generally, the determination of whether a teacher has breached his/her duty of care to a student or a group of students depends on a determination of whether a reasonable person would have recognized the risk and then taken action to avoid the harm.

1. The standard of care owed by teachers to their students is that of an ordinarily reasonable person under the circumstances taking into account the specific characteristics of the person(s) to whom duty is owed. The question teachers must ask themselves is:
What is reasonable for a chemistry or other lab science teacher to do in the performance of their teaching duties to safeguard students from unreasonable risks of harm?

Proximate Cause: In order for a teacher to be found negligent, the teacher's actions or failure to act must have proximately caused the student's injury. In simple terms, the teacher's action or lack of action directly led to the student's injury.

Lawsuit and a Teacher's Liability

A lawsuit is possible any time a student is injured in a school setting. A teacher's probability of being found liable for negligence increases when their actions (and possibly inaction) in teaching students does not conform to the standard of care expected of them. Teachers have specific duties of care to their students. When the breach of one of the specific duties of care is the proximate cause of an injury to a student, the teacher will be found guilty of negligence.

Acknowledgment

Kelly Ryan was a science teacher in San Gabriel High School in California for 15 years and is now a practicing attorney. He has written a book entitled *Science Classroom Safety and the Law—A Handbook for Teachers*. The book was written to give teachers the "rules" of the negligence game so they can successfully persuade administrators to make the right decisions regarding science safety. The book is available from Flinn Scientific, Inc.

Catalog No.	Description
AP6118	Science Classroom Safety and the Law—A Handbook for Teachers

Consult your *Flinn Scientific Catalog/Reference Manual* for current prices.