

LIABILITY RESPONSIBILITIES OF KANSAS VOCATIONAL AGRICULTURE TEACHERS

by

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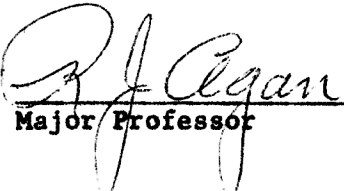
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INTRODUCTION

Accidents could and have happened in many areas of school activity, or anywhere in and around the school shop or plant. In many instances, injuries to students could have been avoided through the exercise of foresight and due care on the part of school officials and school personnel.¹

School-connected accidents frequently have ended up as lawsuits against the teacher, the school district, or both. The possibility of being sued for negligence has faced the vocational agriculture teacher every second of every school day, but few of them have realized the significance of this threat to their teaching careers and financial well-being. There has been a need for a greater awareness on the part of school teachers and particularly vocational agriculture teachers of the possibility of their being sued for negligence in the performance of their duties.²

Vocational agriculture teachers as well as others have had a legal responsibility to act with caution and prudence to keep their special classrooms free of hazards and accidents. A teacher who has omitted a specific legal duty has been held responsible for negligence in the event a pupil has been hurt:

¹Frieda S. Shapiro, "Your Liability for Student Accidents," NEA Journal, 32:46, March, 1965.

²Ibid.

1. if he failed to adequately instruct the pupils on the correct methods of using a dangerous machine or tool;
2. if he failed to warn of the danger that may arise if safety rules are disobeyed;
3. if the use of safety devices were ignored;
4. if personal protective equipment was not worn.³

The teacher who has never had an accident occur in the classroom, shop, or outside activity could not have assumed that he was immune to accidents.

THE PROBLEM

Importance of the problem. The word negligence was interpreted to be of importance to the study and was considered to mean that if a person failed to exercise the care necessary to protect another from injury, and injury resulted, the injured party had redress at law against the party whose negligence caused the accident. By this means, teacher liability was considered to be a serious problem at the time of the study because of several factors as pointed out by Kigin. The average court award in cases involving personal injury was up 38 per cent from 1952. Another factor was the increased enrollment in the public schools, which in 1965 was approximately 41 million elementary and secondary pupils. This has led to an increase in accidents of which some resulted in lawsuits. In addition, the increased activities of pupils resulting from the expanded curriculum demanded of modern

³J. B. Morton, "Liabilities in School Shops," Agricultural Education Magazine, 36:261, May 1964.

education has exposed the pupil to more opportunity for accidents.⁴

"The possibilities of negligent action by teachers are very great due to the number of activities in which pupils engage as part of their school work and extra-curricular programs," according to Hamilton and Mort.⁵ Warren Gauerke stated, "School litigation is increasing in both state and federal courts as one result of the expanding services of the schools to pupils and employees."⁶

Statement of the problem. It was the purpose of this study (1) to determine how many teachers carried liability insurance to protect them in their job; (2) to determine on the average how much liability insurance was being carried by vocational agriculture teachers; (3) to determine who paid for the amount being carried, and (4) to determine if teachers were protecting themselves by teaching safety.

Procedures followed. The information for this report was obtained by mailing a questionnaire to half of the schools in the State of Kansas employing a vocational agriculture teacher. These schools were selected by random sample from the state list supplied by the Kansas State Board of Vocational Education.

⁴Denis J. Kigin, "Who Pays for Shop Accidents?" Safety Education, December, 1962, p. 1.

⁵Robert E. Hamilton and Paul R. Mort, The Law and Public Education with Cases. (Brooklyn: The Foundation Press, 1959), p. 292.

⁶Warren E. Gauerke, Legal and Ethical Responsibilities of School Personnel. (Englewood Cliffs, N. J.: Prentice-Hall Inc., 1959) p. 1.

A pilot study was conducted preceding the main study by interviewing all vocational agriculture teachers within a thirty mile radius of Manhattan. This was done to test the questionnaire used in the study. The pilot study showed that the questions would yield the information necessary to fulfill the purposes of the study.

In order to avoid leaving out a geographical area in the study those teachers in the Pilot Study who fell within the realm of the random sample were then included in the main study. The number added that was taken from the random sample was five.

Having completed the pilot study the list of questions which were found to be of importance to the study was approved by the advisor, Dr. Raymond J. Agan, and mailed to each of the vocational agriculture teachers in the participating schools. A cover letter stating the purpose of the survey was included. Questionnaires were sent to eighty-three vocational agriculture teachers in Kansas and they were asked to return them within ten days. Seventy-six teachers replied so no follow up letter was sent. A summary of the survey was then incorporated in this report.

A copy of the cover letter and questionnaire may be found in the appendix.

Limitations of the study. Research on this problem included only those schools that employed a vocational agriculture teacher on a full time basis. No attempt was made in this study to survey part-time teachers or those of states other than Kansas. Although there were a number of different kinds of liability insurance this report was concerned only with personal liability as pertaining to the teachers job.

Finally, no implication was made concerning how much liability insurance if any should be carried.

DEFINITIONS OF TERMS USED

The list of terms which follows was adopted for the purpose of this study only. Although the terms may have other meanings, it was for the purpose of this study that they were used in the manner in which they are described.

Assumption of risk--for the purposes of this study was interpreted as a legal doctrine which presupposes that despite a relation or situation known to be dangerous, a person appreciating the danger involved voluntarily chooses to enter upon, and remain within the area of risk.⁷

Comparative negligence--was where the degree of negligence was divided between the plaintiff and the defendant.

Contributory negligence--meant that if a student failed to act in regard to his own safety it could be charged that he had contributed to the harmful act.

Foreseeability--referred to the teacher who could have foreseen the unsafe condition which resulted in the accident.

Full-time vocational agriculture teacher--Was defined as a teacher who was devoting 100 per cent of his time to teaching agricultural subjects including young farmer and adult classes.

⁷NEA Research Division, Who is Liable for Pupil Injuries. (Washington, D. C.: National Commission on Safety Education, National Education Association, Feb., 1963), p. 14.

Liability--as far as teachers were concerned liability was a state of being responsible for damages which might have arisen from pupil injury.

Negligence--was defined as any conduct which falls below the standard established by law for the protection of others against unreasonable risk of harm. The standard of conduct is measured against what a reasonable man of ordinary prudence would have done in the same or similar circumstances. For those in the teaching profession, the standard would be that of a prudent teacher, not of a prudent layman.

