

LEGAL ASPECTS OF SUBSTITUTE TEACHING

As with all jobs and professions, there are legalities that must be addressed. The following are some legal responsibilities you should be aware of:

- **Supervision of Students** - The substitute teacher who has physical control of a classroom has a duty to keep these children safe and orderly. The standard is the reasonable use of professional judgment for the safety and orderly education of students.
- **Due Care and Caution** - A teacher is required to exercise due care and caution for the safety of the students in his/her charge. Essentially, this means acting reasonably and with safety in mind, being able to explain circumstances and your actions, as well as following school safety policies and procedures.
- **Release of Children** - Due to possible restraints on who may have custody of a child, children should not be allowed to leave the building during the school day without express consent from the office.
- **Administering Medication** - Medication should only be administered by the school nurse or other appropriate health personnel, not the classroom or substitute teacher. If you know of medication requirements of a student, the health professional should be notified.
- **Confidentiality** - It is unprofessional and against the law to disclose confidential information about your students. Generally, a substitute teacher should avoid comments about individual students that convey private information: grades, medical conditions, learning or discipline problems, etc.
- **Anecdotal Records** - Maintaining notes on particular incidents in the classroom can protect you in problematic situations. If you feel that your actions might be questioned, note the date and time, the individuals involved, the choices for action considered, and the actions taken.
- **Discipline Policies** – Corporal punishment is against the law in Montana. Corporal punishment in MCA 20-4-302 is defined as: ...knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.
- **Dangerous Situations** -A substitute teacher is responsible for making sure the learning environment is safe. This includes things such as the arrangement of desks so as not to block exits and proper supervision during the use of potentially dangerous classroom equipment.
- **Mandatory reporters of child abuse or neglect**—See “Child Abuse and Mandatory Reporting” section.