

Teacher Liability Protection⁷

Purpose of the Program

The Teacher Protection Act ensures that teachers, principals, and other school professionals can undertake reasonable actions to maintain order and discipline in the classroom without the fear of litigation. It provides civil immunity in any State court to teachers, instructors, principals, administrators, and other education professionals for actions taken to maintain discipline, order or control in the school or classroom.

Highlights

Important components of this act include the following:

- Teachers are shielded from liability when they act within the scope of their employment and in accordance with applicable Federal, State, and local laws (including civil rights laws).
- Protections are extended not only to teachers, but also to administrators and school professionals, nonprofessional employees responsible for maintaining discipline or safety, and individual school board members.
- Liability is limited, unless a State specifically enacts overriding legislation or State law provides additional protection from liability.
- The availability of punitive and non-economic ("pain and suffering") damages in lawsuits against teachers is limited, except in extreme circumstances of gross teacher misconduct.
- Limits to liability will not apply if a teacher is involved in misconduct such as a violent crime, a sexual offense, violation of civil rights laws, or for misconduct that occurs while the educator is under the influence of drugs or alcohol.

⁷ *Elementary and Secondary Education Act as amended by No Child Left Behind: Title II, Part C, Subpart 5*