Tort--for the purpose of this study the term tort was interpreted as Webster stated when he wrote:

It is a civil wrong such as the law required compensation for in damages; typically a willful or negligent injury to a plaintiff's person, property, or reputation.⁸

Vocational agriculture teacher--this referred to all teachers in the subject area of vocational agriculture as listed by the Kansas State Board of Vocational Education.

REVIEW OF SELECTED LITERATURE

A review was made of certain selected literature related to the problem. The literature studied was then classified into two categories: (1) literature relating to factors of liability and (2) literature relating to methods of mitigating vocational agriculture teacher liability.

⁸ Webster's New International Dictionary of the English Language (Second Edition). Springfield, Massachusetts: 1958, p. 1279.

Factors of liability. Kigin wrote under American law all individuals are held liable for their acts which cause harm or damage to others. Teachers have been no exception although some states have mitigated the extent to which they may be held liable. Therefore it was unimportant for teachers to understand what they might be held liable for and the possible defenses available to them.⁹

The NEA Research Bulletin stated, as far as teachers were concerned liability was a state of being responsible for damages which might have arisen from pupil injury. The parents of any injured pupil may institute a civil suit to recover damages and medical expenses. The teacher may find himself the defendant in such a suit. In addition to being held liable for actual physical harm which he has caused, the teacher may also be held responsible:

1. For physical harm resulting from fright or shock or other similar or immediate emotional disturbances caused by the injury or the negligent conduct causing it.
2. For additional bodily harm resulting from acts done by third persons in rendering aid irrespective of whether such acts are done in proper or negligent manner.
3. For any disease which is contacted because of lowered vitality resulting from the injury caused by his negligent conduct.
4. For harm sustained in a subsequent accident which would not have occurred had the pupil's bodily efficiency not been impaired by the original negligence.¹⁰

⁹Kigin, op. cit., p. 9.

¹⁰NEA Research Division, op. cit., p. 15.

The teacher may also be held liable for injuries to a pupil who has some disability even though the teacher was unaware of such disabilities. It would seem reasonable in such a case as this that some of the liability would be placed upon the person who neglected to inform the teacher of the disability.

It was sometimes difficult to ascertain who shall be held liable. Most frequently the suit was brought against the teacher and school district. Since many states claim immunity from suit for school districts, most suits were brought ultimately against the teacher. The decision of who was liable and under what conditions was difficult to predetermine since it was usually determined according to the facts by a jury of laymen. In any case the determination of liability has rested upon an act of negligence and unless that can be proved the one charged could not be held responsible. If negligence could not be proved then it was assumed the injury was caused by pure accident. Many shop or class injuries were of this nature and never resulted in litigation.

The vocational agriculture teacher needed to know what was meant by negligence since most liability cases were based upon this claim. Acts of negligence were always unintentional.

The NEA Research Bulletin pointed out the law of negligence as was most American law, was based upon precedent, previous judicial decisions or established legal procedures. The fact that an accident occurs and the teacher was negligent does not always mean that the plaintiff can collect damages. It must be proved that the negligence was reasonably

connected with the resulting accident.¹¹

According to Kigin there were certain basic elements which are necessary for any action based upon negligence. One was the "failing of the individual to act so as to protect others from unnecessary risks."¹² An example of a case of record typifying a claim of negligence based upon this element was found in Boman V. Union High School District No. 1, Kitsap County.¹³ In this case the court found for the plaintiff. The teacher had removed a guard from a jointer and the jointer was dull. A student operating it suffered an injury in which he lost three fingers. The court held the defendant negligent in failing to properly guard and maintain the equipment used by the plaintiff.

Kigin indicated that negligence consists of the failure to act as a reasonably prudent and careful person would in similar circumstances.¹⁴

This element encompassed either action or inaction. In a popular sense negligence has been defined as a lack of due care or diligence. This would apply to the vocational agriculture teacher who failed to properly maintain shop equipment or set a proper example of safe practices. Negligence has also been held when a teacher allows a third party

¹¹NEA Research Division, op. cit., p. 15.

¹²Denis J. Kigin, Teacher Liability in School Shop Accidents. (Ann Arbor, Michigan: Prakken Publications, Inc., 1963), p. 12.

¹³Ibid., p. 14.

¹⁴Ibid., p. 12.

(a person other than the teacher or injured pupil) to use an object or engage in an activity which the teacher knows may result in harm.¹⁵

In determining the fault following an accident the courts used the principle of res ipsa loquitur. This means that the act speaks for itself. For example, if the evidence showed that the injury would have resulted only through the negligence of the teacher even though the injured student cannot prove how it happened, the teacher would be liable for damages.

In a recent study, Kigin found that negligence was the most common cause of a teacher being found liable, and the most common conditions for which shop teachers have been held negligent were:

1. Absence of the teacher from the classroom.
2. Neglect of equipment.
3. Lack of proper safety instruction.
4. Lack of due care with regard to the age and maturity of the pupils.
5. Lack of instance that proper safeguards be used.¹⁶

Kigin further indicated that there were two types of negligence which were sometimes used in the defense of the teacher. They were the contributory negligence and the comparative negligence. If the student fails to act in regard to his own safety it has been charged that he has contributed to the harmful act. This was called contributory negligence

¹⁵Ibid., p. 13.

¹⁶Ibid., p. 14.

and, if it can be proved, the defendant was relieved of all or part of his liability. However, the courts have not been inclined to extend to teachers the use of this defense to any great degree. This was mainly because students are minors and as such not expected to behave or understand danger to the extent an adult would. The courts have held that the teacher was expected to recognize he was dealing with children and anticipate variations in their behavior from that of adults. A defense of contributory negligence was denied by the court in ruling in a case in which a student had part of his finger cut off on a shearing machine in a metal shop. The accident occurred when another student stepped on the foot pedal of the machine while the plaintiff was trying to extricate a piece of metal. The teacher was within nine feet of the machine at the time of the accident. The court held the teacher negligent for failing to observe that the machine was not being properly used and that it was being tampered with by another pupil.¹⁷

Comparative negligence has been used to mitigate the extent of the damages brought against the defendant. Under this doctrine the courts undertake to divide the degree of negligence between the plaintiff and the defendant. As pointed out by Kigin, comparative negligence was considered to be more equitable since it allows the plaintiff to collect damages to some extent whereas contributory negligence if proved relieves the defendant of any responsibility for damages. In a case in Wisconsin in which a student was injured when an alleged uncorked bottle of acid

¹⁷Ibid., pp. 42-43.

spilled on him in the finishing room, the court applied the doctrine of comparative negligence. They apportioned 55 per cent of the negligence to the teacher and 45 per cent to the student. In later appeal the higher court ruled the plaintiff had not proven the bottle of acid was left uncorked by the defendant and consequently dismissed the complaint.¹⁸

The courts have held that intervening independent acts on the part of third parties break the chain of causation and relieve the teacher of charges of negligence. However, this principle must be approached with care since the intervening act must be unforeseeable and extraordinary beyond the scope of the teacher to anticipate. This brings up the test of foreseeability.

