

IN LOCO PARENTIS

An important consideration in determining the appropriate course of action by Division staff members is an understanding of the demands, rights and responsibilities placed upon them by the common-law doctrine *in loco parentis*.

The most important criterion of this doctrine is that it requires a staff member to act as would a reasonable and prudent parent in the same circumstances and conditions. It is important to recognize that such definition is situation specific and action or inaction will be judged in the context of the situation which the staff member encountered.

A second aspect of the doctrine is that while a staff member is required to act as would a parent; it does not confer all the authority of the parents upon the staff member. For example, as would any reasonable parent, a staff member would seek out medical attention for an injured student. Unlike the parents, the staff member does not have the authority to provide consent to medical treatment.

Another important aspect of the doctrine is that of determining what is reasonable. Suffice it to say, an unequivocal statutory judicial definition of reasonable does not exist. The determination of whether a staff member's action was reasonable or not would be drawn from a review of the situation and the staff member's response to the situation.

In summary, the doctrine of *loco parentis* requires:

- The staff member to take some action supportive of the student's well-being;
- The staff member to recognize the limitation of his/her ability to provide direct assistance;
- That all recognized authority of the parent does not go to the staff member; and
- The staff member cannot claim ignorance of duty while acting as a reasonable adult.

Reference: Section 196, 197 Education Act
Supporting Safe, Secure and Caring Schools in Alberta (1999)
Safety Guidelines for Physical Activity in Alberta Schools (1999)
A Safe Place: Creating Peaceful Schools (1994)
Safety Oriented Guidelines for Outdoor Education – Leadership and Programming (1986)

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