Legal responsibilities of teachers

The Code of Ethics for Minnesota Teachers (Minn. Rule 8700.7500) has specific rules regarding teachers’ responsibilities and standards of conduct. This article covers important details you need to know about each provision of the code.

A. Nondiscrimination: "A teacher shall provide professional education services in a nondiscriminatory manner."
   • The law protects these classes: gender, race, color, creed, national origin, marital status, disability, public-assistance status, age, sexual orientation, & religion.
   • Be careful not to single out a teacher’s pet.
   • Discrimination can be “conduct unbecoming a teacher” under the discharge statute.

B. Health and safety: “A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.”

   1. Mandatory Reporting
   • It is mandatory to report physical, sexual abuse or neglect immediately.
   • Immediately means within 24 hours, to social services or police (or the Minnesota Department of Education (MDE) if in school).
   • “Physical abuse” is defined as “unexplained, non-accidental physical or mental injuries or threatened injuries inflicted by a person responsible for the child’s care.”
   • A resource guide for mandated reporters contains more detailed information.

   2. Boundaries
   • You are a professional, not a friend to students.
   • Care about students without crossing the line.
   • Refer students to school social workers, counselors, etc. for emotional help.
   • Adopt an open-door policy. Do not meet with students alone in a closed setting.
   • Even if the student initiates, you must reinforce boundaries.
   • Be careful with notes, e-mails, instant messages and text messages – these are usually too personal.
   • Get permission or a directive to transport students in your personal or school vehicle.
   • A felony conviction for sexual abuse leads to automatic license revocation.

   3. Sexual harassment policy
   • The mandatory policy applies to employees, students, volunteers, administrators, school board members and agents/contractors.
   • You should protect students from unwelcome sexual advances and requests for sexual favors.
   • Sexual harassment involves sexually motivated physical conduct and other
verbal/physical contact of a sexual nature, including quid pro quo ("this for that") demands or a hostile work environment.

- You should protect students by:
  - Telling the harasser that the behavior is offensive and it must be stopped.
  - Informing the victim that if the harassment continues, he/she can report it to the district-designated complaint officer.
  - Seriously considering reporting the harassment yourself if it appears the student is afraid to report on his/her own.

C. **Confidential information (data):** "In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law."

- Release student data only to those who have a "legitimate educational interest."
- Do not release information to police or authorities without a court order.
- Be very careful about lounge gossip, discussions with other parents, etc.
- Parental permission is needed to post student photos, etc. (or the district can request to be notified of any objections to designated directory information).
- If the district has designated certain information as directory information and the parent has not refused, that information is public. Examples:
  - Name
  - Address
  - Phone number
  - E-mail address
  - Height/weight in sports
  - Degrees/awards

- Parental permission is needed to post student work on a Web site.
- If you are ever in doubt, ask your supervisor.

**Information about violent students:**

- **Minn. Stat. § 121A.64:** a classroom teacher has a legitimate educational interest in knowing of a student’s history of violent behavior and must be notified before such student is placed with the teacher.
- Model policy – expands the notification obligation to all staff that work with the student.
- The district must also discuss the need for intervention services, conflict resolution, or training for staff.

D. **Reasonable discipline:** “A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.”

- Corporal punishment is illegal in Minnesota. It is defined as:
  - Hitting or spanking with or without an object
  - Unreasonable physical force that causes bodily harm or substantial emotional harm
  - This means no paddles, headlocks, etc.
• Under Minnesota law, reasonable force is permitted only “when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.”
• If reasonable force is used, this question will be posed: Was the amount of force used reasonably necessary to quell the disturbance?
• Physical abuse must be reported as discussed above.
• In special education, check the student’s IEP so you know what is permitted. When writing an IEP, include permission for appropriate disciplinary measures.
• If you are reported for maltreatment, the Minnesota Department of Education has the authority to investigate reports in schools;
• The department will automatically report findings of maltreatment by a licensed teacher to the Board of Teaching. If the department asks to question you, you are entitled to legal representation, and you should definitely assert that right.
• A felony conviction for child abuse leads to automatic license revocation.

E. Misuse of relationships: “A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.”

Examples include:
• Offers of tutoring, e.g., “Your child really needs some extra help. I’m available.”
• Sales (real estate, Mary Kay, etc.)
• Boundaries (see above)

F. Delegation of teaching: “A teacher shall delegate authority for teaching responsibilities only to licensed personnel.”

• You should not ask or require paraprofessionals (ESPs) to provide direct instruction or exercise professional judgment in performing duties.
• You should also be careful about how you use parents for instruction (guest speakers are fine).
• Using student teachers who are properly supervised is also okay.

G. Suppression/distortion of subject matter: “A teacher shall not deliberately suppress or distort subject matter.”

• Be careful with curriculum issues. As a district employee, you are to follow the district’s accepted curriculum.
• Especially sensitive areas are evolution, intelligent design and sex education.

H. Falsification of records: “A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher’s own qualifications or to other teachers’ qualifications.”

• You shouldn’t falsify anything — student records, tests, IEPs or your own records. Be honest.
• Many times the discipline is more severe for the dishonesty than the conduct the teacher was hiding.

I. False or malicious statements: “A teacher shall not
knowingly make false or malicious statements about students or colleagues.”
• Do not gossip.
• You are expected to follow the adage: “If you don’t have anything nice to say, don’t say anything at all.”
• Be careful not to knowingly misrepresent an administrator’s statements or actions.

J. Proper license/credential: “A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.”
• You must have the proper license/credential even for that extra section of physics the district may ask you to teach.
• Your district must get alternative credentials for you to teach in areas for which you are not licensed.
• Be especially careful with special education, ALCs, ELL, etc.
• You and the public can check licensure status on the Minnesota Department of Education Web site.
• Your license expires on June 30 of the expiration year, which can affect summer school.
• There is no longer a state system for notification of expiration. It is your duty to renew every five years.
• You can apply as early as Jan. 1.
• The Code of Ethics for School Administrators requires administrators to place teachers where they are properly licensed/credentialed.

Statutory grounds for revocation, suspension or denial of a license:

Immoral character or conduct
• The Board of Teaching holds teachers to a higher standard (as role models) and disciplines teachers for conduct unbecoming a teacher.
• The Board will often receive reports of inappropriate off-duty conduct.
  These criteria are considered:
  ◦ Is there a “nexus”/connection to your job?
  ◦ Does it impair your ability to be successful on the job?
  ◦ Examples of problematic off-duty conduct:
    ▪ DWI/DUI convictions or other negligent driving
    ▪ Drug-related offenses
    ▪ Embezzlement or other accusations of stealing
    ▪ Sexual misconduct
    ▪ Trafficking in internet pornography at home
    ▪ Illegal gambling
    ▪ Assault

Failure, without justifiable cause, to teach for the term of the teacher’s contract

Teachers in districts outside of Minneapolis, St. Paul and Duluth have these
timelines:
• As a probationary teacher, you must resign by July 1 (that is the same
deadline for the district to let you know it is not reviewing your contract).
• As a tenured continuing contract teacher, you must resign by July 1 in
years when the contract is unsettled and April 15 in the other years.
• If you want to resign after those deadlines, you must get the district's
permission, or it can report you to the Board for "jumping contract."

Gross inefficiency or willful neglect of duty
• This is the one ground related to one's ability to teach, and not related to
one's behavior.

Failure to meet licensure requirements
• Remember that you will not receive notice to renew your license; you must
submit the required credits by the deadline.

Fraud or misrepresentation in obtaining a license

Conviction for child abuse
• If you are convicted of a felony for child abuse or sexual abuse, license
revocation is automatic.

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