STUDENT TEACHING ISSUES AND MINNESOTA LAW

This section is intended to be a resource guide for participants in the university student teaching program (teacher candidates, school district personnel, and university supervisors). The following information has been collected in response to questions raised by these participants regarding student teaching practices and is intended to act as a guide for discussion and decision making that will have an impact on student-teacher effectiveness. Participants in the student teaching process have the right and the responsibility to be knowledgeable of student teaching issues.

This information is based on the premise that those being taught by the teacher candidates (students at the school districts) are the primary consideration in all actions taken by the three participants in the program. Decisions should be made for the benefit of these children at the participating cooperating school.

Presented by topic area, the information addresses the role of each participant. Some of the appropriate legal references are cited so that the reader may understand how the guidelines were developed. However, please note that the information presented in this document is for purposes of discussion only. It is not intended to be taken as legal advice and, where appropriate, participants should consult with their legal counsel for interpretation of statutes and legal obligations.

This handbook is meant as a guideline only and does not constitute an express or implied contract. It does not alter existing employment relationships or policies.

Many resources are available to participants in addition to this handbook. Participants should consult the university or school district personnel when appropriate. Applicable policies exist both at the university and school district level and participants are expected to have read all appropriate policies.
CHEMICAL ABUSE

School District: A public school teacher is required to immediately notify the school’s principal and chemical abuse assistance team when:

The teacher has reason to believe that a student is using, possessing, or transferring a controlled substance, alcohol, or tobacco while on school premises or involved in school-related activities.

Public school teachers are prohibited by law from using tobacco on school property. Teachers also have the responsibility by law not to use or possess alcohol or controlled substances while on school premises or involved in school-related activities.

Student Teacher: The student teacher has the same responsibility as other teachers in the district in regard to this issue. The student teacher, like other teachers, has the responsibility not to abuse controlled substances, use tobacco or use, possess or distribute alcohol. The student teacher is obligated to follow the school’s policy regarding alcohol, controlled substances, and tobacco. The student teacher is also subject to the university’s policies regarding the same.

University: The university has a policy regarding student conduct. Teacher candidates may not use or possess alcohol and controlled substances when prohibited by law or policy. The university expects that teacher candidates will not use tobacco when prohibited by law or policy. The university reserves the right to take action and/or remove the student teacher if it determines that there has been any inappropriate conduct.

CHILD ABUSE

School District: A teacher who knows or has reason to believe that a child or vulnerable adult is being neglected or physically or sexually abused (threatened or actual) in the home, school, or community is required by law to report to the appropriate civil authorities (local law enforcement agency or a local welfare agency). Teachers are also required to report to the appropriate civil authority if the teacher knows or has reason to believe that a pregnant woman has used a controlled substance for a nonmedical purpose during pregnancy. Teachers are prohibited from abusing children or vulnerable adults.

Student Teacher: The student teacher is required to report actual or threatened abuse or neglect of children or vulnerable adults. The student teacher is prohibited from abusing children or vulnerable adults. Teacher candidates should consult with school administration and all applicable school district policies.

University: The university expects teacher candidates to comply with the law regarding reporting and abusive behavior. The university reserves the right to take appropriate disciplinary action and/or remove the student teacher if it receives evidence that the student teacher has engaged in any form of abuse or has failed to report abuse. The university may serve as a resource to aid the student teacher in reporting evidence of abuse or neglect to the appropriate civil authorities.

CODE OF ETHICS AND MODEL CITIZENSHIP OF STUDENT TEACHERS

School District: Teacher candidates should be placed with supervisors who model the professional Code of Ethics and who do not engage in conduct in violation of Minn. Stat. § 125.09 (immoral
character or conduct; failure, without justifiable cause, to teach for the term of the teacher’s contract; gross inefficiency or willful neglect of duty; failure to meet licensure requirements; or fraud or misrepresentation in obtaining a license). The Teachers’ Code of Ethics is enforced by the Board of Teaching.

The school district has the right to refuse the placement of a student teacher or to terminate a student teacher who the school district has determined has violated the Code of Ethics or who, for some other reason, is not fit to teach.

**Student Teacher:** The student teacher is required to provide all relevant information to the university at the time of application for student teaching and to authorize the university to release the information to the school district. Teacher candidates are required, once placed in a student teaching position, to conduct themselves in a professional manner and in accordance with the Code of Ethics and Minnesota law governing teachers. Teacher candidates should review the Board of Teaching Code of Ethics and Minnesota law governing teachers. It is recommended that teacher candidates also review the Code of Ethics of either the National Education Association or the American Federation of Teachers, depending upon the teachers’ organization of the school district.

