



New Teacher Academy

Utah State Office of Education
and
Utah State University

Session 11
Tort in Your Fort

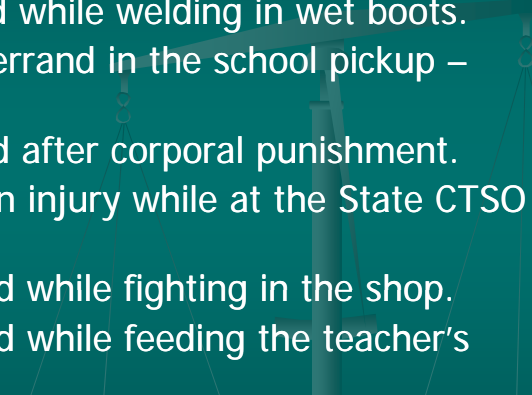
What does “Liable” mean?

- Legally responsible
- Obligated according to the law

What situations do you face as a teacher that might leave you open to liability?

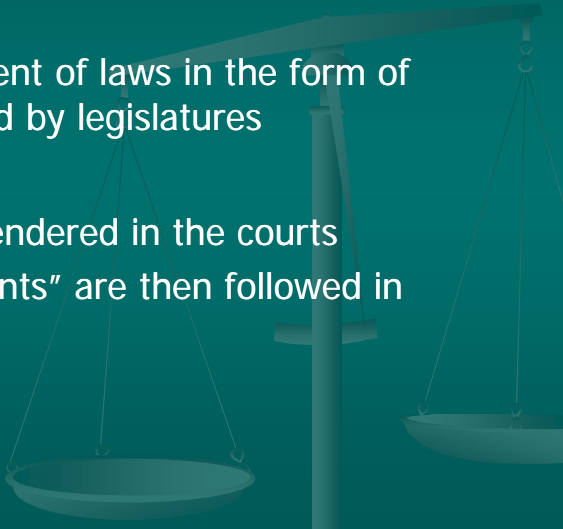
Are you Liable?



- A student is zapped while welding in wet boots.
 - A student runs an errand in the school pickup – accident.
 - A student is bruised after corporal punishment.
 - A student suffers an injury while at the State CTSO Convention.
 - A student is harmed while fighting in the shop.
 - A student is harmed while feeding the teacher's sow.
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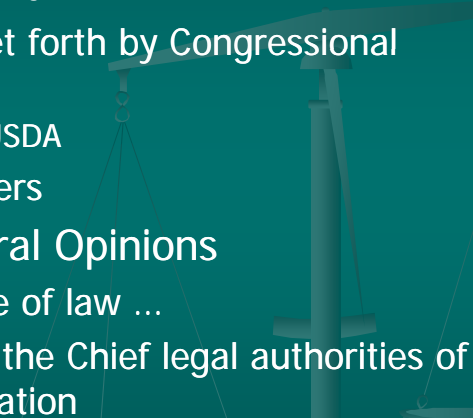
Two Systems of Law in the United States



- Civil Law
 - The establishment of laws in the form of statutes enacted by legislatures
 - Common Law
 - Decisions are rendered in the courts
 - These "precedents" are then followed in future cases
- 


Other Sources of Law



- Administrative Law
 - Regulations set forth by Congressional agencies
 - EPA, OSHA, USDA
 - Executive Orders
 - Attorney General Opinions
 - In the absence of law ...
 - An opinion by the Chief legal authorities of the states & nation
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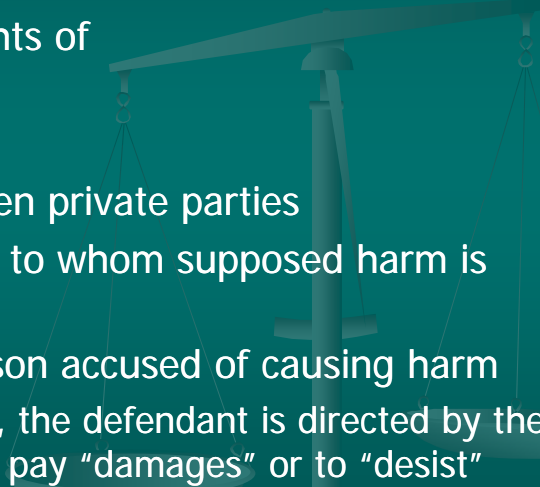
Civil & Criminal Law



