

Assignment example

Education



Education Assignment Questions Q and explain the difference between the two different categories of liability normally involving school personnel

a) Intentional Torts: This is a liability where the school personnel commit intentionally (Walsh, Kemerer and Maniotis, 2010). It is an actionable tort which shows there was intent to cause harm, such as slander, battery, assault and false arrest (Lesson 8). For example, if the school personnel surprise their friend who has an unstable heart condition and the person gets a heart attack, then the school personnel commits an intentional tort.

b) Unintentional Torts: In instances where a person damages another person's property, this is usually noted as a civil wrong in the eyes of the law. A civil wrong referred to as a tort. In cases where the damage caused was not intentional, this is what is called unintentional tort. Negligence is the most common type of unintentional tort (Lesson 8). Unintentional tort does not require the victim to show proof of intent from the actor.

Q. 2. Explain the Texas Tort Claims Act and the concept of “sovereign immunity.”

Sovereign immunity is a judicial doctrine that protects government agencies from liability (Lesson 8). The Texas Tort Claims is there to protect school districts from liability resulting from any case that might arise, except those that result from the school or its staff being negligent (Walsh, Kemerer and Maniotis, 2010). Example: in countries ruled by monarchies, the concept of sovereign immunity applies because the king or the queen are said not to do any wrong.

Q. 3. Explain what happened in the court case, Barr v. Bernhard, and the significance of this case for a school district.

In the case on Barr v. Bernhard the court ruled that the school known as <https://assignbuster.com/assignment-example-essay-samples-32/>

Kerrville ISD was not liable for the damage caused when a barn roof collapsed on a student (Lesson 8). This case is significant because it serves as an example, for students and parents who may decide to sue schools which are usually immune to such liabilities (Lesson 8).

Q. 4. Explain the significance of the court case, *Wood v. Strickland*, and include the elements needed for school official to be immune from monetary damages.

Wood v. Strickland serves as an example for other. One, the school officials' immunity was dependent on if the officials had acted sincerely without malicious intent to deprive students of their rights (Lesson 8). Secondly, if they knew their actions violated the constitutional rights.

Q. 5. Significance of the court case, *Priester v. Lowndes School District*, and include why "assumption of risk" will not always relieve a coach or the district from liability.

The case shows the key grounds for students to sue if their due process rights get violated. The coach is still liable because using the defense that there was assumption of risk does not relieve him from negligence (Lesson 8).

Q. 6. Which tort is the most common in an educational setting?

Negligence

Q. 7. What is a teacher doing or not doing when they are negligent?

The teacher is not carefully supervising students from harm's way.

Q. 8. Explain the term, foreseeability, and provide an example of how it can be a crucial element in liability cases involving negligence. Use the word "prudent" in your example.

Foreseeability is an important aspect in liability cases such as the negligence
<https://assignbuster.com/assignment-example-essay-samples-32/>

cases (Lesson 8). If a teacher fails to foresee that a student may be harmed and the teacher does act in a prudent manner, they are liable for damages.

Q. 9. Explain the difference between “ assault” and “ battery”

In assault cases, force is used in a hostile manner that results to apprehension. In battery cases, there is physical contact from an unwelcomed and hostile party (Lesson 8).

Q. 10. What was the significance of the court case, “ Wofford v. Evans?”

The case serves as an example for parents and students.

Q. 11. Provide an example of an unintentional tort in which the teacher was negligent.

A teacher who does not prevent two students from fighting with each other and they both hurt each other.

Q. 12. Research the court case, Mt. Healthy City School district Board of Education v. Doyle, and explain why the Mt. Healthy test was created.

The test was created to show how the District court reached their opinions and conclusions.

Q. 13. The school mail is viewed by Congress as being a Closed Forum. What does that mean and how does it affect teachers and administrators?

The school mail belongs to the school and a professional system not personal.

Q. 14. Are teachers protected when they express on the job complaints in a public forum?

Yes and No. Employees’ speech is protected when speaking as citizens but not in regard to personal matters.

Q. 15. What does it mean as an educator to have “ academic freedom?”

It means the educator has freedom to engage in class discussions (Walsh, <https://assignbuster.com/assignment-example-essay-samples-32/>)

Kemerer and Maniotis, 2010).

Q. 16. Explain the Texas Whistleblower Act 1983.

The act prohibits any governmental body from retaliating against employees who report in good faith about violations to law enforcement (Walsh, Kemerer and Maniotis, 2010).

References

Lesson 8, (2015). Rights of Expression for Educators. (Lecture PowerPoint Slides)

Lesson 8, (2015). Liability in Texas. (Lecture PowerPoint Slides)

Walsh, J., Kemerer, F., & Maniotis, L. (2010). “ Chapter 10: Legal Liability.” In The Educators Guide to Texas School Law. Austin: University of Texas Press.

Walsh, J., Kemerer, F., & Maniotis, L. (2010). “ Chapter 6: Expression and associations rights.” In The Educators Guide to Texas School Law. Austin: University of Texas Press.