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TED 400

Dr. Sapp

Legal Issues in Education

As we are starting our journey as professional educators, we, as teachers, must understand and endorse professional roles and responsibilities as mandated reporters. It is very important that we comply with all laws concerning professional conduct and moral fitness. This also include the responsible use of social media and other digital platforms and tools. We must carry out professional teacher disposition to our students, have social media usage in a responsible manner, and must be aware of all legal issues in education and assume our responsibility of being a mandated reporter.

As a beginning professional educator, I asked myself several times what does teacher disposition mean or looks like. In the urban dictionary, disposition is defined as ‘the predominant or prevailing tendency of one’s spirits; natural mental and emotional outlook or mood; characteristic attitude.’ (Dictionary.com,2018). The National Council for Accreditation of Teacher Education (NCATE) defines professional disposition as, ““professional attitudes, values, and beliefs demonstrated through both verbal and non-verbal behaviors as educators interact with students, families, colleagues, and communities. These positive behaviors support student learning and development.” (NCATE (now CAEP), 2018). For a professional educator, this term is used in the standards for national accreditation for teacher education programs. It is associated with teacher effectiveness. An effective teacher disposition can be described as a caring, warm, helpful, knowledgeable, friendly, understanding, enthusiastic, etc. teacher. It is said that teachers with positive professional disposition tend to act in ways that elevate the profession of teaching

in the eyes of others. Developing as a professional educator, we must maintain professional conduct and integrity in the classroom and school community. This means we must appropriately interact with our students and families outside the classroom and demonstrate our professional obligations to students, colleagues, schools, and the profession. Over all, two of the most important professional dispositions that beginning educators must insure to assess are to be fair and believe that all students can learn. We must demonstrate classroom behaviors that create caring and supporting learning environments. It is important as well to be able to recognize when our professional dispositions need to be adjusted. We must develop a plan to ensure we do those adjustments.

It is important for beginning educators to be knowledgeable on the legal issues in education. As teachers, we are expected to be at school site for 6 hours each day in which some schools require minutes before and after school. The state is the one who determines the instructional days and instructional minutes, in which varies for each grade level. Students are our responsibility, as teachers, when they are in school instructional time. Students may never be left unsupervised in a classroom without a credentialed adult. We, teachers, must remain vigilant, cannot ignore fights, and must make an attempt to stop the fight. It is okay to offer tutoring after school in our own classroom but we must have parental permission, or, we can refer the student for after school tutoring. It is very important to know that it is our job to report all accidents that occur in class or during supervision duty. This also include reporting any suspected child abuse in which negligence is also viewed as child abuse. Reporting child abuse is governed by federal and state laws, so we must report it to our administrations and law enforcement agencies. Teachers must also report any “reported” sexual harassments. We must know our school and district sexual harassment policy, implement and explain the policy to

students and abide by the policy. Years ago, corporal punishment was allowed. Now, corporal punishment is not allowed, so teachers may not use physical force to reprimand a student. Teachers may only use restraint to break-up a fight or to defend themselves. One thing that beginning educators must know is that truancy is considered illegal due to compulsory attendance laws. It is our responsibility as teachers to notify attendance office of prolonged absences and must document attempts to contact parents. Teachers may only detain a student 15 minutes after school in their class for detentions. If the student will be detained longer than 15 minutes, teacher must notify parents. For student suspension, a teacher may only suspend a student from class for 2 days' maximum with office referral, and administration may suspend the students for a total of 20 days in one school year. Excluding students from school participations is usually due to a health and or safety reasons, but only administration have the right to exclude the students. Students expulsion from the district is only allowed from the administration for violations of school district policy, Education Code and or CA Penal Code. It is very important for beginning educators to know these laws and responsibilities because ignoring them or failing to do hold our responsibilities may result to teacher suspension or dismissal. Our teacher credential may also be revoked for illegal conduct such as child endangerment and felonies, and for most cases, the revocation is irreversible.