Foreseeability has been a basic issue in any suit brought against teachers charged with negligence. One of the first questions asked when a charge of negligence was brought against a teacher was: could a reasonably prudent teacher have foreseen the unsafe condition which resulted in the accident?

The ability of the vocational agriculture teacher to foresee or anticipate danger has been the key to the determination of reasonably prudent action. It is difficult for the teacher to know at exactly what point a machine or tool becomes unsafe to use. Therefore he must maintain a constant safety program which includes maintenance of machinery and tools. Kigin stated that machines and tools are inanimate objects, and as such not dangerous. They are as safe or unsafe as the operator

¹⁸Ibid., p. 40.

who uses them and it is the teacher's duty to properly instruct the student in the operation of the equipment.¹⁹ Because of the potentially hazardous equipment used in the shop, the teacher must exercise a very strict supervision over its use by the pupils. The lack of such supervision could result in charges of negligence if an accident occurred. As part of his supervision, the vocational agriculture teacher needs to be able to anticipate any dangerous situation and give it strict supervision. Recognition must be given to the fact that some operations in the shop are more dangerous than others and these require stricter supervision. The teacher who fails to recognize this fact would not pass the test of foreseeability if a case of negligence was brought against him.²⁰

A legal defense for the vocational agriculture teacher consisted of the principle of the assumption of risk. As a defense for vocational agriculture teachers against charges of negligence the principle of assumption of risk applied in certain circumstances and not in others.

In general Kigin stated the courts have held that students were too immature to completely comprehend the risk involved in the school shop. The very nature of the shop program has involved some exposure to risks, however courts have usually ruled that students lack the experience to understand their risks. Therefore, the vocational agriculture teacher must exercise diligent care and assume a greater degree of

¹⁹Ibid., p. 19.

²⁰Loc. cit.

responsibility for his students than would a teacher of academic subjects. Even though there was an element of risk involved in the shop which the student must assume, it does not include defective equipment, unsafe practices or incompetent instruction.²¹

Methods of mitigating vocational agriculture teacher liability.

There were three basic methods whereby the vocational agriculture teacher can be relieved of the threat of liability or at least protect himself against charges of negligence. These methods consist of state legislation, insurance programs, and an adequate safety program.

There was sufficient evidence to indicate the vocational agriculture teacher occupied a vulnerable position in regard to liability. According to Tischendorf only a few states had passed what he considered really progressive legislation to protect their teachers from tort liability.²² Hawaii passed their Tort Liability Act in 1957 which provided that a teacher was not liable if sued for actions performed in line with his duties as a teacher.²³ Instead suit could have been brought against the governmental agency and it pays all expenses connected with the case.

²¹Kigin, op. cit., p. 22.

²²E. W. Tischendorf, "Legal Liability of Teachers with Reference to the Students Under Their Direct Supervision," (National Safety Congress, Vol. 23:1960), p. 44.

²³Kigin, Teacher Liability in School-Shop Accidents, p. 54.

The Hawaii act was an example of the type of legislation many educational associations in various states were working toward. An attempt to pass legislation completely relieving teachers of liability occurred in 1957 in Nebraska which failed.

Not all states which have abrogated school district immunity provide help for the individual teacher charged with negligence. Therefore it was felt that some type of legislation to protect teachers was needed in these states.

Kigin felt there was several valid reasons for the passage of "save harmless" laws. First, they provide protection for the individual teacher in the event of a pupil injury in a class activity. In addition, they reduce the number of suits against school districts based on the alleged negligence of their employees. And lastly, even though the school district must or may pay for the expenses of any liability charge brought against a teacher, the district does not give up its governmental immunity.²⁴

Another type of legislation which has been used successfully to recover damages against a school district was the "safe place" statute. This type of legislation was only effective if it was very specific in covering school buildings and playgrounds. Even so, a Wisconsin court ruled it did not apply to an unsafe machine located within a school shop.²⁵

²⁴Ibid.

²⁵Ibid., p. 57.

The second method of mitigating teacher liability was through insurance. There were several kinds of insurance that needed to be discussed, but before discussing them it should be pointed out that for humanitarian reasons there should be some provisions for the innocent victim of an accidental injury. Insurance spreads the risks and still provided means for compensating an injured party. At the time of the study there was two types of insurance available for tort liability in relation to schools. One type provided protection for school districts and the other type provided protection for the individual teacher.

It should be pointed out that statutes authorizing the purchase of liability insurance on the part of the school district do not waive governmental immunity for tort liability. Usually authority to purchase such insurances comes from statutes, court decisions or an opinion by the attorney general of that state.

At the time of this study about half of the state teachers associations offered a group liability program for their members. At the 1965 sectional assemblies of the Kansas State Teachers Association delegates focused their attention on six major issues of which a professional liability insurance plan was discussed at some length. The idea of such insurance and the general plan got nearly unanimous support. But two questions--where the money should come from, i.e., the member or the KSTA budget, and whether the plan should impose mandatory participation by all of the KSTA members disclosed considerable disagreement. In order to get the low rate of one dollar for the \$100,000

per incident liability coverage required mandatory participation by all members.²⁶

In addition to providing group liability insurance programs, some educational agencies undertook to help teachers charged with negligence. Sometimes such agencies provide legal aid and research assistance to individual teachers charged with negligence. This service was usually available to the teacher upon request.

Besides association or other types of group liability insurance plans, the teacher can always buy individual liability insurance to protect himself. There was no question about the legality of such insurance and it was available to all teachers. Also, teachers who were homeowners may get a "business pursuits" rider on their homeowners policy. This applies to certain automobile liability insurance plans.

Warren Gauerke, in pointing out that teachers needed protection from liability said, "A teacher should carry adequate insurance to offset his liability in the event of accident to a pupil. A personal liability policy was one means of safeguarding life earnings and protecting against the disaster of a large verdict."²⁷

The third method that can be used by teachers to mitigate charges of liability being brought against them, according to several authorities

²⁶Melvin E. Neely, (ed.), *The Kansas Teacher*, Vol. 74, pp. 20-22, December, 1965.

