



**Always and Never:  
What School Leaders Should Do and Should Not  
Do to Stay Out of Trouble and Out of Court**  
Independent Schools Association of the Central States | June 21, 2019



FRANCZEK

# Difficult Parents



## Parent Issues

Helicopter parents

Snowplow parents

Angry parents

Litigious parents

## Parent Issues

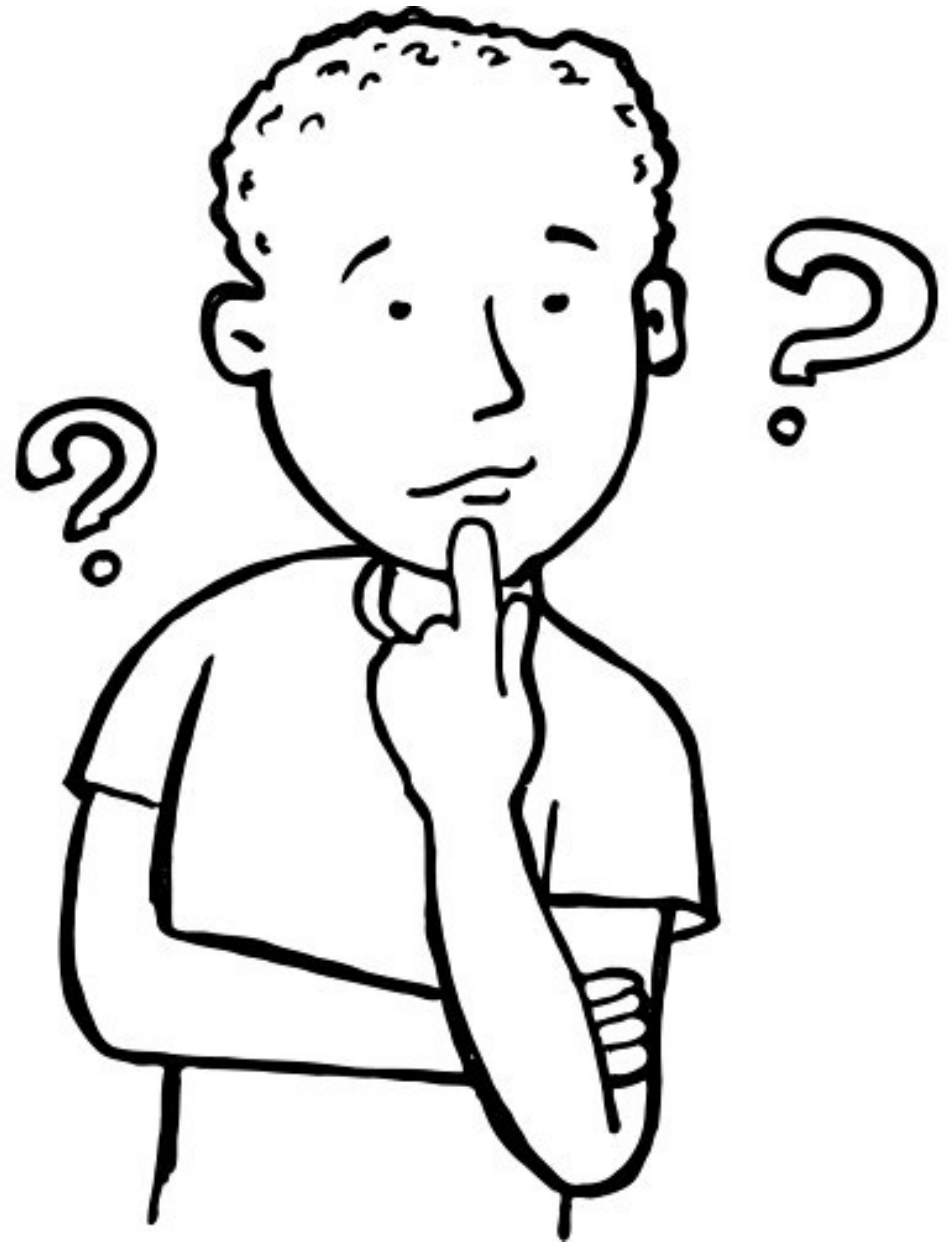
- Before the school year begins, Ambitious Ashley's mother, Jane, insists on a parent teacher conference with each of AA's teachers and classroom observations of each of AA's classes to ensure AA is placed in the right classes and challenged accordingly.

What can you do?

## Handling Parent Issues

- Prevention is the best remedy
  - Strong policies
  - Consistent practice
  - Robust parent engagement program

# Student Issues



# Top Student Issues

Confidentiality

Discipline

Reporting abuse

Illness/Attendance

Parent conflicts

Police intervention

Student Issues:  
Records and  
Confidentiality

- Private Schools are generally not subject to the Family Educational Rights Privacy Act (FERPA) or State laws governing student records



# Student Issues: Records and Confidentiality

## Confidentiality is still the Best Practice

- School policy
- Other laws that govern particular types of records
- Maintaining integrity of disciplinary and other processes that govern decision-making

Always consider confidentiality  
when dealing with student  
matters

# Student Issues: Discipline

- Chloe is a junior and the president of the student council.
- On a school bus rented to take students to a soccer game against a school rival, she brings a thermos of Gatorade spiked with vodka.
- She generously offers to share it with her friends. Several students take swigs.
- Sam takes the thermos, thinks about it and decides to pass.
- He hands the thermos to another student who takes a swallow.
- The next day, a student who was on the bus but was not involved reports the incident to you.

