

1969

## An Attempt to Identify Selected Legal Responsibilities in Off-Campus Student Teaching

Joyce Wolverton Swan  
*Central Washington University*

Follow this and additional works at: <https://digitalcommons.cwu.edu/etd>



Part of the [Other Educational Administration and Supervision Commons](#)

---

### Recommended Citation

Swan, Joyce Wolverton, "An Attempt to Identify Selected Legal Responsibilities in Off-Campus Student Teaching" (1969). *All Master's Theses*. 1131.  
<https://digitalcommons.cwu.edu/etd/1131>

This Thesis is brought to you for free and open access by the Master's Theses at ScholarWorks@CWU. It has been accepted for inclusion in All Master's Theses by an authorized administrator of ScholarWorks@CWU. For more information, please contact [scholarworks@cwu.edu](mailto:scholarworks@cwu.edu).

325

AN ATTEMPT TO IDENTIFY SELECTED LEGAL  
RESPONSIBILITIES IN OFF-CAMPUS  
STUDENT TEACHING

---

A Thesis  
Presented to  
The Graduate Faculty  
Central Washington State College

---

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Education

---

by  
Joyce Wolverton Swan  
August, 1969

LD  
5771.31  
S 997  
Spec.  
coll.

174801

**Library  
Central Washington  
State College  
Ellensburg, Washington**

APPROVED FOR THE GRADUATE FACULTY

---

William Floyd, COMMITTEE CHAIRMAN

---

Ralph D. Gustafson

---

Daryl Basler

# TABLE OF CONTENTS

| CHAPTER   | PAGE |
|---|------|
| I. THE PROBLEM AND DEFINITIONS OF TERMS. . . . .  | 1    |
| Statement of the Problem. . . . .   | 1    |
| Procedure and Limitations of the Study. . . . .   | 4    |
| Definition of Terms . . . . .   | 5    |
| II. LITERATURE RELATED TO THE PROBLEM . . . . .   | 7    |
| Literature Related to the Problem of the<br>Use of Off-Campus Student Teaching<br>Facilities. . . . . | 7    |
| Literature Related to the Legal<br>Responsibilities of the States . . . . .                           | 10   |
| Literature Related to the Legal<br>Responsibilities of the Supervising Teacher. . . . .               | 14   |
| Literature Related to the Legal<br>Responsibilities of the Student Teacher . . . . .                  | 19   |
| Literature Related to the Legal<br>Responsibilities of the Teacher<br>Training Institution. . . . .   | 21   |
| III. PROCEDURAL METHODS. . . . .  | 24   |
| IV. SELECTED LEGAL ASPECTS OF STUDENT TEACHING. . . . .   | 26   |
| Do State-Wide Guidelines Exist? . . . . .   | 26   |
| Through What Agency are State-Wide<br>Guidelines Made Available to the<br>Classroom Teacher?. . . . . | 27   |

## CHAPTER

## PAGE

|  |    |
|--|----|
| What Agency is Responsible for Advising<br>the Supervising Teacher of the Legal<br>Responsibilities Involved? . . . . .  | 28 |
| How is the Legal Information Relayed to<br>the Classroom Supervising Teacher?. . . . .                                   | 29 |
| Table A, Summary of the Responses of Thirty<br>Eight States . . . . .  | 30 |
| V. CONSIDERATION OF TWO RELATED PROBLEMS . . . . .   | 32 |
| The Problem of Legal Recognition of Student<br>Teaching or the Student Teacher . . . . .                                 | 32 |
| The Problem of the Issuance of Certificates<br>to the Student Teacher. . . . .   | 34 |
| VI. SUMMARY AND RECOMMENDATIONS . . . . .  | 37 |
| Summary. . . . .   | 37 |
| Conclusions and Recommendations . . . . .  | 39 |
| BIBLIOGRAPHY . . . . .   | 42 |
| APPENDICES . . . . .   | 45 |
| A. Letter of Transmittal . . . . .   | 45 |
| B. Copy of Legal Information Taken from<br>Central Washington State College's<br>Handbook for Supervising Teachers . . . | 47 |
| C. Sample Student Teaching Certificate . . .   | 49 |
| D. Two Representative Letters of<br>Information . . . . .  | 51 |

## CHAPTER

## PAGE

## E. Statutes and Codes

|                         |    |
|-------------------------|----|
| Alaska. . . . .         | 54 |
| Florida . . . . .       | 54 |
| North Carolina. . . . . | 55 |
| North Dakota. . . . .   | 57 |
| Oklahoma. . . . .       | 57 |

## CHAPTER I

### THE PROBLEM AND DEFINITION OF TERMS

#### I. STATEMENT OF THE PROBLEM

During the early years of certification the student teaching phase of teacher education was conducted primarily in the campus laboratory schools. The campus laboratory school was an integral part of the teacher training institution and the student teaching experience was naturally the legal responsibility of the institution. The large increase in the number of students preparing for teaching careers has resulted in the increasing involvement of the public schools in the student teaching experience. As an increasing number of public school teachers become involved as supervising teachers in the student teaching experience, the question of legal responsibilities related to this experience becomes an issue in need of solution.

Historically the Tenth Amendment left the authority and responsibility to organize public schools to the state legislatures. According to Gauerke, a majority of the 50 states have administrative organizations involving both state and local levels of policy-making (10:43). In all cases the local level exercises authority delegated by the state legislature, often through a state board of education and a state department of education. The state legislature has the authority



to regulate the issuance of certificates to teach in a particular state. This authority is generally delegated to the state board of education. Waisanen (22:1) found that during the 1966-67 school year, student teaching was required to qualify for a teaching certificate in 45 of the 46 reporting states. However, only one state, California, issued a preliminary certificate to the student teacher legalizing his role in the classroom.

Most authorities appear to agree that the student teaching experience is a most important segment of teacher preparation. A large majority of the states require student teaching for certification even though few states provide for guidelines or regulations fixing the legal responsibilities during the student teaching experience. Some states ascribe to the fundamental inconsistency of the problem by requiring the student teaching experience for certification while at the same time maintaining that the student has no legal basis for involvement in the public school classroom. The 1969 edition of the Encyclopedia of Educational Research (8:1379) concludes that there is little uniformity either among the public school systems or the teacher training institutions in the methods governing student teaching programs. Thus, it appears that there is general agreement that the student teaching experience is both valuable and necessary, that the increasing volume of teacher preparation

candidates necessitates the involvement of the public schools in the program of teacher education, and that in most states there is no clear cut line of legal responsibility governing the student teaching experience in the public schools.

Due largely to the increasing involvement of the public schools in the education of prospective teachers, there is general agreement by authorities in the field of education on the need for identifying the legal responsibilities of the public schools and teacher training institutions during the student teaching experience. There is a need for developing guidelines and regulations. There appears to be general consensus that professional organizations, teacher training institutions, and the public schools should cooperatively formulate these standards. However, because ultimate legal authority for the public schools rests with the state legislature, the state legislature or its delegated agent must be the agency of action and implementation.

This study is an attempt to determine the legal responsibilities and possible liability of the classroom supervising teacher in the public schools inherent in the supervision of student teachers. It was deemed appropriate that a survey of all states be made in an attempt to discover the existence or non-existence of state-wide regulations and the methods by which communication of existing guidelines

were implemented in the public school classroom. It was anticipated that the information received from the survey might be used to establish criteria for guiding the supervising teacher in adapting procedures in the classroom designed to meet the realities and needs of the student teaching experience to comply with the existing legal responsibilities. It was further anticipated that the experiences of states which have used certification for student teachers might be useful in guiding the public schools of Washington State in the event of the adoption of the new proposed certification standards which include proposed certification for student teachers--not only in affecting a smooth transition to the new standards but in the avoidance of possible abuses inherent in certified student teaching.