²⁷Gauerke, *op. cit.*, p. 265.

was a good, sound safety program. As Kigin said, "An important piece of the teacher's armor of protection from liability was an adequate prevention or safety program."²⁸ Emphasizing the importance of safety Seitz remarked:

The principal should require that the use of safety devices and precautions be taught and practiced as part of the regular curriculum. He should also require that every member of the staff set a good example in following safety precautions.²⁹

The court ruled in Mover V. Board of Education, Middletown, that the board of education was not liable "because it was established that the teacher had conducted a thorough safety program and practiced it consistently."³⁰

It has been shown that accidents do occur and neither legislation nor insurance can prevent them. Only an adequate accident prevention program administered by a teacher trained in safety and backed by a safety conscious administration can hope to prevent accidents from occurring.

The main objective in a good safety program was the providing for the well being of the students under the care of the vocational agriculture teacher. A secondary purpose of a good safety program was to prevent, if possible, legal action being taken against the teacher.

²⁸Kigin, op. cit., p. 71.

²⁹Raynold C. Seitz (ed.), Law and the School Principle (Cincinnati: The W. H. Anderson Company, 1961), p. 79.

³⁰Denis J. Kigin, "The Prevention of Liability--A Corollary of Safety," Industrial Arts and Vocational Education, (Vol. 51: Feb. 1962), p. 43.

According to Seitz, the first element in an accident prevention program was adequate supervision.³¹ This supervision should cover both the environmental factors and the human factors. Environmental factors would include: shop buildings, machines, tools, storage room, all protective equipment and materials. The human factors would include all unsafe human behavior such as improper attitudes, lack of knowledge or skills and any physical or mental defects.³²

Walgren said, in carrying out supervision, the shop teacher should always undertake to act as would a reasonable and prudent parent. In the case of Meade V. Oakland High School District of Alameda County, the teacher was found negligent for not acting as a reasonable and prudent person would because he had given a student a 400 pound pressure gauge to connect to an oxygen tank under 2000 pounds pressure.³³

A good procedure in establishing that safety was taught would be the use of safety tests which were kept on file by the teacher.

No student should be allowed to use a machine until he had passed a safety test on that machine. In addition, posters of the basic rules in the operation of each machine need to be placed in a prominent location near the machine.

³¹Seitz, op. cit., p. 79.

³²The New Mexico State Planning Guide for Industrial Arts, State Department of Education, Santa Fe, N. M., 1963, p. 15.

³³John Walgren, "Are Shop Teachers Liable for Accidents?" School Shop, (XVI: Dec. 1956), p. 11.

Kigin stated that the safety program was a part of the day by day activities of the shop in order to make it meaningful to the pupils. The teacher should always set a good example of safe practices and procedures. In Ridge V. Boulder Creek, the court found the teacher had been negligent when evidence established the fact that the teacher had continually used a power saw without a guard or fence on it and also allowed the pupils to do so.³⁴

As part of the teacher's duties and responsibilities he should exercise care and judgment in the type of project he allows students to make. He should take into consideration the age and ability of each student in assigning tasks. Since the shop teacher frequently has under his supervision students who create problems for school administration, it has been necessary for him to recognize these students and act accordingly. By proper attention to safety the teacher can do much to relieve himself of worry about charges of negligence being brought against him.

PRESENTATION OF THE DATA

This section of the report deals with the presentation of information collected and analyzed from the questionnaires received.

The data was classified and presented in seven areas.

1. Relationship between years taught and liability insurance.
2. Amount of insurance considered to be sufficient and the amount carried.

³⁴Kigin, "The Prevention of Liability--A Corollary of Safety," p. 56.

3. Different kinds of liability insurance carried for protection.
4. Relationship between the number of teachers in represented high schools and school board policy concerning liability insurance.
5. Amount of liability insurance schools carry for teacher protection.
6. Methods of teaching safety.
7. Time considered best to teach safety.

Relationship between years taught and liability insurance. The vocational agriculture teachers selected for this study were asked to indicate on the questionnaire how long they had been teaching vocational agriculture. It was noted that the greatest number of teachers responding had been teaching ten years or less. The teachers were then asked if they had liability insurance to protect them in their job. From those replying to the questionnaire it was shown that fifty-three or 66 per cent had no liability insurance which would protect them while on the job.

The data presented in Table I indicates the number and per cent of teachers with and without liability insurance in relation to the number of years they had been teaching.

TABLE I
TEACHING TENURE AND LIABILITY INSURANCE OF TEACHERS
OF VOCATIONAL AGRICULTURE

Years taught	Total		Teachers with liability			Teachers without liability		
	N	%	N	% of group	Total % of study	N	% of group	Total % of study
1- 5	39	48	11	30	14	28	70	35
6-10	15	19	5	33	6	10	67	12
11-15	10	12	4	40	5	6	60	7
16-over	17	21	9	53	11	8	47	10

Note: Per cent rounded to nearest whole number.

Amount of insurance considered to be sufficient and the amount carried. In response to the question as to what amount of liability insurance the teachers considered to be sufficient in the event they were sued in connection with their job, all answered that some protection was needed. The amount for those who responded indicated between five thousand dollars to one hundred thousand dollars. When they were asked how much liability insurance they currently carried for protection, fifty-three or 66 per cent indicated they had none. The remaining forty-seven or 34 per cent of the responses indicated between five thousand dollars to one hundred thousand dollars.

It was assumed by the writer from the responses made on the returned questionnaires that all teachers were aware that some protection should be provided. It was further assumed by the writer that neither the teachers nor the school was providing for this protection. The data presented in Table II shows the amount of liability insurance considered

to be sufficient and the amount carried by vocational agriculture teachers.

TABLE II
AMOUNT OF LIABILITY INSURANCE CONSIDERED TO BE SUFFICIENT
FOR PROTECTION AND THE AMOUNT CARRIED BY
VOCATIONAL AGRICULTURE TEACHERS

Amount of insurance	Amount considered sufficient		Amount carried	
	N	%	N	%
None	0	0	53	66
\$ 5,000-\$ 10,000	8	9	4	5
\$11,000-\$ 25,000	16	20	8	9
\$26,000-\$ 50,000	25	31	5	6
\$51,000-\$100,000	25	31	9	11
over -\$100,000	7	8	2	3

Note: Per cent rounded to nearest whole number.

Different kinds of liability insurance carried for protection. In answering the question as to what kind of liability insurance teachers carried that provided protection in their work, the returned questionnaires showed that twenty or 25 per cent carried personal liability insurance. Eight or 10 per cent indicated that they were protected by a "business pursuit" rider attached to their home owners policy. Two specified "other" kinds of insurance. The remaining eight teachers indicated they had no insurance. This was 10 per cent who indicated that they had no protection.