What do you do?

# Student Issues: Discipline

## Always:

- Reference school policy/handbook—discipline and bullying (required for private schools in IL)
- Follow standardized process for collecting information and documenting resolution and consequences
- Create and maintain accurate records and documentation
- Maintain confidentiality rights of all parties
- Student supervision is a key prevention tool



# Student Issues: Discipline

**Never:**

Include value judgments in notes or emails that might later be disclosed

Handle matters “off the record” or determine to forego written documentation

# Student Issues: Reporting Abuse

School personnel are mandated reporters of abuse

Treat all allegations seriously

In almost all cases, remove the alleged abuser from the setting

Don't destroy or alter information

Consult counsel for advice regarding investigation and process

# Should this be reported?

- Coach Bob has had several state championship girls' basketball teams
- You have had parent complaints over the years that he is too much of a “yeller” and is harsh in his criticism.
- Yesterday one of the senior captains reported that the coach complimented her appearance in her sports bra as she changed on the field from her warm-up jersey to her game uniform.
- She explains that his comment is typical from this coach, but she never thought to report it until she heard several news stories about the “Me too” movement.
- What should you do?

# Student Issues: Reporting Abuse

Always: Take multi-faceted approach to prevention: policy, professional development, curriculum, parent training, professional practice that keeps kids safe

Realize that reporting in most states does involve some level of discretion, but when in doubt, err on the side of making the report

Never: <http://www.choate.edu/report>

## Student Issues: Illness/ Absence

- Amy Achiever is a leader at your school.
- Captain of the Golf team and a nationally ranked player, she earns straight A's first semester, despite her demanding golf schedule.
- In February, you are approached by her English teacher.
- She reports that AA has missed 16 days of school, flunked her last test, and on the days she does attend, appears to be unkempt and unshowered.



# Student Issues: Illness/Absence

Communication  
with parents—  
comprehensive  
and honest

Consider  
student safety—  
on physical and  
emotional level

Reference  
policies in  
regard to credit,  
tuition, other  
requirements

Make a plan for  
the student—A  
and B

# Divorce and Custody Issues

Blake comes to the guidance office after missing several assignments in all subject matters.

Gail, your guidance counselor, speaks to him about why he is missing so much work.

Blake reports that he can't get anything done during the time he spends at his father's house, because he is stressed and does not want to be there.

How should Gail respond?

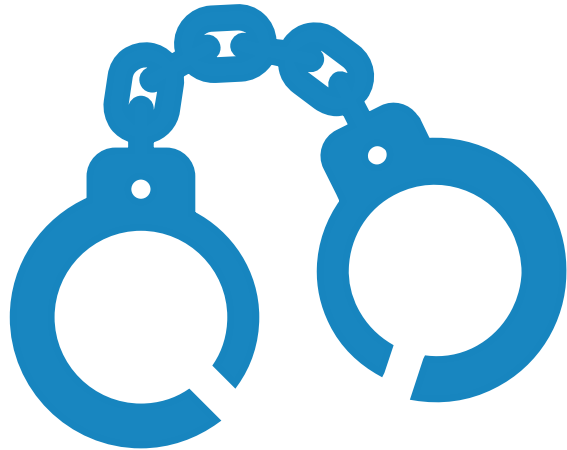
# Student Issues: Divorced Parents and Custody Matters

Always: To the greatest extent possible, keep the School out of Divorce/Custody issues

Request pertinent orders regarding custody and educational, medical decision-making

Illinois, Ohio, Michigan, and Wisconsin permit sharing of records and information with non-custodial parents

# Student Issues: Police Interviews of Students



- Parents must be contacted immediately
- Parents should remain point of contact for police matters, other than instances where the parent is accused of abuse
- Criminal acts must be reported and investigated as such

# Employee Issues



# Top Employee Issues

Absenteeism



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graph TD; A[Absenteeism] --> B[Insubordination]; B --> C[Abuse of Students]; C --> D[Employee leave issues]; D --> E[Employee reasonable accommodations];
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Insubordination

Abuse of Students

Employee leave issues

Employee reasonable accommodations

# Employee Issues: Absenteeism

Set policies that value the academic year, need for supervision

Employee professional development is critical, even on the basics


You must take action against offenders to preserve the climate that values the academic year

# Employee Issues: Insubordination

Autonomy is important  
to good teaching

Too much  
“individualism”  
however, can  
undermine the school’s  
program and mission





# Employee Discipline: Steps

- Identify the problem
- Meet with the employee
- Document the meeting and discussion
  - Date, time, place, those present
  - Description of the misconduct
  - Why it violates policy, established practice, or is harmful
  - Directives for going forward
  - Statement that describes what will happen if he directives are not followed

# Employee Issues: Abuse of Students

01

Response must be immediate

02

Remove the employee from the setting

03

Adhere to mandated reporting requirements

04

Inform parents  
(as long as they are not alleged abusers)

05

Seek guidance from legal counsel

06

Cooperate with law enforcement

# Employee FMLA Leave

Review school polices

## FMLA leave reasons

- Employee's serious health condition, or serious health condition of an employee's family member
- Birth
- Adoption
- To care for service member

Use standardized forms and keep accurate records

# Employee Issues: Employee Accommodation Issues Under the Americans with Disabilities Act

The Americans with Disabilities Act requires employers to reasonably accommodate with disabilities

Job descriptions that include “essential functions” are key

Questions?

