



Q & A
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Q: At our school, for some of our extracurricular teams, we have volunteers, parents, and teacher assistants coach and supervise. Is there a problem with this?

A: The authorization of certificated or noncertificated staff and community volunteers as supervisors at extracurricular events raises questions of

1. standard of care,
2. indemnity or liability for the supervisor, the principal and the board, and
3. necessary approval procedures and criteria.

Teachers, by virtue of being professionals, are held to a higher standard of conduct than the general public and to expectations of high standard of care—that of the careful and prudent parent. When a teacher is in charge, it is clear what standard of care can be expected. Of course, for teachers, as well as for volunteer supervisors and coaches, the standard of care expected rises when the person has taken additional training or qualifications—for example, first aid, coaching levels, etc.

The *School Act*, in section 20 (e) and (f), puts much of the responsibility directly on the principal to ensure that both the duty of care to students and the standard of care for students are met. In addition, section 18, in the stem and in (f), clearly establishes parameters of teachers' involvement in supervision "under the direction of the principal."

The standard of care provided by community members, including parents, varies. How does one even explain the required standard of care to a short-term volunteer supervisor and how does one monitor and measure the standard of care actually provided by a volunteer supervisor? At the same time, the standard of care that must be maintained by the school board and the principal does not vary even in their absence. The primary obligation for provision of adequate supervision remains on the principal. The school board's liability, should an incident occur, arises from its ability to control the situation by determining the selection of acceptable supervisors. "Any parent" is likely insufficient. While most are able and appropriate supervisors, some may have lengthy histories of criminal actions or in other ways be likely to expose a student to danger.

Sections 60(3)(a) and 61 authorize the board to make rules permitting the use of outside supervisors and, presumably, some criteria for the selection of appropriate personnel. In the event that an incident occurs, vicarious liability for the actions of any volunteer supervisor would flow back to the principal and/or other designated employee selecting the volunteers and to the board. At the school level it may be quite difficult to remove the shared liability for the principal in the event of any incident giving rise to a claim. The term *incident* is used because it is not inconceivable that, through negligence or poor judgment, students could be exposed to a variety of risk situations including sexual misconduct, physical injury or accident. Should any incident arise, the quality of care provided and the selection of supervisors will be subjected to intense scrutiny.

Protection, as always, lies in covering off what is foreseeable. When teachers supervise, the standard of care is known and liability thereby decreases even when they are assisted by volunteers. Using selection criteria for volunteers ensures that some foreseeable risks are eliminated. Having documented acknowledgment and acceptance of standards eliminates more risks and provides protection in the event of a lawsuit.

The Association recommends the following:

1. Volunteer certificated staff should be present for extracurricular activities.
2. If volunteers from the community are used to reinforce or supplement supervision, have a certificated employee available to them at all times.
3. Ensure that board authorization exists to use community volunteers as supervisors and coaches.
4. Ensure that the criteria established by the board are followed in selecting volunteer supervisors and coaches.
5. Ensure that volunteer supervisors and coaches know what standard of care is expected of them and what guidelines they must follow in making judgment calls.
6. Document, document, document. Keep on file a copy of the board authorization, a written statement of the standard of care signed by each volunteer supervisor or coach, and any other documents that board policy may require you to have.

This is not a simple issue. School board policy should exist to clarify the need and use of such things as criminal record checks, affidavits of medical fitness and additional insurance coverage.