The data in Table III presents the different kinds of liability insurance carried by vocational agriculture teachers. It was noted that seventy-three or 91 per cent indicated they had auto insurance.

Twenty teachers pointed out in their questionnaire responses that their auto insurance was in addition to their personnel liability policy. Fifty-three indicated this was all the liability insurance they had which would give them some protection in connection with their job.

TABLE III
DIFFERENT KINDS OF LIABILITY INSURANCE CARRIED
BY VOCATIONAL AGRICULTURE TEACHERS

Kinds of insurance	Teachers	
	N	%
None	8	10
Auto	73	91
Home Owners Policy	8	10
Personnel Liability (A.V.A.)	20	25
Other	2	2

Note: Per cent rounded to nearest whole number.

Relationship between the number of teachers in represented high schools and school board policy concerning liability insurance. Of the 81 teachers participating in the study two had been involved in a liability lawsuit in connection with their job. One reported that the accident in which he was involved occurred in the area of home or farm visits. The other did not indicate on his questionnaire whether

the area involved was in the classroom, shop, or some outside activity in connection with his job.

As shown in the review of literature, the vocational agriculture teacher's job was considered to be more of a "risk" than that of most classroom teachers. Two items on the questionnaire were designed to determine if schools had a board policy covering the liability of their vocational agriculture teachers and what relationship there was between number of teachers employed and schools having a board policy.

From the data received it was shown that ten or 12 per cent of the schools had a board policy concerning teacher liability. In Table IV is shown the number of teachers employed in the different size schools and the number and per cent of schools having a board policy protecting their teachers. It was noted that the size of the school had no relationship on whether the school had a board policy concerning teacher liability.

TABLE IV
SCHOOLS HAVING A BOARD POLICY IN RELATION TO THE
NUMBER OF TEACHERS EMPLOYED

Teachers employed	Teachers reporting		Schools having board policy	
	N	%	N	%
1-10	24	30	2	2
11-20	35	43	4	5
21-30	12	15	1	1
31-40	4	5	1	1
41-50	4	5	1	1
over 51	2	2	1	1

Note: Per cent rounded to nearest whole number.

Amount of liability insurance schools carried for teacher protection.

To determine how much liability insurance schools provided, teachers were asked to check on the questionnaire an amount that applied to their school position. Amounts ranged from none to over one hundred thousand dollars. It was noted that seventy-one or 89 per cent of the schools had no liability insurance provided by the school. The remaining ten or 12 per cent indicated amounts within a range of five thousand to one hundred thousand dollars. One teacher reported that the school board policy for providing liability insurance was limited to the administration.

The data in Table V shows the amount of liability insurance different schools provided for their teachers.

TABLE V
AMOUNT OF LIABILITY INSURANCE SCHOOLS PROVIDED
FOR VOCATIONAL AGRICULTURE TEACHERS

Amount of liability insurance	Teachers reporting	
	N	%
None	71	89
\$ 5,000-\$ 10,000	3	4
\$11,000-\$ 25,000	3	4
\$26,000-\$ 50,000	2	2
\$51,000-\$100,000	1	1
over -\$100,000	1	1

Note: Per cent rounded to nearest whole number.

Methods of teaching safety. The review of literature indicated that the teaching of safety was one of the main ways in which a teacher could be relieved of being liable. Teachers were asked to check on their questionnaire what method they considered to be "best" in the teaching of safety. Teachers were given five choices. These choices were films, demonstrations, class lessons, combination of the above and other methods.

The data presented in Table VI showed that sixty-five of the eighty-one considered that a combination of films, demonstrations, and class lessons was the "best" method of teaching safety. This was eighty per cent of the response. There was ten or 12 per cent who considered the demonstration method to be "best." One teacher indicated to the writer that he used safety talks by the students as a method of teaching safety.

In Table VI is presented the methods considered to be the "best" in teaching safety by vocational agriculture teachers.

TABLE VI
METHODS CONSIDERED BY VOCATIONAL AGRICULTURE TEACHERS
TO BE BEST IN TEACHING SAFETY

Methods used	Teachers	
	N	%
Films	3	4
Demonstrations	10	12
Class lessons	2	3
Combination of above	65	80
Other	1	1

Note: Per cent rounded to nearest whole number.

Time considered "best" to teach safety. The time considered "best" to teach safety was felt to be important to the study by the writer. Teachers were asked to indicate on their questionnaires the time they considered most important to teach safety.

Data presented in Table VII indicated that teachers were divided as to the one "best" time to teach safety. Thirty-seven felt that prior to participating in the activity was the "best" time. This was forty-five per cent of the response. Twenty-two or 27 per cent indicated that safety should be taught in a series at the beginning of the year. Twenty-one or 26 per cent responded that safety should be taught daily. Two or 2 per cent checked the choice of whenever the time or need arises.

In Table VII is shown the time vocational agriculture teachers considered best to teach safety.

TABLE VII
TIME VOCATIONAL AGRICULTURE TEACHERS CONSIDERED BEST
TO TEACH SAFETY

Best time to teach safety	Teachers	
	N	%
In a series at beginning of the year	22	27
Prior to participating in the activity	37	45
Whenever you have time or need arises	2	2
Daily	21	26

Note: Per cent rounded to nearest whole number.

SUMMARY AND CONCLUSION

The purpose of this study was to determine what Kansas vocational agriculture teachers were doing about their liability responsibilities and how they would be protected from being liable in case of an accident in connection with their job.

To determine these purposes, a pilot study was conducted. From this pilot study, a questionnaire was designed and mailed to eighty-three vocational agriculture teachers in the state of Kansas. Replies were obtained from seventy-six teachers. Five teachers from the pilot study, who fell within the realm of the study, were added. This made a total of eighty-one teachers used in the study.

The data received showed that the highest percentage of vocational agriculture teachers in the field today, have been teaching five years or less. This group represented 48 per cent. The next highest group was those having taught sixteen years or more. This group represented 21 per cent.

Regarding the number carrying liability insurance to protect them in their job, it was shown that fifty-three or 66 per cent had no liability insurance. It was further noted, that teachers having taught sixteen years or more, were more apt to have liability insurance. Fifty-three per cent of this group was insured.

All teachers indicated they should have some insurance, in case they were found liable. The amounts ranged from five thousand dollars to over one hundred thousand dollars. At the time of the study twenty-eight

or 34 per cent reported having some insurance. Of this group twenty-two or 79 per cent reported having between twenty-five thousand dollars and one hundred thousand dollars.