**University:** The university and/or the school district reserves the right to not assign a student teacher or to terminate a student teacher from a position. The university expects each student teacher to abide by the Code of Ethics. The university reserves the right to take appropriate action and/or remove the student teacher if it determines that the Code of Ethics or Minnesota state law has been violated by the student teacher.

**DELEGATED RESPONSIBILITIES AND EXCEEDING AUTHORITY**

**School District:** Classroom supervisors/teachers must follow the rules of the school district that protect pupils in their charge. Classroom supervisors/teachers are responsible for classroom activities, including those where teacher candidates have direct contact with students. School districts have the responsibility to review the quality of supervision that teacher candidates receive from classroom supervisors and take action to assure satisfactory supervisions. The school district has the right to remove a student teacher on the grounds of insubordination if the student teacher exceeds the authority delegated by the classroom teacher.

**Student Teacher:** Teacher candidates will assume classroom responsibilities as delegated by the classroom supervisor. Teacher candidates should consult with the appropriate school district and university personnel with any questions or concerns regarding the supervision they receive. Teacher candidates are responsible for understanding their responsibilities and the limits of the authority delegated to them by their supervisors. Teacher candidates must consult with their supervisors regarding authoritative limits. Teacher candidates will not exceed their authority while acting as a student teacher.

**University:** The university will assign a university supervisor for each student teacher. The university supervisor is available to assist teacher candidates with any concerns they may have regarding the supervision teacher candidates receive at the school district and the teacher candidates’ authoritative limits. The university’s goal is to perform regular on-site visitations and observations which should also assist teacher candidates to understand authoritative limits.

**DISABILITIES**
School District: Children with disabilities may request accommodations. Disabled children may be accommodated pursuant to a variety of processes including development of an IEP or 504 plan. Teachers are required to comply with the child’s IEP, 504 plan or other approved accommodation. Teachers who are disabled may request reasonable accommodations. Children and teachers who have disabilities may not be discriminated against.

Teacher candidates: Teacher candidates must comply with a student’s IEP, 504 plan or approved accommodation. Teacher candidates who need accommodations may request the accommodation from the appropriate personnel at the university and/or the school district.

University: The university has a policy regarding accommodations in its educational programs. In addition, teacher candidates may consult with the appropriate personnel at the university regarding any questions or problems arising from the student teacher’s request for accommodations at the school district.

DISCRIMINATION

School District: Federal and State law prohibit discrimination on the basis of a protected characteristic (e.g., race, religion, etc.). This prohibition includes harassment as a form of discrimination. The school district is required to investigate any complaints of discrimination and take prompt and appropriate action where discrimination has occurred. The school district must have a discrimination policy and should inform employees of the policies.

Teacher candidates: Teacher candidates are expected to review the school district and university policies on discrimination/harassment. Teacher candidates must report discrimination/harassment he/she observes or suspects to the appropriate school district personnel.

University: The university takes its discrimination/harassment policy very seriously. Teacher candidates who feel they have been discriminated against or harassed should report the complaint to the appropriate person at the university. The complaint will be processed according to university policy. The university will take appropriate action should it learn that a student teacher has discriminated or harassed another individual. This action includes discipline and/or removal from the school district assignment.

GOVERNMENT DATA PRACTICES

School District: School district employees are required by law to comply with the Government Data Practices Act and the Family Educational Rights and Privacy Act. In general, student and employee data are private and only school personnel with a legitimate need to know may have access to private data. The school district should inform its employees about their data privacy responsibilities.

Student Teacher: Teacher candidates must comply with state and federal law regarding data privacy. Teacher candidates should review school district policy concerning data privacy. Teacher candidates should consult with appropriate school district personnel with any questions about whether data should be released. Teacher candidates should not release any data unless they have consulted with school district personnel.

University: Teacher candidates may also consult with appropriate university personnel regarding data privacy issues arising at the school district.

HARASSMENT
School District: The Minnesota Human rights Act of 1974 guarantees rights to all employees, including teacher candidates, who are victims of discrimination. This includes protection from religious, racial and sexual harassment. It is the duty of the school district to take prompt and appropriate action where harassment has occurred. Students who are harassed by other students are covered as well as employees. The District is encouraged to inform teacher candidates of its policy on harassment.

