Functions and roles of teachers -- The doctrine of in loco parentis

When minor children are entrusted by parents to a school, the parents delegate to
the school certain responsibilities for their children, and the school has certain
liabilities. In effect, the school and the teachers take some of the responsibility
and some of the authority of the parents. The exact extent and nature of this
responsibility and power vary from one society to another and from one school
system to another. This is spelled out to some extent in the law, but much of it is
determined by local custom and practice.

There is, of course, a relation between the age of the child on the one hand and
the teacher's responsibility and liability for it on the other. The young child must
obey the teacher, and the teacher may use the methods expected and tolerated in
the community to control the child's behaviour. Furthermore, the child's physical
safety is entrusted to the school and to the teacher, who thus become legally liable
for the child's safety, insofar as negligence can be proved against them.

In the matter of corporal or physical punishment, local attitudes establish a wide
range of expected and permissible behaviour on the part of the teacher. In most
parts of the world, young children may be punished by a limited infliction of
physical pain at the hands of the teacher or school principal, using a wooden ruler
or a whip of one kind or another. But there are some systems and cities that
explicitly bar a teacher from using corporal punishment. This seems most
common in large cities; the teacher in a rural or small-city school is more apt to
be expected to use physical measures for controlling pupil behaviour. As students
become older, their behaviour is less apt to be controlled by physical measures,
and they are more likely to be suspended from classes or expelled from school.
This is the common last resort in the upper years of the secondary school and in
the university.

Another facet of the doctrine of in loco parentis is seen in the relation between
parents and teachers with respect to the promotion of pupils and to their
counselling or guidance. Parent and teacher may be in conflict about the best
procedures to use with a pupil. Shall this pupil be promoted from a fifth to a sixth
year class or be “kept back” to repeat the year's work? This decision is generally
seen as the responsibility of the school, though the parents may be brought in for
consultation. If the parents object to the school's decision, what rights and powers
do they have? May they see the school's records on their child? May they
examine the pupil's examination papers or other school work? The answers to
these questions are more fixed in some countries than in others, but in general,
the school's authority is supported in these matters.

A more difficult problem is presented by a student, generally an adolescent, who is having serious problems with his school performance or with his school behaviour. He is sent to the school counsellor, who finds him in need of therapeutic counselling and proceeds to counsel him. Must the counsellor secure prior consent from the parents? Must the counsellor disclose to the parents what he learns about or from the student in confidence? Perhaps the counsellor concludes that a part of the student's difficulty is caused by his parents. Must the counsellor tell this to the parents? Is the counsellor intruding on the privacy of the parents by asking the student about his relations with them or by listening if the student volunteers such information? This is terra incognita for the teaching profession, and has become something of an issue in the places where personal counselling is regarded as part of the school's responsibility.

At the level of higher education, the doctrine of in loco parentis does not present as much of a problem for the teacher, since the student, even though he may be legally a minor, is presumed to be a more responsible person. But the university may have a problem in relation to the local police or city government. May university property—including classrooms in which teachers are trying to teach—be regarded as private property, with police and other outside persons barred unless they are explicitly asked for their help? The question (and others like it) has no clear and unequivocal answer.