

COMPILATION: threat of lawsuit for teaching by the Modeling Method

Date: Sat, 22 Feb 2003

From: mitchell johnson <johnsonm@LVCM.COM>

I have a new first. A mother is threatening me with "public humiliation and a lawsuit if I do not teach her son by traditional methods." My principal is not running for cover, so far, and asks if I could provide more closure at the end of the lesson. We only have three 41 minute classes and one 85 minute class per week, so I usually just barely get most groups to present their individually different work sheet problem by the bell. I don't think I need to say " here is the formula that the groups used" as it is painfully obvious when the groups presented what formula they used. I usually pre-lab one day, have lab on the block day and post lab on the next day. I feel that even for our "honors students" that should be sufficient time to gain an understanding. With the work sheets being so well engineered to slowly immerse the student into the model being developed, I am dumbfounded by this resistance.

Anyway, I said I would poll the group for ideas on trying to provide closure. Do you do anything different that seems to work?

Date: Sun, 23 Feb 2003

From: John Clement <clement@HAL-PC.ORG>

Now, I am not a lawyer, but I have attended a session in which a lawyer presented when teachers and schools are liable. As I understand, courts generally defer to schools, unless there is a clear liability such as a physically dangerous practice. As far as I know parents have never been successful in suing on what would be equivalent to malpractice grounds, or lack of teaching. If parents could sue on such grounds I know that most schools would have some serious liability.

Does the mother have a degree in either physics or education? When I get requests like this, *I present research based results as evidence*. Of course, often parents will then say that they don't believe in research. Since the groups do present their results, you could carefully document this, and point out that this is closure. *If you have pre and posttest FCI results, you could also present the gain results and contrast them with the national results*. In addition *offering extra tutoring might help defuse the situation*. In either case if you document what you are doing and have evidence, you have the best defense. *You might also get a copy of the Dept. of Ed. web page which claims that Modeling is a good method of teaching*. I believe that it is archived, or perhaps Jane has a printout she could copy for you. [Jane's note: it's online at <<http://modeling.asu.edu>>.]

You might also *ask other teachers if they have had trouble with this mother*. Generally when I teacher has a parent problem, the other teachers have had similar problems.

I had difficulty with a mother who claimed I did not understand her LD child. I was very irate over that one. I told her in no uncertain terms that my daughter is moderately LD, and that I fully understand. I also was very firm that the methods I use are very beneficial to LD students. The daughter got out after the first semester, but actually achieved fairly good gain.

I suspect that the mother would not want MDs to go back to traditional methods such as blood letting and leeches, so why should she require traditional methods in education? Unfortunately many parents seem to think that teaching can be done by anyone, and that they know how to do it better than professionals. I always try to soothe the parents, but I will not give in to demands. At my school physics is an elective, and as a last fallback, I point that out.

The only problem you have is that if she is not bluffing, you might have to go to court, provided the judge doesn't throw out the case ahead of time. I suspect it really is a bluff, because any good lawyer would advise her that she has little chance of winning. *You might also gently suggest that her child might be more embarrassed by the publicity if she continues to press the case*.

Date: Sun, 23 Feb 2003

From: "K. Fincher" <raptor1@ARN.NET>

I concur with John that the mother is probably just bluffing. She is probably just angry that her child is not doing well in the class and taking out on you, Mitch.

In addition to collecting articles and research results to support use of the modeling method in teaching physics, *I would also write up what the student has done to improve his knowledge of physics.* Some questions you might want to ask are: Has the student been involved in helping his group during experiments? Has he been a willing participant in class discourse? Has he turned in homework assignments? Has he come in for extra help after or before school? Has he asked you to go over work with him when he doesn't understand something? Does he have good attendance? Has he been in trouble at school and/or removed from the classroom for disciplinary action?

Most of the time, students aren't telling their parents the "whole" story when it comes to grades and class. He may have told Mom that he works hard and does everything he can when the truth is that he hasn't. *Usually parents will support the teacher after learning that their child hasn't been doing his/her part.*

Good luck, Mitch! *Be sure and have someone else, like your principal, sit in on ALL meetings with this parent (since she mentioned a lawsuit). I don't think I would have any telephone conferences with her at all.*

Date: Mon, 24 Feb 2003

From: Joseph Vanderway <hrggh003@CSUN.EDU>

Well, Mitch, here's an option. Since you are in a job or position of service to the students, and the parents are in essence paying your salary, give them what they want. Ask the parent to completely lay out what "traditional methods" means.