Student Teacher: It is the duty and responsibility of the student teacher to report any acts of suspected or obvious harassment to the classroom supervisor or principal. It is the responsibility of the student teacher to not engage in harassment. The student teacher should obtain a copy of district harassment policy and reporting methods.

University: It is the policy of the State University System that teacher candidates will be protected from harassment or any other violations of the Human Rights Act. It is the goal of the university to inform teacher candidates of their rights and to take steps necessary to enforce the protection of these rights. The university expects that the student teacher will not engage in harassment and reserves the right to remove a student teacher if it receives evidence that the student teacher has engaged in harassment.

LEGAL ACTIONS

School District: Teacher candidates are considered to be employees of the school district for the purposes of liability insurance (if provided for other district employees) and legal counsel. Legal counsel is provided by the school district when certain claims are made against a teacher for an injury arising out of or in connection with the teacher’s employment.

Student Teacher: Teacher candidates are considered employees of the school district in a variety of situations. In normal circumstances, teacher candidates should be protected by the school district when performing duties within the scope of their student teaching. Teacher candidates should review all district and classroom policies and are cautioned to handle information regarding students in a manner consistent with federal and state law. Teacher candidates must provide evidence of current liability insurance to the university.

University: The university does not have the authority to provide legal defense, legal advice or to reimburse teacher candidates for legal fees or judgments. The university does not control the actions of teacher candidates. The university requires teacher candidates to provide evidence of current liability insurance. The university reserves the right to take appropriate disciplinary action and/or to remove the student teacher if it determines that the student teacher has been negligent or violated the rights of students or colleagues/adults.

RELIGION

School District: The school district must make a reasonable effort to accommodate a student who wishes to be excused from a curricular activity for a religious observance. Teachers may not attempt to solicit or convert students and may not harass students in regards to religion. Teachers are required to recognize the school district’s responsibility not to establish a particular religion.

Student Teacher: Teacher candidates have the same responsibilities as teachers. Should a student teacher feel they are being discriminated against or harassed because of religion or are being asked...
to do something they feel is in violation of the law, they should report their complaint to the appropriate personnel at the school district and the University.

University: Should a student teacher feel they are being discriminated against or harassed because of their religion or are being asked to do something they feel is in violation of the law, the university encourages the student teacher to report the incident not only to the school district as is stated above but also to the appropriate personnel at the university pursuant to university policy.

**STUDENT DISCIPLINE**

School District: Student discipline and dismissal are governed by state statute and school district policy. School districts should inform teacher candidates as to their policy regarding dismissal, discipline, and violence.

Student Teacher: Teacher candidates have the same responsibilities as teachers. Teacher candidates should be aware of and are expected to follow state law and school district policies regarding discipline. For example, Minn. Stat § 127.45 states that “an employee or agent of a public school district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.” Corporal punishment is defined as “conduct involving: 1) hitting or spanking a person with or without an object, or 2) unreasonable physical force that causes bodily harm or substantial emotional harm.”

University: The university may include student discipline issues in its curriculum for the teacher preparation program.

**STUDENT TEACHING TERMINATION**

School District: School districts are encouraged to set written standards for teacher candidates to follow. It is the right of the school district to dismiss or terminate teacher candidates at any time, by written notification, if any of the standards are violated.

Student Teacher: Student teachers must cooperate with the university in the placement of student teaching assignments. Teacher candidates must meet the objectives set by the university and any written standards set by the school district.

University: The university sets written standards for teacher candidates to demonstrate. The university reserves the right to terminate the student teaching at any time if the university or school district standards are not satisfactorily met by the student teacher.
SUBSTITUTE TEACHING

School District: It is unlawful for a school district to employ or assign unlicensed personnel as substitute classroom teachers.

Student Teacher: Teacher candidates who do not have a license cannot, by law, be employed or assigned to perform services which require a licensed teacher.

University: The university will make teacher candidates aware of the Minnesota licensing requirements necessary for employment or assignment as substitute classroom teachers.

WORKER’S COMPENSATION

School District: The definition of employee, under worker’s compensation law, includes teacher candidates. If a student teacher is hurt while fulfilling student teaching responsibilities, that student teacher may be eligible for benefits.

Student Teacher: Teacher candidates are employees of the school district in which they are student teaching for this purpose and are covered by worker’s compensation. It is to the teacher candidates’ advantage to determine what benefits they would qualify for if a claim arises. Recovery of lost wages is not possible since they do not receive wages. It is strongly recommended that teacher candidates have their own health or student insurance.

