

1979 WL 43191 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 30, 1979

*1 Dr. Melvin H. Ezell, Jr.
Head
Department of Physical Education
The Citadel
Charleston, South Carolina 29409

Dear Dr. Ezell:

You have requested an opinion of this Office as to whether a teacher is responsible for his or her class when it is being taught by a student teacher who is assigned to that class. The 'Requirements for Teacher Education and Certification' of the South Carolina Department of Education include directed (or student) teaching. See 'Requirements,' §§ 3.1.2G, 3.2.2E, and 3.4.2D; see also Act No. 187, Section 2(n), Acts and Joint Resolutions of South Carolina, 1979; however, none of these provisions define the relationship between student teachers and the certified teachers to whom they are assigned (co-operating teachers).

'It is the duty of a teacher in the public schools to exercise proper supervision over pupils in his charge and to exercise reasonable care to prevent injury to them.' 78 C.J.S. Schools and School Districts § 237b quoted with approval in [Downs v. Conway School District](#), 328 F. Supp. 338 (E.D. Ark. 1971); Cf. Hammond v. Scott, 268 S.C. 137, 232 S.E. 2d 336 (1977). Under § 59-25-20 of the Code of Laws of South Carolina (1976) only certified teachers may be employed by public schools in this state. As employees, these teachers would have a duty to supervise their students. Student teachers, of course, are not certified, they are not employees of the school, and no statute or rule or regulation, expressly or implicitly, delegates to them the responsibilities of their certified co-operating teachers. Thus, the duty to supervise must continue to rest with the co-operating teacher even while the student teacher is actually conducting the class; however, while the co-operating teacher has ultimate responsibility for the class, the student teacher may have some duty to supervise which should be dependent, in part, upon the extent of his or her involvement in class activities. Thus, for example, while teaching a class, a student teacher should not ignore a situation in the classroom which could directly result in serious harm to a child.

If you have any questions or if I can be of further assistance to you, please do not hesitate to contact me.

Yours very truly,

J. Emory Smith, Jr.
State Attorney

1979 WL 43191 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.