## II. PROCEDURE AND LIMITATIONS OF THE STUDY

The study was limited to the legal responsibilities of the student teacher supervising teacher relationship in the student teaching experience. These relationships were considered with respect to the generally accepted practices at the present time and with respect to possible implications after adoption of the new certification standards in Washington State.

Since the state departments of education, through

delegation by the state legislatures, are conceded to contain the legal authority for the public schools, a letter shall be sent to the chief officer of the state department of education in each of the 50 states requesting information on the following points:

1. The existence or non-existence of state-wide regulations governing legal responsibilities during the student teaching experience.
2. The manner in which the guidelines were generally made available to the classroom supervising teacher.
3. The agency primarily responsible for advising the supervising teacher of the legal responsibilities involved.
4. The general practices used in relaying the legal information to the classroom teacher.

### III. DEFINITION OF TERMS

A diversity of terminology exists in literature pertaining to student teaching. The following terms have been selected for the purposes of this paper although it is acknowledged that alternative terms may be as widely used or accepted as these:

#### Student Teaching

Student teaching is a period of guided teaching, during which a college student assumes increasing responsibility for directing the learning of a group or groups of learners over a period of consecutive weeks.

### Student Teacher

A student teacher is a college student assigned to the student teaching experience.

### Supervising Teacher

A supervising teacher is a regular teacher of school pupils who also directs the work of the student teacher with these same pupils.

### College Supervisor

A college supervisor is a regular college staff member who has, as all or part of his assigned work load, the supervision of activities of student teachers and the relationships and conditions under which they carry on their work.

### Director of Student Teaching

A director of student teaching is a member of the college faculty who has administrative responsibility for the student teaching experiences but which usually is neither controlled nor supported by the college.

## CHAPTER II

### LITERATURE RELATED TO THE PROBLEM

In this chapter the literature related to the legal responsibilities involved during the student teaching experience will be reviewed in relation to the following areas: (1) Literature related to the problem of the use of off-campus student teaching facilities, (2) Literature related to the legal responsibilities of the states, (3) Literature related to the legal responsibilities of the supervising teachers, (4) Literature related to the legal responsibilities of the student teachers, and (5) Literature related to the legal responsibilities of the teacher training institutions.

#### I. LITERATURE RELATED TO THE PROBLEM OF THE USE OF OFF-CAMPUS STUDENT TEACHING FACILITIES

Andrews viewed the control of student teaching experiences as a major issue in developing high quality programs (3:35)<sup>2</sup>. He cited the increasing enrollment in student teaching as one reason for recommending federal financial aid. "Probably over 90 percent of student teaching is now conducted in off-campus, non-laboratory schools--chiefly public schools with no college control" (3:35). Helen Richards, in defining the roles and responsibilities of

personnel involved in off-campus laboratory experiences, noted two trends leading to the increased use of off-campus facilities for the student teaching experience (5:21). The first trend was the increased enrollment in teacher education institutions which has caused the inability of the campus laboratory schools to provide adequately for the large number of prospective student teachers. The second trend was the belief that off-campus situations provided a more natural setting for the student teaching experience.

With the movement of student teaching from the campus school, which had been directly responsible to the college, to the public school, the legal responsibilities became confused. Steeves raised the issue of dual, and sometimes divided, authority over the activities of the student teacher (18:197-208). He cited a case in which the principal asked the student teacher to substitute for a regular teacher. The Handbook for Student Teachers which was used in the case, cautioned that the student teacher was not legally authorized to serve as a substitute teacher. However, the same handbook provided that the final authority for change from the scheduled assignment rested with the building principal. The case was not resolved to the satisfaction of either party. Both the principal and the college supervisor felt that they had acted according to their legal authority. This case illustrates the conflict which is likely to occur

in the absence of clearly defined lines of legal authority.

The Joint Committee on State Responsibility for Student Teaching found that confusion often resulted when two independent institutions, the college and the public school, cooperated in student teaching (14:19-31). The supervising teacher could delegate only portions of his authority temporarily to the student teacher, while the college supervisor had authority over the student teacher but not over the activities in the classroom. Many different organizational patterns have been explored but would require financing and control beyond the budgetary ability of the usual college--public school relationship. The National Education Association Research Division found that there was "little uniformity either among the school systems or the teacher training institutions in the procedures or arrangements governing the administration of student teaching programs" (8:1379). Westfall found that, in general, the school board limited its recognition of student teaching to informal general approval as opposed to written contracts (24:240). He also found that many teacher education institutions prepared handbooks for both the student teacher and the supervising teacher, thereby assuming leadership for guidelines governing the student teaching experience. Woodruff indicated that the lack of action by state departments of education had forced the teacher education



institutions to implement requirements which often left the issue of legal responsibility in doubt (26:1).

Waisanen studied conditions existing during the 1966-67 school year and arrived at three conclusions concerning the confusion existing in the legal status of the student teaching experience (22:2):

1. The legal status of student teachers in the United States seems to be generally indefinite.
2. There is an absence of statutes in a majority of states defining the legal authority of the school districts, supervisors, and student teachers to engage in the student teaching function in the schools.
3. The authority of school districts to utilize school staff for the purpose of student teaching and to bring uncertified teachers into the school is not generally defined by statute.

One could conclude, at least tentatively, that the use of off-campus student teaching facilities has resulted in confusion with respect to the legal responsibilities of the participating agencies, that the roles and responsibilities of these agencies need definition in a quality teacher education program, and that the state departments of education, the teacher training institutions, and the public schools should be involved in defining the legal status of the student teaching program.

## II. LITERATURE RELATED TO THE LEGAL RESPONSIBILITIES OF THE STATES

Several authors have pointed to the ultimate authority of the state legislatures as a possible solution for

coordination of the legal responsibilities in the student teaching program. The Joint Committee on State Responsibility for Student Teaching concluded that student teaching was (1) generally accepted as an important part of teacher preparation, (2) that student teaching was a shared responsibility without clear-cut lines of responsibility, and (3) that the state was legally responsible for education, including student teaching (14:1). Andrews, in summarizing the opinions of observers with respect to the dilemma in student teaching, found that "The laboratory phases of teacher education are not within the basic responsibility of the local school districts, even though they must provide the service" (1:169). Gauerke, in School Law, recalled that the Tenth Amendment made the public school systems creatures of the state legislatures with authority modified only by constitutional restraints (10:44). Woodruff suggested that the state responsibility for student teaching had existed from the time that certification came into being since the student teaching experience had been a requirement for certification since that time (26:8). He stated further that it had become obvious that the public schools would become increasingly involved in the student teaching program. "Hence, it would seem that the states, whether they recognized it or not, are by virtue of

their legal responsibilities probably the only parties in a position to take authoritative action in setting up provisions for a student teaching program" (26:8).

The Joint Committee on State Responsibility for Student Teaching concluded that in practice most states have separate structural systems for higher education and for elementary-secondary education which do not provide for any interaction or joint decision making (14:19). In addition, the legislature generally controls the teacher education programs and the state department of education regulates the elementary-secondary school system. Swalls concluded that since student teachers were placed in the public schools in increasing numbers and since student teaching was generally required for certification, the state departments of education had a clear responsibility to encourage legislation and guidelines for meeting this requirement (20:32).

