

# **The Law and the Art of Dealing with the Media in School-Related News Events**

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# News Flash!



- “Parent says teacher taped ADHD student to chair in classroom.”
- “Fired principal claims sexual harassment by superintendent!”
- “Student leaves suicide note about school’s failure to protect him from bullies.”

# School District's Reaction?

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“No response until we consult our attorney.”

“We can't comment due to confidentiality requirements.”

“This is the first we have heard of any such claim. We'll be looking into the matter.”

“We don't comment on pending litigation.”

# *Legal Issues*

- **What must be disclosed?**
  - **Everything not otherwise exempted from Public Records Laws**
  - **Information presented to board or board committee in Public Meeting**
  - **To union, as required by collective bargaining laws/agreements**

# *Legal Issues*

- **What must not be disclosed?**
  - Student records (FERPA)
  - Personnel files, if provided by state statute or collective bargaining agreement provisions
  - Information that would violate “confidentiality” requirements of professional licensure
  - Generally complaints filed re: district

# *Legal Issues*

- **What MAY be disclosed?**
  - Directory information under FERPA
  - Directives interpreting policies and administrative rules
  - Internal communications in responding to public concerns
  - District findings in complaint investigations (with redaction)

# *Public Relations Issues*

- **What SHOULD be disclosed?**
  - Public confidence depends on transparency
  - v.
  - Legal obligations restrict disclosure of some information

# *Public Relations Issues*

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- **HOW should the information be presented?**

# *Public Relations Issues*

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- **WHO should be the presenter?**
  - Consistent contact
  - Train the “non-PR types”
  - Limit the spokespersons

# *Public Relations Issues*

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- **WHEN** should information be presented?
  - 24-hour news cycles require initial immediate response
  - Follow-up information to the public is also critical.

# *Public Relations NIGHTMARE*

## TV Announcer:

**“Stay tuned at 11 for the latest on 14-year-olds’ experience with hazing and orgies at summer football camp.”**

# *Public Relations NIGHTMARE*

## TV Announcer:

**“Two mothers from Our Town claim their sons were molested and shown pornographic movies while Our Town High School coaches did nothing!”**

## Phone Call

**“We’d like to give the Superintendent the chance to comment on these reports of Crooked River High School students being hazed and molested at the summer football camp.”**

## What do you say?



# What do you say?

- A. "No thanks! We're not talking with Channel 2 given your past inaccurate coverage."
- B. "We'll contact you when we have consulted with our attorney."
- C. "The camp wasn't a part of our program and the District had no responsibility for its operation, despite the fact that many team members and some coaches attended."

# What do you say?

D. "The District has a policy that prohibits hazing and harassment. The policy has a complaint procedure that ensures that a thorough investigation is done by an independent investigator. We annually inform all parents and students of this policy and procedure. We invite the two concerned parents to contact the Superintendent's office and initiate a complaint so that we hear directly from them about their concerns and can promptly initiate an investigation."

# *The NIGHTMARE*

## *Part II*

Your law firm has completed an investigation, finding lapses in supervision and training, and has provided an executive summary to the Superintendent as “confidential attorney-client communication”

Phone call from local newspaper sports reporter:

“I’d like a copy of the investigative report. I’m doing a story on your football program and I’d like to see the findings and hear what you are going to do about this mess.”

**WHAT DO YOU SAY?**

# What do you say?

- A. "The report is protected by attorney-client privilege, but we will be issuing a news release next week."
- B. "Our PR director is prepared to meet with you tomorrow and respond to your questions."
- C. "A full report will be given to the Board next month during open session and you are welcome to attend the meeting."

# What do you say?

D. “Our Athletic Director and PR Director are available to meet with you tomorrow. Of course, we cannot share confidential student or staff information, but we can respond to questions and share what the District plans in the way of training for students and staff regarding hazing and harassment.”

# *The NIGHTMARE*

## *Part III*

As a result of the investigation, the District has terminated the coaching contract of the assistant coach (not a teacher) and placed a written reprimand in the file of the head football coach (who is a teacher). The union has filed a grievance over that action.

Written request from the newspaper reporter:

**“We want to see any and all disciplinary action taken against any staff member responsible for the lack of supervision at the camp.”**

**What do you do now?**

# *The NIGHTMARE*

## *Part IV*

You receive a “tip” from Channel 2 that they will be at your high school covering the picketing by students protesting the removal of the assistant coach.

Statement by Channel 2 reporter:

“We also want to get some shots of football practice for visuals and interview the head coach about the season’s prospects.”

What do you do now?

# What do you do now?

- A. Let the head coach know he is not to talk to any media.
- B. Bar the Channel 2 cameras from football practice and the next home game.
- C. Call the parents of picketing students and tell them their children will be suspended if they don't return to class right away.