The kind of insurance most often shown was personal liability. The number represented was twenty or 25 per cent.

Of the eighty-one teachers answering, two reported having been involved in a liability lawsuit. One indicated the accident occurred on a farm visit, while the other one did not indicate in what area the accident occurred.

It was shown that on the average fifty-nine of the eighty-one teachers reporting taught in schools employing twenty teachers or less. It was further revealed that the number of teachers employed had no effect on whether or not the school had a board policy regarding teacher liability. Eleven or 13 per cent of the schools reporting indicated they had a board policy.

Twelve per cent reported that they were protected by liability insurance provided by the school district. These amounts ranged from five thousand dollars to over one hundred thousand dollars.

Teachers reported that the "best" method of teaching safety was by a combination of films, demonstrations and class lessons. This was sixty-five or 80 per cent of those reporting.

Thirty-seven or 45 per cent of teachers responding indicated that the "best" time to teach lessons on safety was prior to participating in the activity. Twenty-two or 27 per cent indicated their preference for teaching safety was in a series at the beginning of the school year.

Twenty-one or 26 per cent pointed out that safety should be taught daily.

In conclusion, this study indicated: (1) that all teachers considered they should have liability insurance to protect themselves in their job; (2) twenty-eight of the teachers carried liability insurance in various amounts for protection; (3) twelve per cent of the school boards provided insurance protection for their teachers; and (4) all teachers were teaching safety at different times in different ways.

IMPLICATIONS

In this section of the report are given the implications which in the opinion of the author were evident from the data gathered during the study.

The results from the questionnaires indicated that one-half or 48 per cent of the teachers teaching in the field of vocational agriculture have been teaching five years or less. The implication may be made from the data presented in Table I, page 22, that these teachers have less liability insurance for protection in their position than do the teachers having taught a longer period of time. The possibility of their not being aware of all the factors involved in being liable may account for this.

In considering the amount of liability insurance which was considered to be sufficient and the amount actually carried, the investigator found a large discrepancy. All teachers reporting indicated some liability insurance should be carried. However twenty-eight or 34 per cent were

all that indicated having liability insurance. It was felt that teachers do not fully realize how often they might be sued or have not been informed how cheap liability insurance is. As of September 1966, Kansas teachers will be able to secure one hundred thousand dollars of liability insurance for one dollar with membership to the Kansas State Teacher's Association.

It was pointed out to the writer by the teachers in answering the question as to what kind of liability insurance they carried, that many were under the impression they were protected by the liability insurance they carried on their automobile. This would have been true if a "business pursuit" rider was attached. It does not overlook the fact that teachers do have some protection if an accident should happen on a field trip or judging activity in which their car is being used. However, if an accident occurred in the classroom or shop and they were sued, they would have no protection. Table III in the study shows seventy-three or 91 per cent having auto liability insurance. This number was a combination of teachers indicating they have both auto and personal liability. When those having personal liability in addition to their auto were subtracted, it could be implied that fifty-three teachers or 66 per cent had no protection that would protect them in all areas of their work.

From answers checked on the questionnaires as shown in Table IV, page 25, it may be implied that school administrators like the vocational agriculture teachers are not aware of their liability responsibilities. It is possible that many administrators feel that to have a board policy

covering teacher liability would only be an added expense. However, the fact that schools fall under the "common law of immunity" does not exclude the administrator or teachers from being liable.

The "best" method for teaching safety is a combination of class lessons, demonstrations and films. As long as teachers can impress upon all their students the importance of safety, they have done a good job.

The "best" time to teach safety is in a series at the beginning of the year. Students should be tested on the material covered. The test should be signed by the parents and students and placed in the files for any future reference. Following this a review on safety procedures should be given prior to participating in the activity. Always practice and teach safety daily.

As once stated to the writer, "It is better to have a parachute and not need it, than to need it and not have one. This I feel applies to liability insurance.

SELECTED BIBLIOGRAPHY

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- Garber, Lee O. The Yearbook of School Law, 1963. Danville, Illinois: The Interstate Printers and Publishers, Inc., 1963.
- Gauerke, Warren E. Legal and Ethical Responsibilities of School Personnel. Englewood Cliff, N. J.: Prentice Hall, Inc., 1959.
- Hamilton, Robert R. and Paul R. Mort. The Law and Public Education with Cases. Second edition. Brooklyn: The Foundation Press, 1959.
- Kigin, Denis J. Teacher Liability in School Shop Accidents. Ann Arbor, Michigan: Prakken Publications, Inc., 1963.
- _____. "The Prevention of Liability--A Corollary of Safety," Industrial Arts and Vocational Education, 51:42-44, February, 1962.
- _____. "Tort Liability Affecting Shop Teachers with Provisions for Avoiding Accidents and Litigation," 1960 National Safety Congress, 23:70-74, 1960.
- _____. "Who Pays for Shop Accidents?" Safety Education, 41:10-13 December, 1961.
- Morton, J. B. "Liabilities in School Shops," Agricultural Education Magazine, 36:261, May, 1964.
- Neely, Melvin E. (ed.). The Kansas Teacher, Vol. 74, 20-22, December, 1965.
- Seitz, Reynold S. (ed.). Law and the School Principle, Cincinnati: The W. H. Anderson Company, 1961.
- Shapiro, Frieda S. "Your Liability for Student Accidents," NEA Journal, 32:46, March, 1965.
- Teschendorf, E. W. "Legal Liability of Teachers with Reference to the Students Under Their Direct Supervision," 1952 National Safety Congress, 23:41-46, 1952.
- The New Mexico Planning Guide for Industrial Arts. New Mexico Industrial Arts Association. State Department of Education, Santa Fe, N. M., 1963.

Walgren, John. "Are Shop Teachers Liable for Accidents, School Shop, 16:11, December, 1956.

Websters New International Dictionary of the English Language, (Second edition). Springfield, Massachusetts: G. C. Merriam Company, 1958.

Who is Liable for Pupil Injuries? National Research Division, Washington, D. C.: National Commission on Safety Education, National Education Association, 1963.

APPENDIX

KANSAS STATE UNIVERSITY
Manhattan, Kansas 66504

College of Education
Holton Hall

March 7, 1966

Ira M. Williams
Vocational Agriculture Instructor
Rossville Rural High School
Rossville, Kansas

Dear Ira:

Keeping pace with the changing laws and one's liability involved in the field of teaching is of significance to you. As a Vocational Agriculture teacher in your school system you are faced with many every day problems in which you may become involved in a lawsuit. I am conducting a survey to determine what is being done by the Vocational Agriculture teachers to protect themselves in the event that they might someday be faced with a lawsuit in connection with their job.