Several authors suggested an expanded role for the state departments of education in the future. Mr. Drummond, in the Seattle Conference, acknowledged that the regulatory function of state departments of education, in relation to the public schools, had possibly been emphasized in the past (6:80). He envisioned the role of the state department of the future as that of initiating dialogue between the public schools, teacher education institutions, and

professional organizations to fix the responsibilities among the groups involved in teacher education. He felt that the student teaching phase of teacher preparation could no longer be considered the concern of the teacher education institution alone. Hill made several suggestions for the improvement of the student teaching experience in which he felt that the state department of education could play an important role (13:10). The first was in tying theory and practice together by determining the experiences which should be included in student teaching. Another suggestion was in devising means of placing the student teacher in the most appropriate student teaching experience. He felt that legislative support through financial aid and legal role definition would be necessary to facilitate the latter proposal. The Joint Committee on State Responsibility for Student Teaching recommended that state-wide policies, standards, and support for student teaching were needed (15:2-13). They felt that the degree of the college student's involvement in student teaching and his legal status were aspects where agreements were needed. The Committee further recommended that existing legislation be considered for the support and improvement of student teaching.

In concluding his study of selected legal aspects of 10 states, Dr. Swalls made the following recommendations

concerning needed legislation (20:32-33).

Each state should enact legislation to authorize student teaching in its public schools, and the statute should define the general authority which may be delegated to a student teacher. Such studies should include: (1) supervision of extra-class activities, (2) substituting for the supervising teacher for short periods of time not to exceed one day at any one period of substitution, and (3) authority to regulate pupil conduct in the absence of the supervising teacher. . . . The legislature of each state should enact a statute charging the State Department of Education with the responsibility to establish rules and regulations which would serve as a guide to both the local school corporation and the teacher-education institution in providing student teaching in the public schools.

The Joint Committee (14:13) recommended that state departments of education prepare enabling legislation for support of the student teaching program. The Committee further recommended that the state departments initiate the allotment of funds to improve student teaching since the quality of future teachers was in large degree dependent upon the quality of the student teaching experience.

There appears to be general agreement that the states have the ultimate legal authority for the student teaching experience when conducted in the public schools and that the state departments of education should initiate the action or dialogue between the participating agencies aimed toward definition of the legal responsibilities involved.

### III. LITERATURE RELATED TO THE LEGAL RESPONSIBILITIES OF THE SUPERVISING TEACHER

Wiggins stated the basic legal dilemma facing the supervising teacher in the student teaching experience (25:45). In speaking directly to student teachers, he said:

Supervising teachers continue to have full legal responsibility even when you are actually in charge of classroom teaching. The official responsibility cannot be legally delegated to you. Supervising teachers face the problem of helping you to get the feeling of authority and responsibility while knowing full well that if something goes wrong, the legal responsibility will still be theirs.

The Joint Committee (14:13) felt that "Public schools should accept their role in teacher education as a legitimate part of their public obligation." Horace Nelson, in a survey of student teaching practices in eight Southwestern States, found that 57% of the institutions expected their student teachers to engage in "all activities of the regular teacher" (16:189).

Certain fundamental principles for guiding activities involving children emerged from a study of law handbooks written primarily for lay school personnel. According to Gauerke (10:110):

Every person is presumed to know the law and is bound at his own peril to heed the public statutes. The law imposes a duty upon individuals to observe impending danger when possible and then to avert injury. Failure to do so constitutes negligence when peril could have been apparent to one causing the injury, had he been maintaining proper vigilance.

In discussing duties and authority of teachers generally, Drury and Ray stated "A teacher may be personally liable for injuries directly and proximately sustained by pupils under the care of such teacher for negligence or failure of duty" (7:66). Dr. Gauerke indicated that "Lack of proper supervision is one circumstance held by courts to make a teacher personally liable for pupil injury" (11:12). Drury and Ray discussed the concern of the courts when attempting to measure negligence (7:70):

Negligence may be an act of commission or an act of omission. . . .The standard of conduct is weighed or measured against what a reasonable person of ordinary prudence would have done or not have done under the same or similar circumstances.

In speaking of absences from the classroom, "Generally, the temporary absence of a teacher from the classroom is not considered to be a negligent lack of proper supervision." (7:71). Another basic concept mentioned by Gauerke was,

The courts have said that schoolmen are bound to exercise that care which a parent of ordinary prudence would exercise under comparable circumstances. Here is the direct application of the doctrine that the teacher stands in loco parentis to the pupil" (11:12).

The Washington Education Association listed examples of situations when and where lawsuits might arise: (23:34-35)

- a. Improper supervision of pupils or improper checking of defective equipment in physical education classes results in injury to a pupil.
- b. Improper first-aid care results in aggravating an injury.

- c. Pupils are permitted to play too rough a game during recess.

One could conclude that the basic problem which faces the supervising teacher is one of providing the student teacher with a valuable and realistic teaching experience while attempting to comply with the legal responsibilities of his position both to the pupils in the classroom and to the student teacher. The absence of clearly defined guidelines and definitions concerning the delegation of authority and the meaning of adequate supervision add to the confusion in the classroom situation.

#### IV. LITERATURE RELATED TO LEGAL RESPONSIBILITIES OF THE STUDENT TEACHER

Tieszen and Foreman raised the question of whether a student teacher had authority to teach even temporarily without a certificate (21:216). They felt that the student teacher's position before the law was open to question. Another problem mentioned by these authors was that the increased exposure of student teachers to the public school classrooms increased the possibility of legal problems arising. They cited two New York cases where the courts decided that two physical education classes supervised solely by a student teacher did not meet the legal requirements of supervision set by the law (21:217). They raised questions concerned with the right of the student



teacher to administer discipline and to act as a substitute teacher. Another question concerned the types of responsibilities which a supervising teacher could not delegate to the student teacher. They felt that the State of California had answered the questions by the issuance of preliminary temporary certificates to student teachers authorizing them to teach without salary under the supervision and control of a certified teacher "whether or not such duties are performed entirely in the presence of the employee" (21:218).

Andrews stated that the supervising teacher could delegate responsibilities but not the final authority (2:61). He suggested that the student teacher be responsible for managing the class and handling common behavior problems but should handle major discipline problems only with the direction of the supervising teacher. Haines, however, stated that the student teacher had no authority in the classroom (12:49). "He should not punish a child; he does not promote or fail pupils." She stated that, since the student teacher was expected to assume the responsibilities of classroom procedures without the authority, a clearer definition of the role of the student teacher under the law needed to be evolved. Stradley felt that the principal and the supervising teacher should assume the responsibility of informing the student teacher

of his legal status (19:6). He stated that "in most cases" the student teacher has no legal teaching status. The practice of the supervising teacher being absent from the classroom before the student teacher was prepared to teach was unfair to both the student teacher and the classroom pupils and placed the student teacher in a precarious legal position. Andrews considered that absences of the supervising teacher from the classroom which were to be one-half day or longer should be planned in advance with the building principal (2:63). While the student teacher is participating in full day teaching, the supervising teacher should observe intermittently but should be available for consultation and ready to assume authority which cannot be delegated.

The State of Washington in 1967 enacted enabling legislation allowing school districts to make available liability insurance for their employees and agents. Mr. Llewellyn O. Griffith, Administrative Consultant to the Washington State Superintendent of Public Instruction, was questioned as to whether student teachers were covered or may be covered by such insurance. Mr. Griffith stated that there was no question that student teachers were agents, even though not employees, of the school district and that they may be sued as individuals or that the school district may be sued for the student teacher's negligence. He added

that student teachers may purchase individual liability coverage as members of the Student National Education Association.

