

UW - Stevens Point

Contemporary Issues for New Teachers

**TOP FIVE LEGAL ISSUES FOR NEW
TEACHERS**

Attorney Shana R. Lewis

slewis@dkattorneys.com

Top Five Legal Issues for New Teachers

- Report Suspected Child Abuse and Neglect.
- Respect Student Boundaries.
- Maintain the Confidentiality of Student Records.
- Know the Rights of Parents and the Limitations.
- Understand Restrictions on Student Discipline.

Child Abuse and Neglect

- What is child abuse?
- Who is a mandatory reporter?
- Under what circumstances is a report necessary?
- When should the report be made?
- How does a reporter make a report?
- Is immunity available to a reporter?
- Is the reporter entitled to confidentiality?
- What penalties apply for violating the mandatory reporting statutes?
- What training is required for mandatory reporters?

Student Boundaries

- Curricular boundaries.
- Emotional boundaries.
- Relationship boundaries.
- Power boundaries.
- Institutional boundaries.
- Financial boundaries.
- Communication boundaries.
- Temporal boundaries.
- Expertise boundaries.

Student Records

- What are student records?
 - Directory Data.
 - Progress Records.
 - Not personal notes, psychological treatment records and law enforcement records.
- Who is entitled to access to student records?
 - Legitimate educational purpose.
- What constitutes disclosure of student records?
 - Any access without a legitimate educational purpose.

Parents' Rights

- **Rights Include:**
 - Control over education.
 - Access to records.
 - Access to property.
- **Relevant Family Law Terms:**
 - Legal custody.
 - Physical placement.
 - Guardian Ad Litem.

Student Discipline

- **Corporal Punishment.**

- Intentional infliction of physical pain as a means of discipline.
- Paddling, slapping or prolonged maintenance of physically painful positions as a means of discipline.
- Except reasonable and necessary force for specified reasons.
- Except incidental, minor or reasonable physical contact designed to maintain order and control

- **Removal from Class.**

- School boards may adopt a policy governing disciplinary removal from class.

Seclusion and Restraint

SECLUSION

- Involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving.
- Only if all of the following apply:
 - Clear, present and imminent risk.
 - Constant supervision.
 - Room is free of injury-causing objects.
 - Adequate access to bathroom facilities, water, medication and meals.
 - Minimal duration.
 - No locks.

RESTRAINT

- A restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head.
- Only if all of the following apply:
 - Clear, present and immediate risk.
 - No medical contraindications.
 - Reasonable and necessary degree of force.
 - Pupil's head must be protected.
 - No weight or pressure on chest, neck, throat, head or artery.
 - No corporal punishment.