

Legal Issues Related to Student Teaching

Because the cooperating teacher is the person legally responsible for the class(es) to which he/she is assigned, his/her student teachers may not assume full responsibility for a class or classes without supervision from a certified teacher who is employed by the school system. Although the student teacher will be in charge of the classroom for an extended period of time as part of his/her course requirements, it is important to remember that the cooperating teacher or a substitute employed by the district is the person legally responsible for anything that transpires in the classroom. The student teacher MAY NOT serve as a substitute teacher unless granted special permission by the Program Faculty. This policy is based on various opinions including State Senate Bill 341 and an attorney general's opinion – explanations follow.

Senate Bill 341

The 1972 session of the Kentucky General Assembly enacted Senate Bill 341 authorizing the State Board of Education to adopt regulations for utilization of student teachers, paraprofessionals, and teacher aides.

161.042 Status of Student Teachers

1. The state board of education shall provide through regulation for the utilization of the common schools for the preparation of students from the colleges and universities.
2. Within the provisions established by the state board of education, the local boards of education are authorized to enter into cooperative agreements, including financial arrangements, with colleges and universities for the purpose of providing professional laboratory experiences for students preparing for the education profession.
3. A student teacher who is jointly assigned under agreement by a teacher education institution and local board of education shall have the same legal status and protection as a certified teacher employed within the school district, but shall be subject to the direction and supervision of the professional administrative and teaching staff of the school district.
4. Teacher education students, other than student teachers, may be permitted through cooperative agreements between the local school district and the teacher education institution, to engage in supplementary instructional activities with students under the direction and supervision of the professional administrative and teaching staff of the school district. (1972 S 341. 2. eff. 6-16-72).

An Attorney General's Opinion

You have requested an opinion of this office on two questions which we will answer seriatim:

1. Whether KRS 161.042 (3) when it states that student teachers "shall have the same legal status and protection as a certified teacher employed within the school district..." means that said teacher would be subject to tort liability.

A student teacher may be held liable for his negligent acts or omissions the same as a regular teacher except that the student teacher's actions would have to be judged in the light of the fact that he is acting under the direction and supervision of a teacher. In OAG 74-883 we pointed out that the standard by which a teacher's actions are to be evaluated in regard to negligence is the same as for any other person, to wit: what a reasonable person would do under the circumstances.

2. Whether a student teacher can perform the services of a teacher in the absence of a regular classroom teacher.

Our answer is **negative**. KRS 161.042 reads as follows:

A student teacher who is jointly assigned under agreement by a teacher education institution and a local board of education shall have the same legal status and protection as a certified teacher employed within the school district but shall be subject to the direction and supervision of the professional administrative and teaching staff of the school district.

Since the foregoing statute provides that a student teacher shall be subject to the direction and supervision of the teaching staff of the school district, we believe the legislative intent is that a regular teacher **must be present** in the classroom when the student teacher is teaching. We believe that a **student teacher is not qualified or authorized to serve as a substitute teacher**. A student teacher does not have a regular or an emergency certificate from the State Department of Education and is therefore not authorized to teach except under the supervision of a certified teacher.

Ed W. Hancock
Attorney General