Waisanen found the following facts related to the legal status of student teachers in the United States during the 1966-67 school year:

1. Forty-four of the forty-five reporting states permitted the student teacher to exercise control of pupil behavior in the presence of the supervising teacher.
2. In thirty-two of the states reporting in the study, the student teacher was permitted to exercise control of pupil behavior in the absence of the supervising teacher.
3. Student teachers could be utilized as substitute teachers in nine states.
4. In twenty-six of the reporting states, the student teacher would be held liable for injuries to students under his supervision if he were negligent.
5. Forty-four states indicated that student teacher memberships were provided by the state education association while accompanying personal liability insurance was provided in only fifteen states of the forty-four.

In conclusion, it appears that the legal status of the student teacher varies greatly from state to state. It ranges from authority in some states equal to that of the certified teacher to no legal status or recognition by the law in others. The need for a clear definition of the legal position of the student teacher would appear to enhance rather than inhibit performance in the classroom.

## V. LITERATURE RELATED TO THE LEGAL RESPONSIBILITIES OF THE TEACHER TRAINING INSTITUTION

Andrews suggested that one of the problems faced by most colleges was the lack of experienced supervising teachers, the proportion of teachers working with their first student teacher being 30% to 40% annually (3:35). This would appear to indicate a constant need for orientation of personnel concerning the legal aspects of student teaching. The Joint Committee for State Responsibility for Student Teaching found that the student teaching situation was comparatively unstructured in relation to traditional college classes and the student teacher was forced to make many decisions without guidelines and rules (14:11). Proper orientation by college supervisors could facilitate the transition of the student teacher from the college classroom to the student teaching experience.

A clear definition of the roles of personnel involved in the student teaching program would appear to be legally permissible. Waisanen found that "In thirty-nine of the forty reporting states, colleges were permitted by law to enter into agreements with local boards for student teaching." Andrews suggested that a model state program on student teaching should include a provision for "Legislation or official state regulations setting forth clearly the legal

status of student teachers and providing for agreements between public school districts and colleges, together with proper controls for the delegation of authority and liability" (2:97).

Clearly, most observers of the college-public school partnership appeared concerned with the determination of legal responsibilities between the two parties. A notable exception was a recent survey of Directors of Student Teaching. Of the 456 Directors of Student Teaching responding to the survey, only 4% indicated that the legal status of student teachers was among their major problems. This same survey indicated that, of the Directors of Student Teaching in the study, over 50% had not served as supervising teachers in the classroom and less than one third of the directors had been college supervisors prior to assuming their duties as director (4:62).

One further problem for future consideration by the colleges as well as the public schools was pointed out by the Joint Committee on State Responsibility for Student Teaching (14:35). One future trend which appears eminent is that the states will move toward legalizing the position of the student teacher in the classroom through certification. In this event "Safeguards must be established so that the student of teaching is not exploited, as has happened in medical education" (14:35).

Apparently it can be concluded that, even though the teacher training institutions have assumed the major responsibility for the structure of the student teaching program in the past, the public schools, professional organizations, and state departments of education should share the responsibility for defining the legal roles involved in the program in the future.

It was the intent of the writer in this chapter to review the literature concerning the legal responsibilities during the student teaching experience as it related to the major participants in the program. It was difficult to separate these roles as it became increasingly evident that student teaching is being recognized as the concern of the entire teaching profession. There appears to be general agreement that it is desirable to define the legal status of the participants in the student teaching experience for the protection of the student teacher and the improvement of the program. There is general agreement that the state should take the initiative in the development of guidelines related to student teaching in recognition of the legal authority of the state legislature over the public schools. Most authorities appear to believe that defining the legal authority and developing guidelines governing the roles of the participants would not lead to excessive standardization of the teacher preparation programs within a given state.

## CHAPTER III

### PROCEDURAL METHODS

The basic assumption underlying the procedure for gathering information for this study was that the state departments of education have the legal authority and responsibility for education within the several states. Therefore, a letter was sent to the chief officer of the state department of education in each of the fifty states requesting information related to the following legal aspects of the student teaching experience: (See Appendix A)

1. The existence or non-existence of state-wide regulations governing legal responsibilities during the student teaching experience;
2. The manner in which the guidelines were generally made available to the classroom supervising teacher;
3. The agency primarily responsible for advising the supervising teacher of the legal responsibilities involved; and
4. The general practices used in relaying the legal information to the classroom teacher.

Included with the letter of inquiry was an excerpt on legal information taken from the Handbook for Supervising Teachers used by Central Washington State College as a part of the student teaching program at that institution. The excerpt was included as an example of the type of information sought in the study. (See Appendix B)

Replies were received from 38 of the 50 states. The responses from the state departments of education were tabulated according to the four specific questions listed above. Since many of the replies supplied additional information, this data was recorded as it related to problems which had been noted in the review of literature related to the legal aspects of the student teaching experience.



## CHAPTER IV

### SELECTED LEGAL ASPECTS OF STUDENT TEACHING

This chapter records the responses of the reporting states to the four questions; (1) Do state-wide guidelines exist? (2) Through what agency are state-wide guidelines made available to the classroom teacher? (3) What agency is responsible for advising the supervising teacher of the legal responsibilities involved? and (4) How is the legal information relayed to the classroom supervising teacher?

#### I. DO STATE-WIDE GUIDELINES EXIST?

Of the 38 states reporting in the study, 11 states reported the existence of state-wide regulations or guidelines defining the legal responsibilities during the student teaching experience. These states were; Georgia, Florida, Idaho, Nebraska, Missouri, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Dakota, and West Virginia. The State of Kansas Department of Education reported that it felt that student teaching should have legal status and it was working toward passage of such legislation. Six of the above states have developed handbooks which are distributed throughout the state. This has generally been done jointly with one or more of the participants in the student teaching program. The guidelines

for the State of Nebraska were developed with the aid of resources from a federal grant through Title V of the Elementary and Secondary Education Act and reflect the "total profession" involvement concept. The trend toward the development of state-wide guidelines appears to be a recent one. Seven of the 11 states reporting the existence of state-wide guidelines have either initially adopted or revised their guidelines during 1968 or 1969.

## II. THROUGH WHAT AGENCY ARE STATE-WIDE GUIDELINES MADE AVAILABLE TO THE CLASSROOM TEACHER?

A marked trend toward shared responsibility for the development of the guidelines exists. However, the responsibility for making the information available to the classroom teacher involved appears almost equally divided between the sole responsibility rested with a single agency and joint or shared responsibility for this function. In four states, Idaho, North Carolina, North Dakota, and Pennsylvania, the teacher training institution has the sole responsibility for informing the participants of the legal aspects of their roles during student teaching. Two states, Georgia and Nebraska, leave this responsibility to the state departments of education. The state departments of education and the teacher training institutions share this responsibility in Missouri, Oklahoma, and South Dakota

In West Virginia, the teacher training institutions and the public schools share the responsibility, while in Florida a county council-state department organization has the responsibility.

### III. WHAT AGENCY IS RESPONSIBLE FOR ADVISING THE SUPERVISING TEACHER OF THE LEGAL RESPONSIBILITIES INVOLVED?

Of the 38 states reporting in the study, 28 responded directly to this question. The majority of these states, 25 of the 28, reported that the teacher training institution had the primary responsibility for advising the supervising teacher of the legal responsibilities involved. In Florida, there is again the county council-state department of education joint responsibility. In four states, Michigan, Minnesota, Mississippi, and West Virginia, the teacher education institutions and the public schools have a joint responsibility. Mr. Ed Phau, Director of the Accreditation and Certification Division for the Michigan State Bureau of Higher Education explained this joint responsibility:

Teacher education institutions and cooperating school districts jointly administer the assignment of student teachers and this includes the definition of legal responsibilities of the parties involved. Typically a cooperating school that is well administered assumes responsibility for instructing student teachers since this cannot be appropriately left to chance or to some other agency.

