

Legal Responsibilities as a Science Teacher with regard to maintaining a safe science lab and classroom setting.

Excerpts adapted from the [Flinn Elementary Science and STEM Safety](#) resource, pg. 102-107

Teachers who are knowledgeable of their legal responsibilities, exercise good judgment, and take all appropriate precautions to avoid foreseeable hazards should not be apprehensive about guiding student inquiry. The law does not expect you to be clairvoyant. It does expect you to take all reasonable precautions to protect yourself and your students. It is a good idea to document your instruction and precautions taken for each activity done; e.g., an entry labeled “Safety” should be part of all lesson plans where “lab” activities are involved. Failure to perform any duty may result in a teacher and/or school administrator being found liable for damages.

What are my legal responsibilities as a science teacher related to negligence?

The **LEGAL DEFINITION** of negligence is important for every teacher to know. Negligence, as defined by the courts today, is conduct that falls below a standard of care established by law or profession to protect others from an unreasonable risk of harm, or the failure to exercise due care.” It should be noted that “in the absence of specific laws or local policies, the standard of care expected is set by the profession, e.g., position statements adopted by the National Science Teachers Association (NSTA), the National Association of Biology Teachers (NABT), the American Chemical Society (ACS), or the Council of State Science Supervisors (CSSS).

([Flinn Elementary Science and STEM Safety](#))

What is Duty or Standard of Care?

“Duty or Standard of Care” is defined as an obligation, recognized by law, requiring conformance to a certain standard of conduct to protect others against unreasonable risk (Prosser et al., 1984). This means that school staff and school or district leaders (supervisors/administrators) are required to actively anticipate foreseeable harm to students and to others in the school. Furthermore, these leaders are required to act to prevent resultant injury or damage. “The breach of a particular duty owed to a student or others may lead to liability for both the teacher and the school district that employs that teacher.” (Ryan, 2001).

([NSTA Legal Implications of Duty of Care for Science Instruction](#))

The science teacher has three basic duties relating to the modern concept of negligence and Duty or Standard of Care:

- Duty of instruction.
- Duty of supervision.
- Duty to properly maintain facilities and equipment.

Failure to perform any duty may result in a finding that a teacher and/or administrator within a school system is/are liable for damages and a judgment and award against him/them.

DUTY OF INSTRUCTION includes adequate instruction before a laboratory activity (preferably in writing) that:

- Is accurate; is appropriate to the situation, setting, and maturity of the audience; and addresses reasonably foreseeable dangers.
 - Identifies and clarifies any specific risk involved, explains proper procedures/techniques to be used, and presents comments concerning appropriate/inappropriate conduct in the lab.
 - The use of a lab safety contract or safety acknowledgement form is a best-practice technique used to demonstrate safety rules for students in the laboratory
 - Instruction must follow professional and district guidelines.
 - Teachers who set bad examples by not following proper laboratory procedures may be sued if injury results from students following the teacher's bad examples.
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DUTY OF SUPERVISION includes adequate supervision as defined by professional, legal, and district guidelines to ensure students behave properly in light of any foreseeable dangers. Points to remember:

- Misbehavior of any type must not be tolerated.
 - Failure to act or improper action is grounds for liability.
 - The greater the degree of danger, the higher the level of supervision should be.
 - The younger the age of students or the greater the degree of inclusion of special population students, the greater the level of supervision should be.
 - Students must never be left unattended, except in an emergency where the potential harm is greater than the perceived risk to students. Even then, risk should be minimized or responsibility transferred to another authorized person if the situation allows.
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DUTY OF MAINTENANCE includes ensuring a safe environment for students and teachers. This requires that the teacher:

- Never use defective equipment for any reason.
 - File written reports for maintenance/correction of hazardous conditions or defective equipment with responsible administrators.
 - Establish regular inspection schedules and procedures for checking safety and first-aid equipment.
 - Follow all safety guidelines concerning proper labeling, storage, and disposal of chemicals.
 - By keeping files of all hazard notifications and maintenance inspections, teacher liability in the event of an accident is minimized in cases where no corrective actions were subsequently made.
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