Teachers are entitled to absence leaves. Some are granted by the district such as sabbatical personal-education advancement, and others are granted because of the Education Code and district policies such as maternity, illness, death in the family, etc. Teachers must know as well that textbooks adopted by the state and provided by the district and at times determined by the department must be used by them. It is a possibility to use supplemental texts if the district and school approves it. Drug use is up for immediate dismissal. If any teacher is

suspected to be under the influence, most districts will refer to district physician for further attention. Under the SB 2042 credential, first aid is a standard that the district must administer during its induction program, so teachers are expected to administer first-aid. Teaching and religion can be a sensitive topic. There is a most definite clear separation of state and church. As teachers, we must not recommend one religion over another and must not force personal religious view on students. Either actions grounds for insubordination. We must be aware of our own personal values and biases and recognize ways in which these values and biases affect the teaching and learning of students.

Physical or verbal abuse toward a teacher is not tolerated. Teachers should know that this type of behavior should be reported. Students are liable for their actions and will be suspended and possibly arrested for assault. This action may also lead to expulsion. As mentioned before, we are responsible for our students, so it is very important that teachers do not release a student to anyone who comes to their classroom. A teacher must redirect the person to the office. Only administration has the right to release a child before the end of the school day. When it comes to student alcohol or drug abuse, only administrative search of student's possessions is permitted with reasonable cause.

Since there is an incredible increased in students with disabilities (SWD) in schools, SWD are being included in the general education setting. This is why a major sensitive and important topic that all beginning educators should familiarized themselves with is Special Educations Laws. The IDEIA mandates that schools educate students with disabilities (SWD) in the least restricted environment (LRE) to the maximum extent possible. The LRE for the most exceptional students is the general education setting. It is said that, "52% of SWD spent 80% or more of their school day in the general education setting during the 2004-2005 school year."

(Complying with Special Education Law, 2018). Since SWD students do spend most of their time in our classrooms, it is important that we are knowledgeable of special education laws to ensure students' rights. An Individual Educational Plan (IEP) is a legal document that specifies the student's present level of academic achievement and functional performance, goals for the coming year, accommodations and/or modifications, and the special education instruction and related services needed by the students to make adequate yearly progress. The law states that the general education teacher must be informed of their specific responsibilities relating to implementing a student's IEP and the specific accommodations, modifications, and support that the student is entitled to. So, teachers must speak to a special education colleague or administrator for clarifications if any questions may arise. Teachers must know that accommodations/modifications in the IEP is not optional. By law, it states that every IEP meeting at least one general education teacher must be present. Students must be graded according to the specifications in their IEP. When assigning grades, we must allow for accommodations specified in the IEP and not penalize the student for the accommodations received. Teachers must also know, that just because they have SWD does not mean that they must lower their expectations. IDEIA calls for not only high expectations, but for challenging expectations equal to those held for all students. Even though general teachers may not receive enough or the appropriate training for SWD, it is our responsibility to know the special education laws.

Technology is drastically expanding and the use of social media is evolving with our students. Technology and media usage can be beneficial to our students when introduced in our lesson and can also be a very beneficial tool to keep communication with our students and parents outside the classroom. There are several applications that are used for direct

communication that work the same as text messaging in which no personal information is interchanged. Teachers must be very careful and appropriately manage any media communications. Facebook, Instagram, Snapchat, Twitter, etc. are only a few of the social media in which students are involved with. Social media is a big part of our student's life and it has also become an easy way to target and bully students through social media. Cyber-bullying has increased over the years. Students think or find the courage to bully others in social media because it is not a direct face to face confrontation. It seems that students feel a kind of protection behind their electronic devices. This social media and other digital platforms and tools have open up a complete different window and door for educators. Students are always with their electronic devices and always having the need to record their everyday life events. We have seen in the media itself several occasions when students record teacher's actions, lecturing or even physical confrontations between student to student, student to teacher (or vice versa). It is important for teachers to be aware of this platform and endorse their professional role and responsibilities. This platform may make it harder to identify student abuse such as bullying, but we must not forget that it is our responsibility as mandated reporters to be aware of any suspicious student abuse and always comply with all laws concerning professional conduct and moral fitness.

References

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4/14/2018

School Personnel Final Test

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