The trend appears to be, however, that the teacher training institution assumes the major responsibility in this area.

#### IV. HOW IS THE LEGAL INFORMATION RELAYED TO THE CLASSROOM SUPERVISING TEACHER?

There appeared to be three methods for relaying information which were used most often. The most widely used source of information for the classroom teacher was the state-wide handbook. The state-wide handbook was used in nine of the 28 states responding to the question: Florida, Georgia, Nebraska, North Carolina, Oklahoma, Pennsylvania, South Dakota, West Virginia, and North Dakota. In six states, Arizona, Arkansas, Kansas, Kentucky, Michigan, and Montana, handbooks other than those containing state-wide regulations were used. These handbooks were developed jointly by one or more of the participants in the student teaching program. In seven states, Colorado, Connecticut, Missouri, Utah, Wyoming, Washington, and Mississippi, handbooks containing guidelines individually developed by the teacher training institutions were used. In three states, Iowa, Nebraska, and Texas, conferences or meetings prior to the student teaching experience were most often used to inform the supervising teacher in the classroom. For detailed information on the methods of relaying legal information to the classroom supervising teacher, see Table I.

TABLE I

THE RESPONSES OF THIRTY-EIGHT STATES  
TO THE FOUR SELECTED QUESTIONS

- I. Does your state have statewide guidelines covering the legal responsibilities of the supervising teacher during the student teaching experience?
- II. What agency is responsible for making the statewide guidelines available to the supervising teacher?
- III. What agency is primarily responsible for advising the supervising teacher of the legal responsibilities in student teaching?
- IV. How is the information generally relayed to the supervising teacher in the classroom?

| STATE                 | I   | II                      | III   | IV    |
|-----------------------|-----|-------------------------|-------|-------|
| Alabama               | No  | --                      | --    | --    |
| Alaska                | No  | --                      | --    | --    |
| Arizona               | No  | --                      | C     | HB    |
| Arkansas              | No  | --                      | C     | HB    |
| Colorado              | No  | --                      | C     | CHB   |
| Connecticut           | No  | --                      | C     | CHB   |
| Florida               | Yes | CO-SD                   | CO-SD | SHB   |
| Georgia               | Yes | SD                      | C     | SHB   |
| Idaho                 | Yes | C                       | C     | --    |
| Iowa                  | No  | --                      | C     | Conf. |
| Kansas                | No  | --                      | C     | HB    |
| Kentucky              | No  | --                      | C     | HB    |
| Louisiana             | No  | --                      | C     | --    |
| Maine                 | No  | --                      | --    | --    |
| Michigan              | No  | --                      | C-P   | HB    |
| Minnesota             | No  | --                      | C-P   | --    |
| Mississippi           | No  | --                      | C-P   | CHB   |
| Missouri              | Yes | C-SD                    | C     | SHB   |
| C--college            |     | HB--handbook            |       |       |
| CHB--college handbook |     | P--public school        |       |       |
| CO--country           |     | SD--state department    |       |       |
| Conf.--conference     |     | SHB--statewide handbook |       |       |

TABLE I (continued)

| STATE          | I   | II   | III | IV       |
|----------------|-----|------|-----|----------|
| Montana        | No  | --   | C   | HB       |
| Nebraska       | Yes | SD   | C   | SHB-Conf |
| Nevada         | No  | --   | --  | --       |
| New Hampshire  | No  | --   | --  | --       |
| New Jersey     | No  | --   | --  | --       |
| New Mexico     | No  | --   | --  | --       |
| New York       | No  | --   | --  | --       |
| North Carolina | Yes | C    | C   | SHB      |
| North Dakota   | Yes | C    | C   | SHB      |
| Ohio           | No  | --   | C   | --       |
| Oklahoma       | Yes | C-SD | C   | SHB      |
| Pennsylvania   | Yes | C    | C   | SMB      |
| South Carolina | No  | --   | --  | --       |
| South Dakota   | Yes | C-SD | C   | SHB      |
| Texas          | No  | --   | C   | Conf     |
| Utah           | No  | --   | C   | CHB      |
| Vermont        | No  | --   | --  | --       |
| Virginia       | No  | --   | --  | --       |
| Washington     | No  | --   | C   | CHB      |
| West Virginia  | Yes | C-P  | C-P | SHB      |
| Wyoming        | No  | --   | C   | CHB      |

## CHAPTER V

### CONSIDERATION OF TWO RELATED PROBLEMS

The letters and documents received in reply to the questions discussed in Chapter IV were generously sprinkled with additional information pertinent to problems which had been apparent in the literature related to legal aspects of student teaching. This information is reported as it related to the following problem areas:

1. The problem of legal recognition of student teaching or student teachers; and
2. The problem of the issuance of certificates or licenses to the student teacher.

#### I. THE PROBLEM OF LEGAL RECOGNITION OF STUDENT TEACHING OR OF STUDENT TEACHERS

Six of the 38 states reporting in the study reported that the legal status of student teaching was in doubt due to the silence of the law related to the subject. These six states, Kansas, Alabama, Maine, New Hampshire, Montana, and Virginia, indicated that the state statutes made no mention of the student teacher or the student teaching experience. In these instances the recommendation of Swalls (20:33) would appear to be sound, "In states that have neither expressed statutory authority for student teaching in public schools nor an attorney

general's opinion on the matter, immediate steps should be taken to obtain an official opinion."

A procedure similar to that recommended by Swalls above was followed in North Carolina leading to the adoption of legislation defining the student teacher and student teaching. State Supervisor of Student Teaching, Sam Hill, reported:

Because student teaching was not mentioned in the school laws here, an advisory group, the State Council on Student Teaching recommended that such laws be drawn. This was done by the Attorney General's office and the Institute of Government, and the bill was ratified May 28, 1969. A copy is enclosed. (See Appendix D.)

Thirteen states mentioned legislation specifically related to student teaching or the student teacher. In most cases specific provisions related to liability of the student teacher or to the legal status of the student teacher.

Three responses stated that the state department of education had no authority and/or responsibility connected with student teaching.

Herschel Hooper, Director of Secondary Education for the State of Arizona wrote:

The State Department of Public Instruction does not have jurisdiction over any phase of the teacher training program except in the field of certification. Any regulations or guidelines in the state would be those developed by the teacher training institutions.



From the State of Nevada, E. A. Haglund, Director of the Professional Standards Branch of the Department of Education, replied:

. . . I wish to advise that you would have to contact the University regarding student teachers legal status, as this is not a State Department of Education responsibility. (See Appendix D.)

Superintendent of Public Instruction for the State of Wyoming, Mr. Harry Roberts, answered:

The supervision of student teachers is under the jurisdiction of the College of Education, University of Wyoming. The State Department of Education has no responsibility or authority in this area and we are, therefore, unable to give you the information you have requested.

The foregoing letters illustrate the existence of separate structural systems for the higher education systems and the public school systems which the Joint Committee on State Responsibility for Student Teaching found practiced in most states (14:19). These replies appear to reinforce the position of authorities in urging the assumption of responsibility by state departments of education since student teachers are placed in the public schools, which are clearly the responsibility of these departments.

## II. THE PROBLEM OF THE ISSUANCE OF CERTIFICATES OR LICENSES TO THE STUDENT TEACHER

An interest was indicated earlier in this study in the practice of the issuance of preliminary teaching

certificates to student teachers because the proposed Washington State Certification Guidelines are considering this practice as a possibility in the near future.