University: The university strongly recommends that teacher candidates have their own health or student insurance.
GLOSSARY OF TERMS/Evaluation Form

Civil Authority - The authority vested in civil, as distinguished from military, officers. Police officers and firefighters are civil authorities within the meaning of the term thus employed.

Cooperating School - A public school contracts with the university to provide facilities and supervision for education students.

Cooperating Teacher - An experienced classroom teacher agrees to supervise and guide a student teacher. This person has a responsibility to delegate teaching responsibilities and to evaluate the performance of the student teacher.

Corporal Punishment - Physical punishment, as distinguished from pecuniary punishment or a fine; any kind of punishment of or inflicted on the body. The term may or may not include imprisonment, according to the context. The Supreme Court has upheld the use of reasonable corporal punishment in schools: In Graham v. Wright, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed2d 711; Though a number of states, including Minnesota, by statute, prohibit paddling, slapping, shoving, and holding of students. Minnesota law does allow the use of reasonable force by a teacher in the exercise of lawful authority to restrain or correct a pupil.

Felony - A crime of a serious nature than those designated as misdemeanors; e.g., aggravated assault (felony) as contracted with simple assault (misdemeanor). Under many state statutes, any offense punishable by death or imprisonment for a term exceeding one year. See, e.g., Model Penal Code 1.04(2); U.S.C.A.; 1.

Government Data - Any data collected, created, received, maintained, or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or condition of use. This includes written documents, computer discs, artwork, and photographs. Under the Minnesota Government Data Practices Act, government data is generally classified as "public," "private," or "confidential." "Public" data is available for review by anyone who asks. "Private" data is available only to those in the governmental entity with a need to know and the "subject of data." "Confidential" data is available only to those in the governmental entity with a need to know.

An individual asked to supply private or confidential data about herself must be informed of: 1) the purpose and intended use of the requested data; 2) whether the individual can legally refuse to give the data; 3) any known consequence from giving or refusing to give the data; and 4) anyone else who is legally authorized to receive the data. (A Tennessen Warning.)

Indemnity - Reimbursement. An undertaking whereby one agrees to indemnify another upon the occurrence of an anticipated loss. Dawson v. Fidelity & Deposit Co. of Md., D.C.S.D., 189 F. Supp. 854, 865. A contractual of equitable right under which the entire loss is shifted from a tortfeasor (the person who commits or is guilty of a tort or wrongful act) who is only technically or passively at fault to another who is primarily or actively responsible. Moorhead v. Waelde, La. App., 499, So. 2d 387, 389.

Immunity - Exemption, as from serving in an office, or performing duties which the law generally requires other citizens to perform; e.g. exemption from paying taxes. Freedom or exemption from a penalty, burden or duty. Special privilege.

Professional Code of Ethics - A set of principles which defines professional conduct and service for teachers is identified. The American Federation of Teachers adopted a code of ethics in 1971. The
National Education Association established a set of ethical standards for teachers in July 1975. The Minnesota Board of Teaching set similar standards and procedures for implementation in October 1978.

**Racial Harassment** - Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct: 1) are purposeful or has an effect of creating an intimidating, hostile or offensive working or academic environment; 2) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or 3) otherwise adversely affects an individual's employment or academic opportunities.

**Religious Harassment** - Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct: 1) has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; 2) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or 3) otherwise adversely affects an individual's employment or academic opportunities.

**Sexual Harassment** - Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when 1) submission to that conduct or communication is made a term or condition either explicitly or implicitly of obtaining employment, obtaining public accommodations, or obtaining public services or obtaining education, or obtaining housing; 2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations, or public services, education or housing; or 3) the conduct or communication has the purpose of effect of substantially interfering with an individual's employment, public accommodations, public services, educational or housing environment, and in the case of employment, the employer knows or should know the existence of the harassment and fails to take timely and appropriate action. (1992 Minn. Stat. 363.01. Subd. 41.)

Sexual harassment may include but is not limited to: 1) unwelcome verbal harassment or abuse; 2) unwelcome pressure for sexual activity; 3) unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers administrators or other school personnel to avoid physical harm to persons or property; 4) unwelcome behavior or words directed at an individual because of gender.

**Student Teacher** - Education students doing field experiences and student teaching who have not yet earned a license to teach and need supervision from experienced career teachers licensed in appropriate fields.

**University Supervisor** - A university faculty member who agrees to supervise and guide a field experience for a student teacher. This person has responsibility to evaluate the performance of the student teacher.

(Reference: Black's Law Dictionary)