The answers obtained on the enclosed questionnaire will be used to complete the partial requirements for a Master's Degree at Kansas State University. Enclosed is a stamped self-addressed envelope to be used for returning your questionnaire. I would appreciate your checking the questions and returning them to me by March 28, 1966.

Sincerely,

James J. Marstall
Graduate Assistant

P.S. If you would like a copy of the results, please indicate it on your questionnaire.

JJM:bm
Enc.

QUESTIONNAIRE

Instruction.

39

Please answer the following questions and make a check or checks opposite the items corresponding to your answer (s).

1. How many years have you been teaching vocational agriculture?

_____ 1 - 5 yrs.

_____ 6 - 10 yrs.

_____ 11 - 15 yrs.

_____ over 16 yrs.

2. Do you have liability insurance to protect you in your job?

_____ Yes _____ No

3. What amount of liability insurance do you consider to be sufficient in case you are involved in a personal liability lawsuit in connection with your job?

_____ None

_____ 5,000 - \$10,000

_____ 11,000 - \$25,000

_____ 26,000 - \$50,000

_____ 51,000 - \$100,000

_____ over \$100,000

4. How much liability insurance do you now carry for your protection in connection with your job?

_____ None

_____ 5,000 - \$10,000

_____ 11,000 - \$25,000

_____ 26,000 - \$50,000

_____ 51,000 - \$100,000

_____ over \$100,000

5. What kind of liability insurance do you now carry that provides protection for you in your job?

_____ None

_____ Auto

_____ Home owners policy

_____ Personal liability (A.V.A. etc.)

_____ other (specify) _____

6. Have you ever been involved in a liability lawsuit in connection with your job?

_____ Yes _____ No

7. If you have been involved in a liability lawsuit, in what area of your teaching responsibilities did it occur?

_____ Shop

_____ Classroom

_____ Field trip

_____ Extra-curricular activities

_____ other (specify) _____

8. How many teachers are there in your high school?

_____ 1 - 10

_____ 11 - 20

_____ 21 - 30

_____ 31 - 40

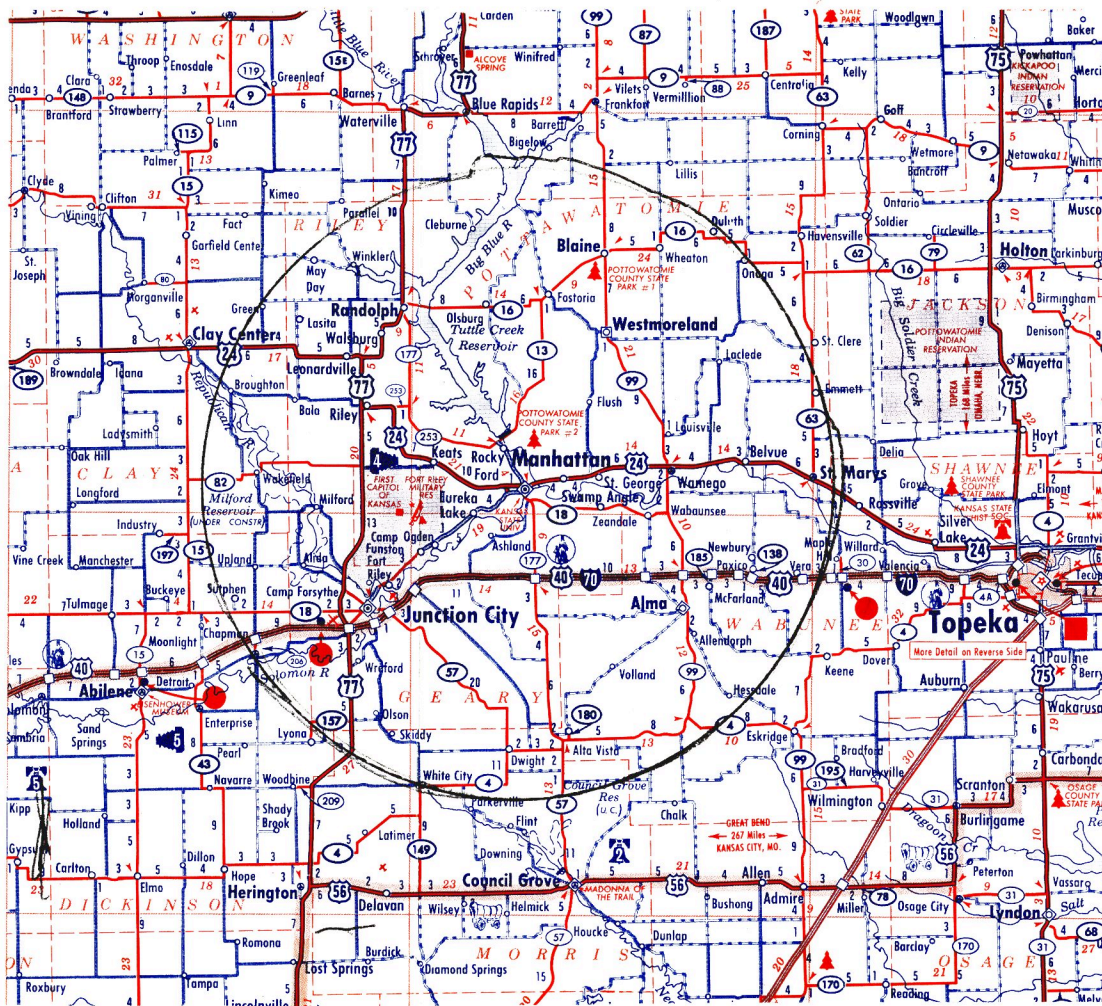
_____ 41 - 50

_____ over 51

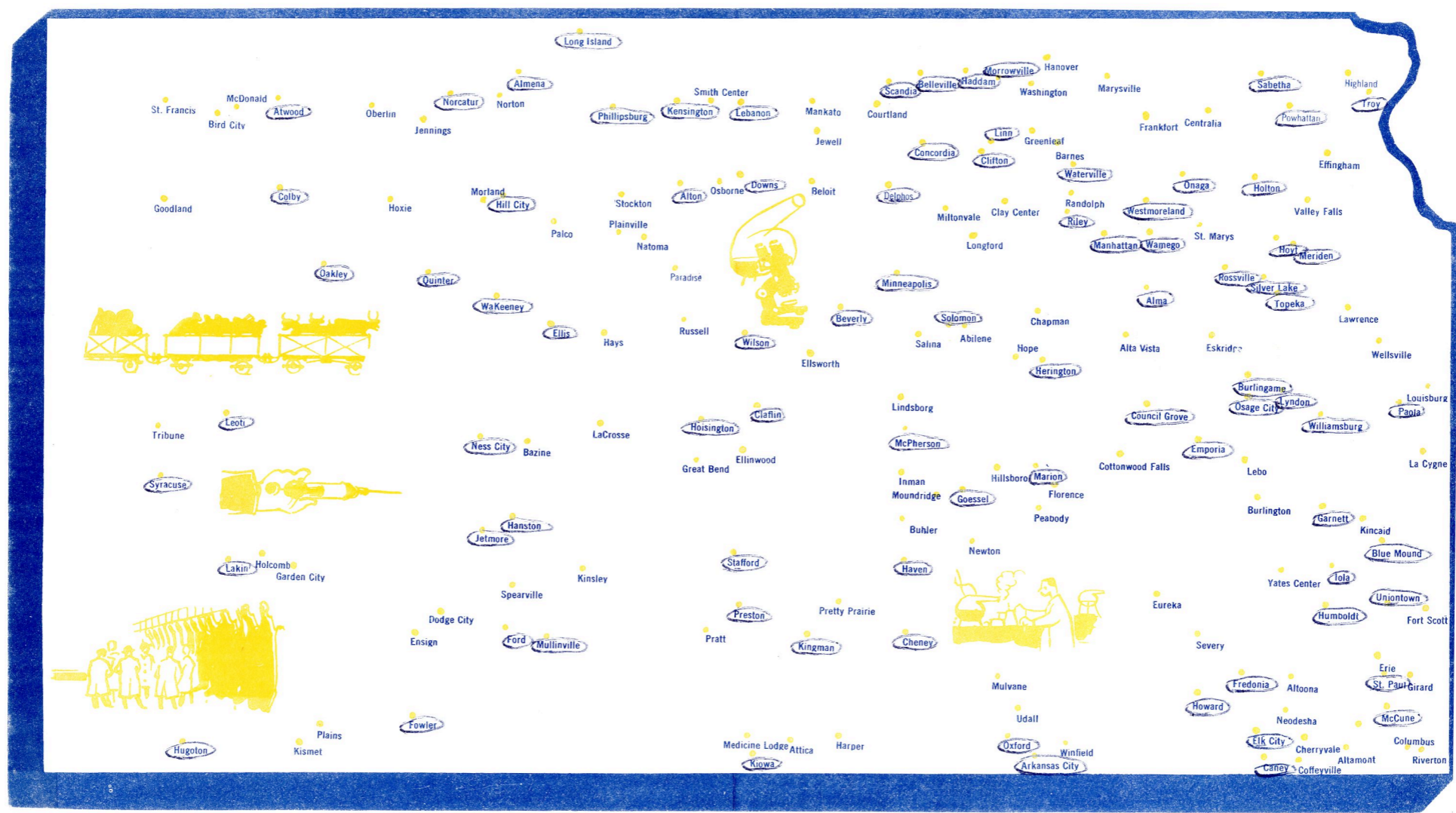
9. Does your school have a board policy concerning teachers' liability?
 _____ Yes _____ No
10. A. Does your school carry liability insurance on its faculty as
 pertaining to their job?
 _____ Yes _____ No
- B. If yes, what amount are you covered for?
 _____ None
 _____ 5,000 - \$10,000
 _____ 11,000 - \$25,000
 _____ 26,000 - \$50,000
 _____ 51,000 - \$100,000
 _____ over \$100,000
11. What do you consider to be the best method in teaching safety?
 _____ Films
 _____ Demonstrations
 _____ Class lessons
 _____ Combination of the above
 _____ Other (specify) _____

12. When do you consider the best time to teach lessons on safety?
 _____ In a series at the beginning of the year.
 _____ Prior to participating in the activity.
 _____ Whenever you have time or the need arises.
 _____ Daily.

AREA WHERE PILOT STUDY WAS CONDUCTED