Only two of the states reporting actually issued certificates to student teachers. A reply was not received from the State of California which also issued preliminary certificates to student teachers. Two states, Alaska and Missouri, indicated that certificates were issued to student teachers prior to the student teaching experience.

Section 60-(c) of the 1967 edition, Alaska Department of Education, Rules and Regulations, provides for a certificate:

Authorization-to-teach certificates may be issued to cadet teachers when assigned to a public school for the purpose of completing a course in practice (or cadet) teaching. . . . Cadet teachers are exempt from salary, sick leave, and other provisions for benefit. The cadet teacher has the authority of a regular teacher while carrying out other assignments as a teacher. Filed September 8, 1966.

Warren M. Black, Assistant Commissioner of Education for the State of Missouri, explained the use of student teaching certificates as a possible answer to one of the legal dilemmas in student teaching. He wrote:

Recently college staff members working with the problem have expressed a feeling that practice teachers should, as a part of their training, be alone with the students at sometime so that they can experience the first-hand problems of the teacher in working with her class. Since this would be irregular without a license, we have worked out a cooperative certificate which is issued by the

college with our approval. Administration of the program is left to the institution, but we are able to verify that the student teacher has a certificate. We feel enforcement must be left with the college since the only recourse we would have would be to revoke a certificate and since they are very temporary, no action would be possible prior to expiration. (See Appendix C)

The experiences of these two states might serve as guides in the event that Washington State adopts the preliminary certificate for student teaching. However, Missouri has issued student teaching certificates for only part of a school year (since January, 1969) and Alaska for only three years.

In addition to the states which issue certificates to student teachers, the states of North Dakota and Oklahoma have recent statutes or codes which equate the legal status and authority of the student teacher with those of a regularly certified teacher (See Appendix E). Florida has a statute which extends the same protection of the law to the student teacher as that of the certified teacher (See Appendix E).

## CHAPTER VI.

### SUMMARY AND RECOMMENDATIONS

#### I. SUMMARY

The increasing enrollment in teacher preparation courses has resulted in the inability of the campus laboratory schools to provide facilities for the student teaching phase of teacher preparation. The public schools, in cooperation with the teacher education institutions, have experienced a rapidly expanding utilization as student teaching facilities, due largely to the increased college enrollment. The legal status of the student teacher and the classroom supervising teacher and their respective responsibilities during the student teaching experience has been confused. The traditional dual authority--that of the teacher training institution over the student teacher as a student enrolled in its classes and that of the state legislature over the public school systems and its teachers--left many situations without apparent guidelines or authority.

This study has been an attempt to determine the legal responsibilities inherent in the student teaching experience relative to the following selected aspects; (1) the existence of state-wide guidelines and the agency through which the guidelines were made available to the classroom

participants, and (2) the agency primarily responsible for advising the supervising teacher of the legal responsibilities involved including the general practices used in relaying this information to the classroom. It was anticipated that the data received might be useful in guiding the supervising teacher in planning a valuable and realistic student teaching experience which still meets the requirements of the law.

Assuming that the ultimate authority over student teaching experiences conducted in the public schools rested with the state departments of education as agents of the state legislatures, an inquiry was sent to the state departments of education in each of the 50 states of the United States. The inquiry requested information mentioned in Section I of this chapter. Replies were received from 76% or 38 of the 50 of the states contacted. The data was considered in relation to the four specific questions asked in the letter of inquiry and in relation to additional problems related to the literature of the legal aspects of student teaching which appeared to be pertinent to the study. These two problems were: (1) the problem of legal recognition of student teaching or the student teacher, and (2) the problem of the issuance of certificates of licenses to the student teacher.

## II. CONCLUSIONS AND RECOMMENDATIONS

Of the states responding to the inquiry concerning the existence of state-wide guidelines, slightly less than one-third replied in the affirmative. However, the fact that more than half of these states had passed legislation or finalized action on the state-wide guidelines during the 1968-1969 school year seems to indicate a recent trend toward the development of state-wide guidelines or regulations defining the legal responsibilities during student teaching.

The responsibility for making the state-wide guidelines available to the supervising teacher appears to be divided almost equally between the teacher education institution or the state departments of education assuming the sole responsibility and a joint responsibility assumed by two or more of the participants in the student teaching program.

The agency responsible for advising the supervising teacher of the legal responsibilities appeared to be the teacher education institution in a large majority of the states responding to this question. This area was the only area of strong agreement among the responding states. Perhaps it can be concluded that the teacher education institutions had assumed leadership in this area for such

a long period of time that the role passed naturally to these institutions.

Handbooks appeared to be the most often used method of relaying the legal information to those involved directly in the student teaching experience. The handbooks generally contained state-wide regulations or regulations developed by the teacher education institutions. In most instances, no state-wide trends concerning the mechanics of delivering the handbooks were evident. However, three states did report the use of conferences or meetings prior to the student teaching experience whether or not a handbook was available.

It can be concluded, at least tentatively, that the states are moving in the direction of defining the legal status of the student teacher during the student teaching experience, either through certificates or statutes. It would appear that the experiences of these states would prove valuable to other states contemplating similar programs. However, due to the recency of the programs, it would be difficult to evaluate their effectiveness at this time.

Legal recognition of student teaching varied widely among the reporting states. There appears to be a trend toward statutory recognition of the student teaching experience. The recommendation of Dr. Swalls encouraging

states without statutes related to student teaching to force an opinion giving legal recognition to the program appears to be valid.

It would appear that the encouragement of the cooperation of the total teaching profession toward definition of the roles of the participants involved in student teaching should be undertaken by those associated with the student teaching program. The "total profession" concept in planning which has been employed by Nebraska, Pennsylvania, and Florida should be considered.

In states where there exists no clear-cut definition of such terms as "adequate supervision" and "delegation of authority," the legal responsibilities inherent in the day-to-day classroom supervision of student teachers are necessarily in doubt. It is reluctantly recommended that the legal situation be regarded as precarious by the supervising teacher.

It is finally recommended that the supervising teacher keep in mind the responsibilities assigned to and assumed by him as he prepares to involve student teachers, so that the consequences which might result from ignorance of the law in this matter will not occur.



## BIBLIOGRAPHY

1. Andrews, L. O., "State and Federal Aid for Student Teaching--Now?" The Journal of Teacher Education, 15:165-174, June, 1964.
2. \_\_\_\_\_, Student Teaching, New York: The Center for Applied Research in Education, Inc., 1964.
3. \_\_\_\_\_, "Theory Underlying Proposed State and Federal Support to Promote High Quality Student Teaching," Theoretical Bases for Professional Laboratory Experiences in Teacher Education, pp. 34-58, Forty-Fourth Yearbook of The Association for Student Teaching, Dubuque, Iowa: Wm. C. Brown Co., Inc., 1965.
4. The Association for Student Teaching, Committee on Research, The Director of Student Teaching: Characteristics and Responsibilities, Research Bulletin #7, Washington, D. C.: The Association, 1968.
5. Curtis, Dwight K. (ed.), Achieving Quality in Off-Campus Laboratory Experiences, Bulletin #8, Cedar Falls, Iowa: The Association for Student Teaching, 1957.
6. Drummond, William H., "Conference Commentary," The Role of the State Department of Education in Teacher Education, editors, Roy A. Edelfelt and Wendell C. Allen, Olympia, Washington: State Superintendent of Public Instruction, 1967.
7. Drury, Robert L. and Kenneth C. Ray, Principles of School Law, New York: Appleton-Century-Crofts, Division of Meredith Publishing Company, 1965.
8. Ebel, Robert L., "Student Teaching," Encyclopedia of Educational Research, 4th edition, 1376-1384, London: The Macmillan Company, 1969.
9. Garber, Lee O., Handbook of School Law, New London: Arthur C. Croft Publications, 1954.
10. Gauerke, Warren E., School Law, New York: The Center for Applied Research in Education, Inc., 1965.