I'm guessing that this means something like assigning reading in a book and working out pencil and paper problems and doing "cookbook" labs.

Fine.

Offer to do the following:

Issue a textbook, assign reading, problems (plenty of them) and give the chapter tests. If the student has problems, refer them to an outside tutor (it is certainly not "traditional" that teachers spend their out of class hours helping students who can not perform). BTW, is a lab component "traditional" in terms of physics? If you need to, get one of those cookbook lab books that were common with texts years ago. Assign every lab - (of course this student is not to use any computers).

Since the complaints seem to be "grade" oriented, presenting this accommodation may steer the parent into seeing the value of modeling.

Oh yeah, don't allow the student to use a calculator. Give them a slide rule.

Alternatively, give the student a slate and chalk instead of a whiteboard. That ought to be traditional enough.

Seriously, don't give up, but know when the fight is important and when it is not.

Date: Mon, 24 Feb 2003

From: John Clement <clement@HAL-PC.ORG>

Joseph's suggestion is in some ways not as farfetched as it might seem. There is an interesting physics innovation in BC Canada called TESSI. It was designed by Janice Woodrow, a physics prof at the university. Essentially students are given the option of either a lab, a simulation, or a problem set at various points in the program. I have not seen any FCI/FMCE evaluations on the program. It did improve student retention, and the retained students did not seem to fall behind. It apparently has some positive effects.

While I still stand behind the idea that reformed physics curricula should be defended, sometimes some options can improve morale. For example in one course I was teaching (25 years ago) I realized that we could go in two possible directions, and I really had no particular preference, so I put it up to a student vote. The students really appreciated the opportunity to have a little more control.

Incidentally, a Spanish teacher at our school had a similar experience. The parent of the student scheduled a conference with the teacher. Unbeknownst to the teacher the parent (a lawyer) had hired a grad student in Spanish to be an expert witness. The parent then proceeded to ask to have

all of the tests examined by the grad student. There was one ambiguous answer out of 200 on the midterm and no irregularities appeared on other tests. The student kept the failing grade. This teacher, although not Hispanic, has spent extended times in Latin America. I think that *if a parent sprung an "expert" on me, I would insist on rescheduling the meeting, and inform the administration of the event* before the next meeting. I might even have an administrator sit in the next time. I would be polite and accommodating, but in the event of a confrontation, I could probably take the grad student apart when it came right down to it.

Date: Tue, 25 Feb 2003
From: Gene Newman <emnewman@TOAD.NET>

[Forwarded post from Gene Newman of Baltimore. Gene participated in the Leadership Modeling Workshops at ASU in summers 1995 and '96. Now he's an asst. principal. I wrote him:
> As a former lawyer, do you have any insights on this possible legal problem?]

Jane,

I read the posting by Mitchell Johnson. I believe there was a posting in response that addressed the issues well.

The only thing I could say (as a former lawyer) is that the law varies from state to state. *Generally in negligence cases the standard would look to the generally accepted standards for instructional methodology in the state or district. If modeling or constructivist methods are supported, there should be no real problem. Even if Mitch is out in front of the curve, the data showing FCI gains and improvements in student attitude and interest would be relevant.*

As we all know, the biggest danger is the risk that administrators tend to shy away from the cost and publicity of lawsuits and troublesome parents. On a more personal level, *teacher contracts usually indemnify teachers from actions* of this type of action, but that does not reduce the stress of the teacher involved.

As you may recall, Jane, I had some of my own grief from parents and administrators; all I can say is we try to do what's best for kids, but we also need to look out for ourselves and live to fight another day.

Since entering the realm of administration in a large (12 High Schools) suburban Baltimore District I have been both encouraged and disappointed. The district supports student-centered constructivist methodology in science and across the curriculum. Unfortunately, I have met substantial resistance not from above, but rather from "experienced" teachers who resist the loss of control that comes with active student learning. But that is for another email.

As for threats of legal action, I don't even want to count the number of times I've been threatened with legal action since I began dealing with discipline. Fortunately, so far it has all been talk, and I have found that *once parents understand that we really do care about their kids, most come around.* Communication and a thick skin tends to go a long way; *perhaps inviting the parent into the classroom would help them understand the benefits of Modeling.*

Feel free to forward or post this if you think it adds to the discussion.