

FRANCZEK RADELET

ATTORNEYS & COUNSELORS

How Can We? For Student Issues

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Transgender Students

How can we support a student who wants staff to change her name/pronouns when the parent does not know about the student's gender transition at school?

Transgender Students

- *Calgaro v. St. Louis County, et al.*, 16-cv-3919 (D. Minn. 2017)
 - Parent filed lawsuit against school district and medical providers for treating student as emancipated in order to support gender transition without parent consent.
 - Parent represented by Thomas Moore Society

Transgender Students

- *Illinois School Student Records Act*
 - “All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first.”

Transgender Students

- Practical Tips
 - Support communication with parents
 - Nickname
 - Remove unnecessary gender divisions
 - Social work/counseling
 - Student group support
 - Community resources

Student Speech

How can we ensure student speech is respected and respectful during these contentious political times?

Student Speech

- First Amendment Rights
 - Is the speech protected?
 - If protected, will the speech cause substantial disruption or material interference with school activities?
 - If protected, does the district have a content-neutral policy that prevents the speech?

Student Speech

- Speech in different contexts
 - Off-campus speech
 - Newspapers or other student journalism
 - During athletics or other extra-curricular activities

Student-Athlete Recruitment

How can we respond to students interested in attending our school because of the athletic program?

Student-Athlete Recruitment

- The Illinois High School Association by-laws prohibit the recruitment or attempted recruitment of students for athletic purposes, regardless of the student's residence, by any person associated with the school
 - Principals, assistant principals, coaches, teachers, other staff members, students, etc.

Student-Athlete Recruitment

- Prohibited activities include offering remuneration or other inducement such as:
 - Money/tuition
 - Room, board, clothing
 - Free transportation
 - A residence/reduced rent for student's parent(s)
 - Employment of parent(s)

Student-Athlete Recruitment

- A school may hold promotional events and highlight its athletic program
- Recruitment event must be designed to provide a general overview of the school's program
- Not a subterfuge for recruiting student athletes

Student Immigration Issues

How can we create safe and secure learning environments for immigrant students?

Student Immigration Issues

- Schools are traditionally “enforcement-free” zones. 2011 ICE policy affirms this principle
- Take this a step further:
 - Explain how you will protect student information (privacy safeguards)
 - Explain how the school will respond if ICE agents visit a school
 - Identify personnel that affected students can speak with

Student Immigration Issues

- Other Actions:
 - Clarify and affirm that all students, regardless of immigration status, are entitled to an education
 - Provide lists of community legal resources and hotlines that parents can contact
 - Consider hosting informational sessions and workshops to provide accurate information to parents

Student Immigration Issues

- Empower students:
 - Host a Know Your Rights presentation
 - Zero tolerance for bullying or harassment related to immigration status, political beliefs, etc.
 - Provide counseling to impacted students
 - Support student groups engaging in protected dialogue

Student Immigration Issues

- Commitment to Diversity
 - Consider hosting a citizenship workshop for parents seeking to naturalize

Student Immigration Issues

- Recognize financial impact
 - Students may be financially impacted by DACA elimination or enforcement activity
 - Identify work/study opportunities
 - Identify need-based funding for impacted students

Difficult Situations

How should we respond in situations where individuals make unreasonable demands on staff members?

Difficult Situations – Tip #1

Take time to understand the complete picture.

- Thoughtfully discuss the situation with staff members who have information.
- Actively listen and acknowledge the problem.
- Find a way to take an empathetic approach; ‘put yourself in the other person’s shoes.’
- Fight the urge to ‘shut down’ in the face of conflict; this commonly results in reactive (instead of proactive) decisions.

Difficult Situations – Tip #2

Develop concrete goals/outcomes.

- When the going gets tough and decisions need to be made, goals will help drive your decisions and actions accordingly.
 - Ensure that a high school student graduates on time, despite parent's harassing conduct of the guidance counselor.
 - Maintain positive teacher/student relationships, despite parent belittling or undermining staff at home.

Difficult Situations – Tip #3

Make clear distinctions between what you control vs. what you do *not* control.

- For example: *“This parent needs to stop complaining at public board meetings about staff members.”*
 - Can we prevent a parent from speaking at board meetings? No (with limited exceptions).
 - What do we control? Enforce time limits for public comment, consider public response, invite parent to put concerns in writing, etc.

- Another example:

“This parent needs to stop sending so many emails to the teacher.”

- Can we prevent a parent from sending email messages to a teacher? No (with limited exceptions).
- What do we control? How often, when and who will respond to parent.

Difficult Situations – Tip #4

Monitor and assess your own vulnerability and emotions.

- Educators are trained to reason with difficult people (think teenagers). Keep in mind that it is extraordinarily difficult to reason with irrational adults; it is not a sign of weakness if you do not succeed at it. Go easy on yourself.
- Lean on your building staff and team members to help you through difficult times.

Difficult Situations – Tip #5

When you develop a plan, make it as clear and specific as possible — then follow it.

- School personnel can and should communicate expectations about appropriate communication and conduct. Be respectful, but firm.
- Keep in mind that any deviation from the plan weakens its effectiveness.

Difficult Situations – Tip #6

Stay calm. Be respectful.

- When a situation is escalating, it is easy to become caught up in the heat of the moment. Monitor your breathing and model appropriate behavior at all times.
- No matter how someone is treating you, rise above it.
- Fight the urge to be defensive of yourself or your team. Do not take anything personally.

Questions?