11. Gauerke, Warren E., What Educators Should Know About School Law, Vol. 5 of The Successful School Administration Series, 6 vols.. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968.
12. Haines, Aleyne Clayton, "Role Dolemmas in Student Teaching," The Student Teacher's Reader, Rand McNally Education Series, ed. Alex F. Perrodin, Chicago: Rand McNally and Company, 1966, pp. 48-53.
13. Hill, Warren G., "The Dynamic Duo," The Role of the State Department of Education in Teacher Education, eds. Roy A. Edelfelt and Wendell C. Allen, Olympia, Washington: State Superintendent of Public Instruction, 1967.
14. Joint Committee on State Responsibility for Student Teaching, A New Order in Student Teaching-Fixing Responsibilities for Student Teaching, National Commission on Teacher Education and Professional Standards, Washington, D. C.: The National Education Association, 1967.
15. \_\_\_\_\_, Who's in Charge Here-Fixing Responsibility for Student Teaching, National Commission on Teacher Education and Professional Standards, Washington, D. C.: The National Education Association, 1966.
16. Nelson, Horace, "A Survey of Student-Teaching Practices in Eight Southeastern States," Journal of Teacher Education, 14:188-193, June, 1963.
17. Statutes:  
Washington Revised Statutes, 1967, Chapter 164;  
4.96.010, Chapter 135; 28.76.410.
18. Steeves, Frank L., Issues in Student Teaching: A Casebook With Related Problems in Teacher Education, New York: The Odyssey Press Inc., 1963.
19. Stradley, William E., Supervising Student Teachers, Danville, Illinois: The Interstate Printers and Publishers, Inc., 1968.
20. Swalls, Dr. Fred, Legal Aspects of Student Teaching, Cooperative Research Project S-075, Office of Education, U. S. Department of Health, Education,

and Welfare, Danville, Illinois: The Interstate Printers and Publishers, Inc., 1966.

21. Tiezen, D. W., and Charles M. Foreman, "Student Teaching--Some Legal Considerations," Journal of Teacher Education, 12:216-218, June, 1961.
22. Waisanen, Einard R., "An Abstract of the Research Study Involving the Legal Status of Student Teachers in the United States in 1966-1967," Unpublished Master's thesis, North Dakota State University, Grand Forks, 1967.
23. Washington Education Association, Legal Rights and Responsibilities of Washington Teachers, Seattle: The Association, 1968.
24. Westfall, Byron E., "Student Teaching Programs in Certain School Systems in North Central Association Area," North Central Association Quarterly, 37: 237-245, 1963.
25. Wiggins, Sam P., "Working With Your Supervising Teacher," The Student Teacher's Reader, Rand McNally Education Series, ed. Alex F. Perrodin, Chicago: Rand McNally and Company, 1966, pp. 43-48.
26. Woodruff, Asahel D., Student Teaching Today, Vol. 5 of The American Association of Colleges for Teacher Education Study Series, 5 vols., Washington, D. C.: The American Association of Colleges for Teacher Education, 1960.

## APPENDICES

## APPENDIX A

Ellensburg, Washington  
July 3, 1969

Mr. Rex M. Smith  
State Superintendent of Schools  
State Department of Education  
Charleston, West Virginia 25321

Dear Mr. Smith:

The public schools are becoming increasingly involved, as partners of teacher training institutions, in the education of prospective teachers. As a classroom teacher I have been involved with the supervision of student teachers from Central Washington State College. I am attempting to survey the legal responsibilities of supervising teachers in the public schools with respect to the supervision of student teachers during the student teaching experience. This is being done as a part of my graduate work at Central Washington State College.

Does your state have state-wide regulations or guidelines governing legal responsibilities during the student teaching experience? If so, in what manner or through what channels are these guidelines generally made available to the classroom supervising teacher?

Are the teacher training institutions primarily responsible for advising the supervising teacher of the legal responsibilities involved? If so, what is generally done to relay this information to the classroom teacher?

The enclosed excerpt on legal information is from Central Washington State College's Handbook for Supervising Teachers. This handbook is given to each classroom teacher involved in the supervision of student teachers and is an example of the type of information which I am attempting to locate.

It would be appreciated if this request were to be considered by the person in your state department whose responsibility is concerned with legal responsibilities in the public schools.

Yours truly,

Mrs. Joyce Swan  
1805 College Place  
Ellensburg, Washington

## APPENDIX B

## LEGAL INFORMATION

## MEMORANDUM

TO: All Student Teachers, College Supervisors, Supervising Teachers, and Administrators of School Systems Participating in CWSC's Student Teaching Program.

FROM: Director of Student Teaching, Central Washington State College

DATE: May 1, 1968

The Laws of the State of Washington make it quite clear that only a person with a teacher's certificate, valid in the State of Washington, can be given the responsibility for a group of public school children in a school sponsored activity. Student teachers do not have teaching certificates and thus cannot be given the responsibility for a school sponsored activity (classroom, playground, extra curricular, etc.) except under the immediate supervision or delegation of a certificated teacher who retains the legal and immediate responsibility for the children in the particular activity.

The student teaching experience is a learning experience that is to be conducted under the guidance, supervision, and evaluation of a fully certificated master teacher. The student teacher should be given an opportunity to experience the various kinds of situations they will face subsequently as certificated teachers, but should be gradually worked into the program. However, for legal and educationally sound reasons most of these experiences should be under the supervision and guidance of a regular teacher who has the legal and moral responsibility for the children.

It is our understanding that this means that the student teacher should not be asked to substitute for a regular teacher. The regular teacher may and should delegate to the student teacher as much responsibility for the conduct of the activity as is consistent with good learning and educational practices. However, the teacher is responsible at all times. With the increased use of teacher aides and parents in the classroom there seems to be a

lessening of the pressure suggested in the above paragraphs. There is talk and has been some action toward the certification of student teachers, but no legal changes have taken place to this date.

It is felt that this policy is for the protection of all concerned--the supervising teacher, the public school administrators, the board of directors, the college supervisor, the student teacher, the children, and the College.

If you have any questions about this policy, please get in touch with me so that we may be together in our understanding of it.

APPENDIX C

SAMPLE STUDENT TEACHER'S CERTIFICATE

Missouri State



MISSOURI STUDENT TEACHER CERTIFICATE

50

This CERTIFICATE, issued by authority of the State Board of Education, is a license for the holder to teach in \_\_\_\_\_ Public School District for a period beginning \_\_\_\_\_ and ending \_\_\_\_\_ as a part of his professional training and in accordance with regulations of the State Board of Education and the governing board of \_\_\_\_\_.

Name of Preparing Institution

Person to whom issued \_\_\_\_\_

Please note:

Signature has been redacted due to security concerns

\_\_\_\_\_  
Institutional Representative

\_\_\_\_\_  
Commissioner of Education

\_\_\_\_\_  
Date of Issuance

REGULATIONS  
STATE DEPARTMENT OF EDUCATION

1. A person should be designated by each training institution to administer the issuance of the certificate and to coordinate activities with the Director of Teacher Education and Certification, State Department of Education.
2. Certificate should be issued only to those student teachers assigned to elementary and/or secondary schools for professional training.
3. Certificate is valid only in the school district specified on the certificate.
4. Beginning and ending date on certificate should coincide with specific assignment to school district.
5. Student teacher should not be paid a salary while performing assignments under authority of this certificate.
6. Student teacher cannot be used by local district to reduce the staff or fill a vacancy during the period covered by certificate.
7. Student teachers are undergraduates enrolled in practicum courses for periods of one semester or less.
8. Interns are persons who have completed course requirements for a baccalaureate degree and are obtaining on-the-job supervised experience.

