

Chapter 2: Tort Liability

1. Within the context of negligence, what is meant by "reasonable care"?
 - a. This is the degree of care that state officials demand of parents when raising their children.
 - b. This is the standard that principals must meet when deciding cases involving suspension.
 - c. This is the standard that students must exercise on school grounds.
 - d. This is the standard of care that a teacher of ordinary prudence would have used under like circumstances.
 - e. None of the above.
2. Are substitute teachers/student teachers held to the same standard as full-time teachers with regard to the supervision of students?
 - a. Yes. Substitute teachers and student teachers are held to the same standard as full-time teachers.
 - b. No. Although substitute teachers and student teachers must exercise reasonable care when supervising students, the standard of care is much lower than a full-time teacher.
 - c. No. Although substitute teachers are held to the same standard, student teachers may not be sued by students.
 - d. No. Substitute teachers and student teachers have been granted full immunity in negligence cases.
 - e. None of the above.
3. Can teachers be liable for a student's unforeseeable behavior?
 - a. Yes. Teachers can be liable for any injury that occurs on school grounds.
 - b. Yes. Teachers can be liable for unforeseeable behavior because teachers should anticipate every type of behavior.
 - c. No. Teachers are generally not liable for student behavior that is unforeseeable.
 - d. No. Teachers can never be held liable because of federal immunity laws.
 - e. None of the above.
4. Which description below is not a defense to negligence?
 - a. Teacher Immunity Act of 1984
 - b. Contributory Negligence
 - c. Comparative Negligence
 - d. Assumption of Risk
 - e. Governmental Immunity
5. What is meant by contributory negligence?
 - a. When the teacher does not anticipate a negligent act.
 - b. When a parent injures a student on school grounds.
 - c. When a student's negligence contributed to his/her own injury.
 - d. When a teacher injures a student off school grounds.
 - e. None of the above.
6. What is meant by comparative negligence?
 - a. When the teacher does not anticipate a negligent act.
 - b. When a parent injures a student on school grounds.

- c. When a judge or jury compares the negligence of the plaintiff and defendant.
 - d. When a teacher injures a student off school grounds.
 - e. None of the above.
7. What is the Paul D. Coverdell Teacher Protection Act?
- a. This is a state law designed to prevent student injury in school.
 - b. This is a state law designed to protect teachers from being injured by students.
 - c. This federal provision immunizes from liability any teacher who is trying to maintain order in the school.
 - d. This is a provision in the Individuals with Disabilities in Education Act that immunizes from liability any teacher who is trying to maintain order in the school.
 - e. This is a state regulation that prevents any teacher from being sued during field trips.
8. Do waivers prevent students from suing?
- a. Yes. If a student signs a waiver s/he may not sue the school district.
 - b. Yes and No. The waivers only prevent teacher liability on student field trips.
 - c. Yes. If the waiver is approved by the school district's legal counsel, parents may not sue the school district.
 - d. Generally no. Most courts have found waivers that do not permit students to sue in violation of public policy.
 - e. None of the above.
9. What damages might be awarded by courts in negligence cases?
- a. Compensatory damages
 - b. Punitive damages
 - c. Nominal damages
 - d. All of the above.
 - e. None of the above.
10. Which best describes defamation law?
- a. Statements made to a newspaper about a teacher by the principal without a teacher's permission.
 - b. Malicious statements made to a teacher from a principal.
 - c. False statements made to third parties that harmed the (individual's) teacher's reputation.
 - d. Language that causes teachers severe emotional distress.
 - e. None of the above.
11. Can students be sued for defamation for posting derogatory statements about a teacher on the web?
- a. Generally derogatory statements have not created a right to sue for defamation. If, however, the information is false and injures the reputation of the teacher, it is possible.
 - b. Any speech posted on the internet is protected from defamation lawsuits under federal law.
 - c. Most states have passed laws protecting all internet speech from defamation lawsuits.
 - d. Any speech posted on a public website about a teacher must create a disruption at the school before being actionable for defamation.
 - e. None of the above.

12. Is there a higher standard for public officials to prove when alleging slander?
- Yes. Public officials must prove any statements made about them were made with actual malice.
 - Yes. Public officials must simply prove that the statement made about them was false.
 - No. Public officials are subject to the same standard as teachers.
 - No. Public officials generally are not allowed to bring defamation suits.
 - None of the above.
13. Can a personal opinion be subject to a defamation claim in the same way as a fact?
- Yes. Statements of fact or opinion are equally open to defamation lawsuits.
 - Yes. Federal law specifies that there is no difference between statement of fact and an opinion in a defamation lawsuit.
 - No. Opinions are generally not subject to defamation claims.
 - No. Unlike a statement of fact, it must be demonstrated that the opinion was based on actual malice.
 - None of the above.
14. In a negligence case against a school district, what elements of negligence must generally be proven?
- That the student did not breach his duty.
 - That the student's actions were contributory.
 - Duty, Breach of Duty, Causation, Injury
 - Choices a and b are correct.
 - Choices a, b, and c are correct.
15. Where are school tort cases usually heard?
- In federal court.
 - In an administrative court.
 - In a state court.
 - In a circuit court of appeals court.
 - None of the above

Essay Questions

- Identify the elements of negligence and apply them to a scenario that you create involving an injured student on the playground.
 - Students should discuss whether there was a duty, whether this duty was breached, whether causation was present, and whether there is injury.
- Identify at least two defenses to negligence and explain how they would be applied in a given situation.
 - Students should discuss two of the following: contributory negligence, comparative negligence, assumption of risk and/or immunity. Please see Chapter 2 for a discussion of each.

3. Individuals can receive damages for written or spoken injury to their reputations. How do defamation cases differ between public and private figures?
- It should be noted that public individuals must demonstrate that, in addition to a statement being false, it must also generally demonstrate malice and disrespect for the truth (the standard will vary by state law).

Chapter 2 answers

1. d
2. a
3. c
4. a
5. c
6. c
7. c
8. d
9. d
10. c
11. a
12. a
13. a
14. c
15. c