# What do you do now?

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- D. Allow background footage of football practice to be filmed, at a distance. Have Athletic Director available for interview about the upcoming season and coaching staff.
  
- E. Allow picketing to continue but have Principal talk to students, insisting they return to classes after lunch period. Make-up work is required for periods missed.

# *The NIGHTMARE Part V*

Two months later, the District receives three letters (which have been sent to all the local media by the parent):

- A tort claim notice from the attorney representing the parents of one of the students allegedly “molested” and harassed (who is autistic), seeking damages of \$800,000.
- A notice from the Office of Civil Rights that their staff is initiating an investigation into possible violations of Title IX and Section 504 regarding supervision of football players.
- A due process complaint alleging violation of IDEA regarding the same student for failure to provide a FAPE.

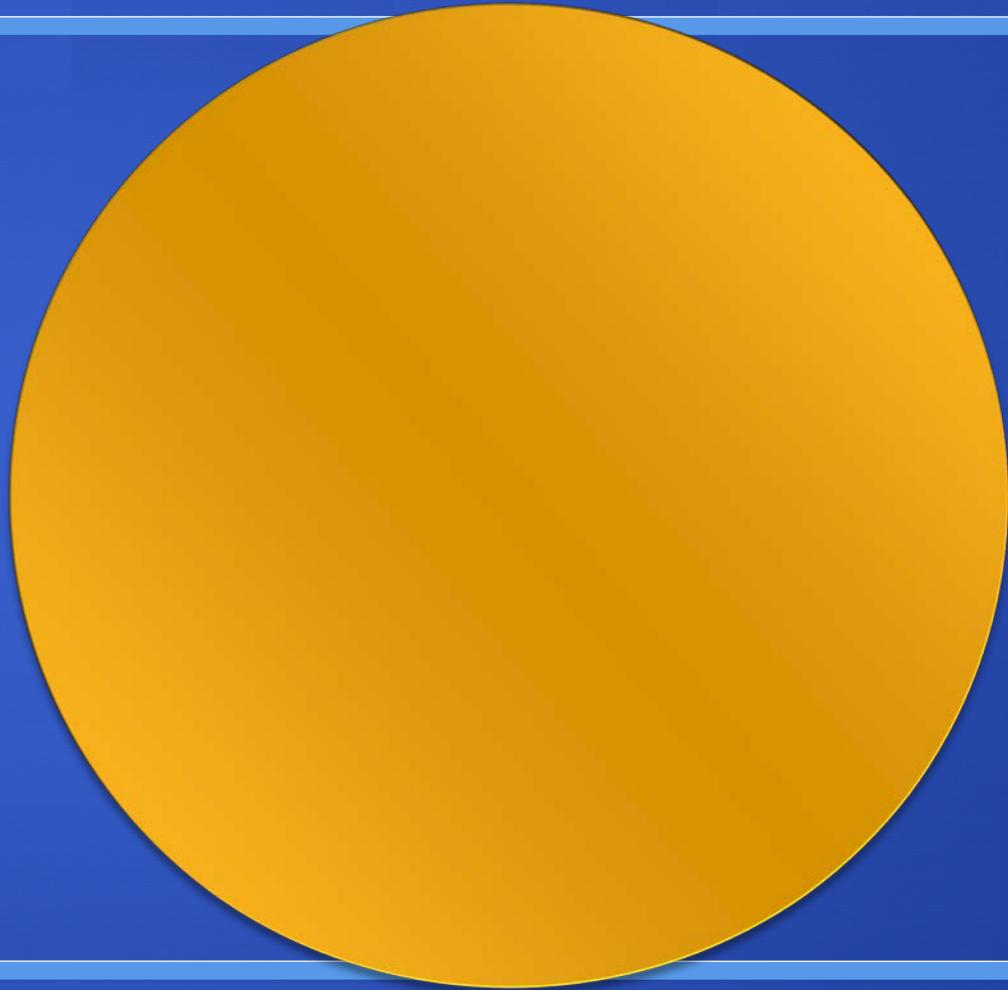
# What do you do now?

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- A. Contact the District's liability insurance carrier.
- B. Have the District continue to provide counseling that was initiated soon after the initial complaint was filed.
- C. Review the IEP to determine if the facts asserted in any of the complaints indicate a need for the team to meet again and revise IEP goals or services.
- D. Make arrangements to attend the State Championship tournament since your football team is now 8-0!

# Long-Term Planning

*How do you plan  
now for the next  
“PR Challenge”?*



# Do Now

- Develop a long-term, comprehensive strategy that includes regular communication with stakeholders and media.
- Identify and train spokespersons for the District.
- Train building administrators on appropriate and legal responses for likely situations.
- Involve the school attorney in advance planning.

# Contact Information

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