- Criminal Law
 - Protects the rights of society
 - Plaintiff: Local, State, or Federal Government
 - Defendant: Person(s) accused of committing the crime
 - Defendant punished by the state
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Civil vs. Criminal Law



- Civil Law
 - Protects the rights of
 - Individuals
 - Corporations
 - Typically between private parties
 - Plaintiff: person to whom supposed harm is done
 - Defendant: person accused of causing harm
 - If found guilty, the defendant is directed by the court either to pay "damages" or to "desist"
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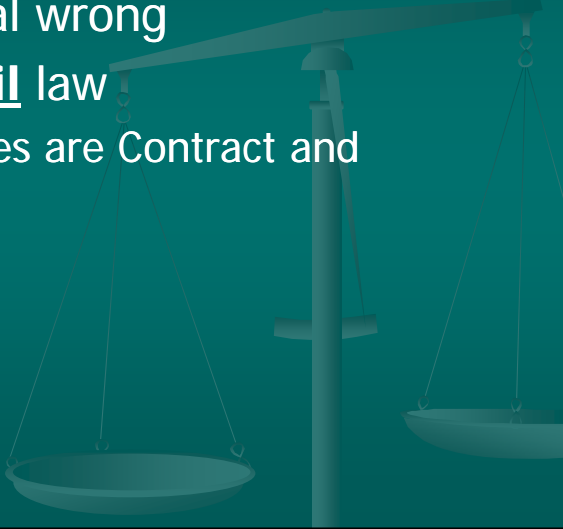
Tort Law



- A tort is a legal wrong
 - Branch of _____ law
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Tort Law




- A tort is a legal wrong
 - Branch of **Civil** law
 - Other branches are Contract and Property Law
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Tort Litigation



A serious matter for teachers

- A civil wrong committed against a person or a person's property
 - Intentional tort
 - Interference with property (Crime, assault, battery, defamation)
 - *in loco parentis*
- 

Tort Litigation

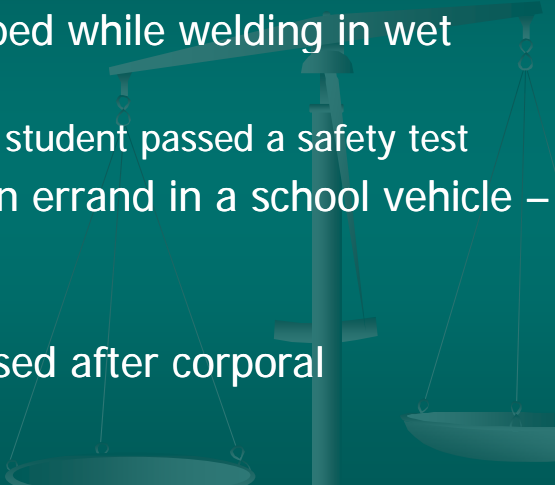


A serious matter for teachers

- A civil wrong committed against a person or a person's property
 - Absolute liability
 - We are liable for our own property
 - Negligence
 - Falling below standards
 - A deliberate cause of injuries
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Are you Liable?



- A student is zapped while welding in wet boots.
 - No liability if the student passed a safety test
 - A student runs an errand in a school vehicle – accident.
 - Negligence
 - A student is bruised after corporal punishment.
 - Intentional tort
- 

Are you Liable?



- A student suffers an injury while at the State CTSO Convention.
 - No liability if permission and insurance forms were collected.
- A student is harmed while fighting in the shop.
 - Were you out of the shop? (Negligence)
- A student is harmed while feeding the teacher's SOW.
 - Absolute liability

