

Legal Issues in Education

Through our discussions in TED 400, I've realized how much more there is to teaching than just explaining content. Teachers are responsible for creating a healthy and safe learning environment, are advocates for their students, are role models for living a healthy and positive life, and so much more. In our TED 400 course, we've discussed how teacher dispositions are important factors that affect students in the classroom, the role that teachers play in eliminating bullying by providing students with a safe and inclusive learning environment, and the role that teachers play as advocates for students to ensure they are safe and cared for.

One of our first discussions in TED 400 was about teacher dispositions and teaching philosophies. Dispositions are someone's beliefs and behaviors. Dispositions influence the way teachers interact with students, families, and coworkers. In one of our TED 400 discussions, we listed qualities of our most memorable teachers, and it was interesting to see that most of us listed similar traits that our teachers possessed. Traits included: creative, kind, caring, consistent, flexible, and knowledgeable. Positive teacher dispositions are important to study and learn about because dispositions affect the atmosphere of the classroom, and therefore, influence student learning.

According to Rideout (2006), a factor that influences teacher dispositions is a teacher's philosophy of education. There are five philosophies of education: essentialism, perennialism, progressivism, existentialism, and social reconstruction. Educators may teach by one philosophy or have a blend of philosophies. Developing a philosophy of education is an important process during a teacher credential program because it guides how a teacher views learning and guides a classroom (Soccorsi, 2013). Philosophies of education will change and evolve throughout one's

teaching career, but having a philosophy is essential because it influences a teacher's dispositions and helps guide a teacher's practices in the classroom.

No matter the teaching philosophy, an important role a teacher plays is creating a safe learning environment that is free of bullying. In TED 400, we watched a documentary called *Straightlaced* that discussed teenagers' experiences with gender and sexuality. This documentary addressed sexism and bullying that students were subjected to because of their sexual orientation or what other students assumed about them. An important duty a teacher has is create a learning environment that builds community and to educate students about how their words and actions impact others. The responsibility a teacher has to combat bullying is recognized by students. For example, middle school students ranked teacher involvement as the most beneficial strategy for minimizing bullying (Crothers, Kolbert, & Barker, 2006). Knowing students are looking to teachers for guidance about how to handle bullying provides stronger support for teachers being prepared and ready to discuss bullying as part of the curriculum.

Our TED 400 course prepared us to lead anti-bullying conversations as we discussed books that teachers could read to students about bullying and activities that could be conducted to talk about the issue. These conversations also aligned with topics in our TED 414 Classroom Management course. In TED 414 we discussed the importance of defining bullying with the students and having conversations about how to prevent bullying in the classroom. There is not one precise definition of what bullying is, so it is important to have an open discussion with students in an attempt to solidify a definition so students know what behaviors are expected of them in the classroom (Ferguson, San Miguel, Kilbum, & Sanchez 2009).

Another recently new challenge that teachers face is cyber-bullying. With advances in technology, students have easier access to cell phones and the internet. With easier access to the

internet, cyber-bullying has increased. Cyber-bullying presents three new problems when compared to traditional bullying. One problem is that larger audiences can be reached through very little effort. A second problem is that there is a higher level of anonymity with online bullying. With a higher level of anonymity, bullies may be bolder or they may not realize the consequences of their actions because they are not present to watch the victims' reactions. The third issue is that there is no escape from cyber-bullying. With traditional bullying, a student can leave school and have an escape from the torment and teasing. However, cyber-bullying can and usually does occur outside of school.

Though technological advances have provided teachers with opportunities create more engaging lesson plans, communicate more easily with parents, and explore a variety of apps to aid student learning, technology has also created the issue of cyber-bullying. It is essential that teachers are aware that bullying may occur outside of the classroom and that they remain vigilant in order to prevent or stop cyber-bullying. One positive spin on cyber-bullying is that there is always proof of the bullying (Slonje & Smith, 2008). Students can take screen shots of messages or save pages where they have been victimized and will have evidence that they bullies cannot discredit. Clear proof of bullying can help teachers and administrators take more quick and efficient steps in holding the bullies accountable and stopping their actions. Teaching students that everything they do on the internet can be saved and shared is an important lesson that might help prevent cyber-bullying and will also hopefully help students be more careful about what they post and share online.