MAP OF AREA USED IN STUDY



LIABILITY RESPONSIBILITIES OF KANSAS VOCATIONAL AGRICULTURE TEACHERS

by

JAMES J. MARSTALL

B. S., Kansas State University, 1956

AN ABSTRACT OF A MASTER'S REPORT

submitted in partial fulfillment of the

requirements for the degree

MASTER OF SCIENCE

College of Education

KANSAS STATE UNIVERSITY
Manhattan, Kansas

1966

The purpose of this study was to determine what Kansas vocational agriculture teachers were doing about their liability responsibilities connected with their teaching duties, and how they would be protected from being liable in case of an accident in connection with their work.

To determine whether a questionnaire would obtain data designed to comply with these purposes a pilot study was conducted. Following the pilot study the questionnaire was then mailed to eighty-three vocational agriculture teachers in the state of Kansas. Seventy-six or 92 per cent of the teachers returned their questionnaires. To this number five teachers who were in the pilot study and fell within the sample of survey were added.

The data received showed that 48 per cent of the vocational agriculture teachers in the field today have been teaching five years or less. The second largest number reporting was the teachers who had been teaching sixteen years and over. This group represented twenty-one per cent.

Regarding the number carrying liability insurance to protect them in their job, it was shown that fifty-three or 66 per cent had no liability insurance. It was further noted, that teachers having taught sixteen years or more had a higher percentage with liability insurance. Fifty-three per cent of this group was insured.

All teachers indicated that they should have "some" insurance, in case they should be found liable. The amounts ranged from five thousand dollars to amounts over one-hundred thousand dollars.

At the time of the study twenty-eight or 34 per cent reported having "some" liability insurance. Of this group twenty-two or 79 per cent

reported having between twenty-five and one-hundred thousand dollars.

The kind of insurance most often shown was personal liability, such as American Vocational Association insurance. The number represented was twenty or twenty-five per cent.

Of the eighty-one teachers answering two reported having been involved in a liability lawsuit. One indicated that the accident occurred while on a farm visit. The other teacher did not indicate in what area the accident occurred.

It was shown that on the average fifty-nine of the eighty-one teachers reporting taught in schools employing twenty teachers or less. It was further revealed that the number of teachers employed had little relationship to whether or not the school had a board policy regarding teacher liability. Eleven or 13 per cent of the schools reporting indicated they had a board policy.

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