

SCHOOL TEACHERS AND PUPILS.

the district board, and obtain the direction and order of the board in the matter. But where the government of a public school is vested in a board of education with a more numerous membership than district boards, and which hold stated meetings for the transaction of business, the facilities for speedy communication with the board may be greatly decreased, and more time must usually elapse before the board can act upon the complaint of the teacher. In those schools the occasion which requires the action of the teacher in the first instance will occur more frequently than in the district schools. We conclude, therefore, that the teacher has, in a proper case, the inherent power to suspend a pupil from the privileges of the school, unless he has been deprived of the power by the affirmative action of the board."

5. *Liability for Failure to Instruct.*—Whether an action will lie against a teacher for a failure to instruct the pupil that lawfully comes to him for instruction, or whether the remedy is confined to an appeal to the governing board, Judge Cooley says,³⁵ in his work on Torts, is left in doubt by the authorities though he expresses the opinion that such refusal is actionable. And in *Spear v. Cummings*,³⁶ it was held that the teacher of a town school was not liable to an action by the parent for refusing to instruct his children. If an action can be maintained in such case it should be in the name of the child and for his benefit.³⁷

6. *What are Reasonable Rules?*—A rule providing that pupils may be suspended from school in case they shall be absent or tardy, except for sickness or other unavoidable cause, a certain number of times, is a reasonable and proper rule for the government of the school.³⁸ Also to exclude a child whom it is deemed is of a licentious character and immoral, although such character is not manifested by any acts of licentiousness or immorality within the school.³⁹ Likewise, for acts of neglect, carelessness of posture in his seat and

recitation, tricks of playfulness and inattention to study, and the regulations of the school in minor matters.⁴⁰

A requirement by the teacher of a district that the pupils in grammar schools shall write English compositions, is a reasonable one, and if such pupil, in the absence of a request from his parent, refuse to comply with such rule he may be expelled from the school on that account.⁴¹

But a rule that required that no pupil should attend a social party is not reasonable, and an expulsion for such violation of such a rule would be illegal.⁴²

A regulation that each scholar, when returning to school after absence, shall bring into the school-room a sack of wood for the fire, is not needful for the government of the school, and a scholar cannot be suspended for a refusal to comply with such rule.⁴³

The policy of the law seems to be, as it should be, that the teacher is to be as little hampered in his school management as possible by outside persons. And it has always occurred to me that unless there has been a flagrant violation of law and a mean, malicious spirit manifested by the teacher, parents and others ought not to interfere.—*Central Law Journal*.

³⁵Hodgkin v. Rockport, 105 Mass. 475.

³⁶Guernsey v. Pirain, 32 Vt. 224.

³⁷Dritt v. Snodgrass, 66 Mo. 286.

³⁸State v. Board of Education, 24 Am. Law Reg. 601; S. C. Wis. 1885.

³⁹Page 288.

⁴⁰23 Pick. 224.

⁴¹Stephenson v. Hall, 14 Barb. 224.

⁴²Burdick v. Babcock, 31 Iowa, 562.

⁴³Sherman v. The Inhabitants of Charleston, 8 Cush. 160.