ETHICAL AND LEGAL CONSIDERATIONS

As a teacher candidate entering the schools, you will be expected to conduct yourself as a practicing professional educator. You are subject to the same ethical and professional rights and responsibilities as full-time teachers.

**Ethical considerations** for teachers are outlined in the Code of Ethics of the Education Profession from the National Education Association and the Bill of Rights and Responsibilities for Learning: Standards of Conduct, Standards for Achievement of the American Federation of Teachers. These codes outline the ethical responsibilities related to teacher-student commitment, commitment to the profession and commitment to the district for which teachers work. Both are included in the Appendix - pp. 167-169.

**Legal considerations** for teacher candidates include current state and federal laws and court rulings regarding rights, responsibilities, and liabilities as a teacher candidate. Some important legal issues for teacher candidates include

**Neglect**: Teacher candidates are responsible for the safety and protection of students in their care. They can be held liable for injuries to another person if the injury was sustained due to a breach of duty on their part. When teacher candidates are in charge they must adequately supervise students (especially younger children) at all times in classrooms, laboratories, athletic situations, driver training classes, etc.

**Child Abuse**: The law requires that school personnel report suspected child abuse. Therefore, the teacher candidate must learn to recognize signs of potential child abuse that include physical abuse, neglect, sexual abuse and emotional maltreatment.

- **Physical abuse**: cigarette burns, lacerations, fractures, severe bruising, missing teeth, etc.
- **Neglect**: lack of cleanliness, hunger, lack of vaccinations, fatigue, etc.
- **Emotional abuse**: temper tantrums, low self-esteem, extremes in behavior, demand for attention and affection, etc.
- **Sexual abuse**: torn or stained clothing, difficulty in walking or sitting, complaints of pain in the groin area, etc.

**Discipline**: Teacher candidates are expected to maintain an orderly, well-managed classroom. They will usually follow the discipline plan established by the public school supervisor. However, public school supervisors may allow teacher candidates to experiment with using additional discipline strategies.

**Corporal Punishment**: Teacher candidates may **not** administer corporal punishment to students nor serve as witnesses when a staff member administers corporal punishment. Teacher candidates should not be allowed to use physical force with students or to intervene in school disturbances.

**Negative Comments about School Personnel**: Teacher candidates may **not** make negative comments about their immediate supervisors and administrators in public. The courts have ruled that these can cause disruptions in the educational process.

**Confidentiality**: According to the Buckley Amendment, students’ school records are confidential and may not be revealed to anyone other than the parents except on a need-to-know basis (i.e., teachers, principals, or guidance counselors who must access records). Further, other sensitive information about students, teachers, or the school must be kept confidential.

**Personally Identifiable Student Information**: Teacher candidates who are engaged in clinical experiences in the public schools must adhere to the standards of the West Virginia Board of Education Policy 4350: Procedures for the Collection, Maintenance, and Disclosure of Student Records.
This policy requires the implementation of specific procedures for the release of student information. One of its main purposes is to protect students by limiting the release of personally identifiable information, which includes:

- name of student
- names of student’s parents/family members/guardians
- address of student or family
- student’s social security number
- list of personal characteristics of student
- recorded data such as handwriting, video or audio tape, film, computer correspondence, or other media.

Written consent of the parents/guardians must be obtained before any personally identifiable information can be collected. If Marshall University students entering the public schools are required to collect information on public school students or to videotape teaching episodes, the P-12 Student Information Consent and Release Agreement (Appendix - p. 184) must be used EACH TIME information is collected.

**Student and Teacher Rights:** Students and teachers have the same Constitutional rights, freedoms, and responsibilities as any other citizen. Teacher candidates should become familiar with rights and freedoms granted by the Constitution and subsequent court rulings regarding students and teachers.

**Criminal Conviction:** Teacher candidates who have ever been convicted of a felony or other crime may find that they will not be granted a license to teach (teaching certificate) even after completing the entire teacher education program. It is their responsibility to determine whether or not they will be eligible for a teaching license. Those who have had convictions are urged to contact the West Virginia Department of Education to get advice about their likelihood of being eligible for a license. Contact information is available in Jenkins Hall 232. **It is up to the teacher candidate to decide whether or not to continue in the teacher education program.**