

Practical Solutions to Reduce Your Liability

Introduction

Teaching science is different than teaching other academic subjects because to properly teach science, students must receive instruction and engage in appropriate hands-on activities. More importantly, science teachers must teach in an environment using materials and equipment that have the potential to cause serious harm to both teacher and student. Science teachers must be trained in more than just teaching methods and classroom management. They must also receive specific training in laboratory safety. Science teachers must know, understand, and follow many rules and regulations to ensure the safety of students in their classrooms. Science teachers also owe their students a duty of care to properly supervise, instruct, maintain equipment and facilities, and warn students of potential harm in their classrooms. Accidents will happen in the classroom. However, teachers can significantly reduce their risk of negligence liability and prevent classroom mishaps by following a few simple rules.

1. *Know the safety statutes that affect your classroom and carefully abide by them.*

Check with your state and county departments of education, state department of labor or Occupational Safety and Health Administration for statutes and regulations that apply to your classroom. At a minimum, each school should have in place an up-to-date Chemical Hygiene Plan (CHP) that describes the safety procedures that are required at your school.

2. *Document all efforts to resolve safety issues in your classroom.*

Any safety issues or equipment problems that need repair must be carefully documented in writing and submitted to the proper administrator for immediate action. If you cannot successfully resolve the issue at the site level, send a letter to the superintendent or school board describing the problem, your efforts to correct the condition, and possible solutions for resolving the problem. Attach copies of your documentation. Save all letters and documentation.

3. *Do not leave your classroom during any instructional period.*

Every teacher has a primary duty to properly supervise students. Never leave students unsupervised for any reason.

4. *All students should wear the appropriate personal protective equipment while working in the laboratory.*

Chemical splash goggles, and chemical-resistant aprons should be worn whenever any chemicals (no matter how minimal the risk of perceived injury) are to be used by students. Protective eyewear must be worn during all laboratory activities and demonstrations.

5. *Teach safety all year and review safety procedures often.*

Teachers have a duty to provide proper safety instruction. Start the year with a student safety contract. Then get in the habit of reviewing a safety rule every day at the beginning of class. It is critical that you review the appropriate safety precautions with students prior to beginning any laboratory activity. Remember to document all safety instruction that you provide in your lesson plan book.

6. *Make safety a priority in the classroom by establishing and modeling safe chemical handling practices.*

Set a good example for your students by always wearing appropriate personal protective equipment and performing laboratory procedures in a safe manner. Not only will your actions speak louder than words to your students, but if an injury to a student occurs, their attorney will not be able to use your good practices against you.

7. *Use smaller volumes and amounts of chemicals.*

Smaller chemical quantities result in smaller spills, reduced vapors, and less material for disposal. Smaller chemical quantities also usually result in less severe injuries to your students. Microscale as many labs as possible, particularly those that use volatile or hazardous chemicals.

8. *Demand appropriate safety training related to your duty of care in the science classroom.*

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Your school district is responsible for appropriate training to enable you to meet your duty of care in the classroom. Science laboratories are industrial areas requiring specialized training and knowledge that must be updated frequently.

9. *Do not permit students to use damaged or defective equipment.*

Damaged or defective equipment can cause serious harm to students. Until the equipment can be repaired, do not use it. If the conditions of your laboratory facility are unsafe, then document the safety issues and do not permit laboratory activities until the conditions are remedied. Perhaps calling the safety issue to the attention of parents, whose students will not receive adequate instruction because of existing unsafe conditions, may achieve quicker resolution of the problem.

10. *Do not permit students to take chemicals or any other school equipment home to perform "experiments."*

Theft of unlocked chemicals, performance of unauthorized experiments, and unsupervised home experiments expose students to potential injury and teachers to negligence liability.

11. *Be proactive rather than reactive.*

Acknowledgment

Kelly Ryan was a science teacher in San Gabriel High School in California for 15 years and is now a practicing attorney. He has written a book entitled *Science Classroom Safety and the Law—A Handbook for Teachers* (see below).

Science Classroom Safety and the Law—A Handbook for Teachers

By: Kelly Ryan, Esq., Attorney at Law

Science Classroom Safety and the Law was written to educate science teachers about court cases that apply to science education so you can successfully persuade school administrators to make the "right" decision regarding science safety. This book will give you the "ammunition" you need to correct safety problems at your school. The author, Kelly Ryan, understands firsthand the safety problems science teachers face since he was a chemistry teacher for seven years at a large California high school before becoming an attorney.

Throughout the book practical suggestions are made to improve science safety and reduce the potential for teacher and school district liability.



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