Teachers are responsible for their students during the school day which means that not only do they have to be vigilant about bullying, but they have to be vigilant about all aspects of student safety. We are expected to be able to provide first aid, monitor student attendance,

always supervise our students, and report any accidents that occur during the day. We should be aware that California's state policy is 180 days of instructional time and teachers are required to be at school for six hours a day. Our TED 400 discussion about legal issues reinforced the need to be aware of policies. By learning what national, state, school district, and individual school policies are in place, we can be better prepared to make decisions and provide reasoning for our decisions if we are questioned about them. By being aware of policies, we can also protect ourselves and ensure that we have a healthy work environment.

One important legal issue we discussed was that teachers are mandated reporters and have an obligation to report any suspicion of child abuse—including neglect. Many cases of child abuse go unreported (Alvarez, Kenny, Donohue, & Carpin 2003). There are several possible reasons why cases of child abuse go unreported: lack of knowledge about what is considered child abuse, lack of training on reporting procedures, fear of negative consequences for the abused, negative attitudes about child protective services, and fear of negative consequences for reporting the incident (Alvarez et al., 2003). To minimize the chance that we do not report incidents because of lack of knowledge or training, we can learn the laws and speak with other professionals to understand procedures and learn more about child protective services. Remembering that we are advocates for our students and are putting their best interests first may help calm fears about the consequences of reporting suspected abuse. Our TED 400 discussions about what constitutes child abuse and the mandated reporter training we took has helped to define child abuse, and I believe it will help ensure that we are vigilant and confident when we need to make a report.

Through our teacher dispositions, digital literacy, and legal issues discussions in our TED 400 class, I have gained a more thorough understanding of the roles a teacher has. My main

responsibility is to my students. I am their advocates, their support system, their ally, and their role model. By being aware of the legal responsibilities a teacher has, understanding the policies of the school district and the school I work at, and by remaining vigilant in order to quickly address bullying or child abuse, I can create an atmosphere in my classroom that supports learning, encourages appreciation for diversity, and is safe.



**Certification of Completion Awarded To**

*Mary Pacewicz*

For Online Training at [www.mandatedreporterca.com](http://www.mandatedreporterca.com)  
**Mandated Reporter School Personnel Training**  
On

*Date: 04/03/2018*



**CDSS**

CALIFORNIA  
DEPARTMENT OF  
SOCIAL SERVICES

## References

- Alvarez, K.M., Kenny, M.C., Donohue, B., & Carpin, K.M. (2003). Why are professionals failing to initiate mandated reports of child maltreatment, and are there any empirically based training programs to assist professionals in the reporting process. *Aggression and Violent Behavior, 9*, 563-578.
- Crothers, L.M., Kolbert, J.B., & Barker, W.F. (2006). Middle school students' preferences for anti-bullying interventions. *School Psychology International, 27*, 475-487.
- Ferguson, C.J., San Miguel, C., Kilbum, J.C., Sanchez, J.R., & Sanchez, P. (2007). The effectiveness of school-based anti-bullying programs: a meta-analytic review. *Criminal Justice Review, 32*, 401-414.
- Rideout, G.W. (2006). Educational beliefs and the learning environment. *Academic Exchange Quarterly, 10*, 67-71.
- Soccorsi, L. (2013). Instilling a personal teaching philosophy in pre-service teachers: vitally important but not always easy to achieve. *Journal of Student Engagement: Education matters, 3*, 21-28.
- Slonje, R., & Smith, P.K. (2008). Cyberbullying: Another main type of bullying. *Scandinavian Journal of Psychology, 49*, 147-154.