## APPENDIX D

The two letters which follow were chosen as a representative sample of the letters received in reply to the information seeking letter of inquiry sent to the chief officer of the state departments of education in each of the 50 states of the United States.

Both of the following letters were referred to in Chapter V of this study.



STATE OF NEVADA

# Department of Education

52

BURNELL LARSON  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

BUREAU OF CERTIFICATION  
CARSON CITY, NEVADA 89701

July 10, 1969

E. A. HAGLUND  
DIRECTOR, PROFESSIONAL  
STANDARDS BRANCH  
MRS. HELEN HUGHES  
TEACHER CERTIFICATION SPECIALIST

Mrs. Joyce Swan  
1805 College Place  
Ellensburg, Washington

Dear Mrs. Swan:

In reply to your letter of July 3, 1969, I wish to advise that you would have to contact the University regarding student teachers legal status, as this is not a State Department of Education responsibility.

The names and addresses of those to contact are as follows:

1. Dr. Edmund Cain, Dean  
College of Education  
University of Nevada  
Reno, Nevada 89507
2. Dr. Anthony Saville, Dean  
College of Education  
University of Nevada  
4505 Maryland Parkway  
Las Vegas, Nevada 89109

Sincerely,

E. A. Haglund, Director  
Professional Standards Branch

EAH:ve

Please note:

Signature has been redacted due to security concerns

DEPARTMENT OF PUBLIC INSTRUCTION

53



STATE OF NORTH CAROLINA

RALEIGH

July 15, 1969

Mrs. Joyce Swan  
1805 College Place  
Ellensburg, Washington 98926

Dear Mrs. Swan:

Because of my concern with student teaching, your letter to Dr. Charles F. Carroll has been referred to me. Dr. Carroll retired at the end of 1968, and Dr. A. Craig Phillips is now Superintendent of Public Instruction.

Because student teaching was not mentioned in the school laws here, an advisory group, the State Council on Student Teaching recommended that such laws be drawn. This was done by the Attorney General's office and the Institute of Government, and the bill was ratified May 28, 1969. A copy is enclosed.

There are state guidelines for student teaching. To explain these, I am enclosing the publications, A Guide for the Student Teaching Program in North Carolina and Standards and Guidelines for the Approval of Institutions and Programs for Teacher Education. At present the teacher education institutions are primarily responsible for assisting and advising supervising teachers. However, I think that the time is rapidly approaching when the public schools will assume the rightful leadership in the student teaching process and a greater portion of teacher education will take place in the public school setting where it can be more realistic and useful to all concerned.

If your questions have not been answered sufficiently, please do not hesitate to contact me. Best wishes in your investigation.

Sincerely,

Sam Hill, State Supervisor  
Student Teaching

SH:vh

Please note:

Signature has been redacted due to security concerns

Enclosures

## APPENDIX E

The following are statutes and codes from selected states which were referred to in Chapter V of this study:

Alaska; Department of Education, Rules and Regulations  
Section 60. (c). Effective October 8, 1966.

- (c) Authorization-to-teach certificates may be issued to cadet teachers when assigned to a public school for the purpose of completing a course in practice (or cadet) teaching. An authorization to teach will not be issued unless the cadet teacher is enrolled in an approved teacher-training program. Cadet teachers are exempt from salary, sick leave, and other provisions for benefit. The cadet teacher has the authority of a regular teacher while in the classroom or while carrying out other assignments as a teacher.

Florida Statutes: Section 228.041 (11)

- (c) "Student Teacher."--A student teacher is any student who is enrolled in an institution of higher learning approved by the state board of education for teacher training and who is jointly assigned by such institution of higher learning and a county board of public instruction to perform practice teaching under the direction of a regularly employed and certificated teacher. A student teacher, while serving a nonsalaried internship under the supervision of a certificated teacher shall be accorded the same protection of the laws as that accorded the certificated teacher.

North Carolina: 11 March 1969

A BILL TO BE ENTITLED AN ACT ADDING A NEW ARTICLE 18B TO CHAPTER 115 OF THE GENERAL STATUTES TO DEFINE THE LEGAL STATUS OF THE STUDENT TEACHER IN THE PUBLIC SCHOOLS AND TO AMEND G.S. 115-146 TO GRANT STUDENT TEACHERS LAWFUL AUTHORITY WHEN THEY ARE GIVEN RESPONSIBILITY FOR SOME PART OF THE SCHOOL PROGRAM.

WHEREAS, the program of teacher preparation in North Carolina is designed to promote the continued development and improvement of teachers; and

WHEREAS, student teaching is recognized as a significant part of the total preparation;

Now, THEREFORE, the General Assembly of North Carolina do enact:

Section 1. A new article, to be designated as Article 18B and entitled "Student Teachers," shall be inserted in Chapter 115 of the General Statutes immediately after Article 18 and shall read as follows:

"18B Student Teachers."

"115-160.5 Student Teacher and Student Teaching Defined.--A student teacher is any student enrolled in an institution of higher education approved by the State Board of Education for the preparation of teachers who is jointly assigned by that institution and a county or city board of education to student teach under the direction and supervision of a regularly employed certified teacher.

Student teaching may include those duties granted to a teacher by G.S. 115-146 and any other part of the school program for which either the supervising teacher or the principal is responsible.

"115-160.6 Legal protection.--A student teacher under the supervision of a certified teacher or principal shall have the protection of the laws accorded the certified teacher.

"115-160.7 Assignment of duties.--It shall be the responsibility of a supervising teacher, in cooperation with the principal and the representative of the teacher

preparation institution, to assign to the student teacher responsibilities and duties that will provide adequate preparation for teaching.

Section 3. G.S. 115-146 is hereby amended by requiring the first sentence of the second paragraph as follows:  
"Principals, teachers, and student teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order."



## APPENDIX E

North Dakota: North Dakota Century Code. 15-47-42. Passed at the 1969 legislative session.

15-47-42. Status and authority of student teachers.-- Any student teacher, during the time such student teacher is assigned as a student teacher, shall be given the same legal authority and status as if the student teacher were a certificated employee of the school district in which he is assigned. The authority of the student teacher shall extend to all aspects of student management or discipline, in the handling of confidential records of students, and in all other aspects of legal authority granted to certificated employees of the school districts in the state. The student teacher shall be deemed a certificated employee of the district with respect to acts performed by him at the direction, suggestion, or consent of the certificated employees under whose supervision and control the holder performs his duties, whether or not such duties are performed entirely in the presence of the employees of the district assigned to supervise the holder, and shall be deemed an employee of the school district within the meaning of sections 39-01-08 and 40-43-07 relating to liability insurance carried by political subdivisions.

Source: S.L. 1969, chapter 180, paragraph 3.

Oklahoma: Enrolled House Bill No. 1013, approved February 24, 1969.

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1961, 1-18, BY ADDING A NEW SUBDIVISION DEFINING STUDENT TEACHER AND PROVIDING BENEFITS OF LAW AS TO A TEACHER SHALL ALSO INCLUDE A STUDENT TEACHER; AND DECLARING AN EMERGENCY.

(e) Student teacher: A student teacher is any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving a nonsalaried internship under the supervision of a certified teacher, shall be accorded the same protection of the laws as that accorded the certified teacher.