

When student behavior prompts evacuation, think before you speak

When a student's behavior is serious enough to evacuate a classroom or an entire school, prepare to be bombarded with questions from parents and community members. Although it may be tempting to explain what happened, describe the steps taken to keep students safe, and reassure parents, it's best to reflect before doing so.

"If my clients emailed me about this, I would be wanting to know why they want to have this conversation with the community," said Claire Parsons, attorney at Bricker Graydon Wyatt in Fort Wright, Kentucky.

Disclosing information to parents and community members is far more complex when it centers around a specific student's action. Districts must adhere to student privacy protections. Under 34 CFR 99.30, educational agencies and institutions must obtain prior written parental consent before disclosing a student's education records to third parties.

Prior to communicating with parents and community members about an evacuation resulting from student behavior, consult legal counsel, consider whether disclosure is needed, and keep the communication broad.

Consult legal counsel

Before making the call to disclose protected student information, "I strongly suggest that they call legal counsel and have a detailed conversation," said Parsons.

From a legal standpoint, it can be hard to know when the Family Educational Rights and Privacy Act line has been crossed, she said.

"When you have a student exhibiting behavior in the classroom that is significant enough that the other students in the community might notice, it's stressful for everyone," Parsons said. "There can be a tendency to feel like now the line is crossed, and we have to react, and that can lead to snap judgments and not necessarily a careful understanding of FERPA obligations."

Consulting legal counsel helps to analyze the scenario objectively and ensure legal obligations are understood and met, she said.

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Determine whether disclosure is necessary

"We have limitations on what we can share about students," said Parsons.

If a student can be identified from the disclosure, even if a student's name and details are excluded, it can't be shared, she said. This is especially true in smaller educational communities, she added.

"There are real limits on what we can provide to the community," said Parsons. "When you're talking about a student's behavioral needs, that's pretty specific, and that generally is going to lead to people in the community identifying that student."

That's why it's crucial to determine the purpose behind sharing such information with the community. Parsons said that it's implied that districts want to calm parents down and let them know the situation is being addressed. However, she said, "I would really question whether it is a good idea to talk broadly to a community, or even to a classroom, about an individual student's behavioral needs."

"You have to remember that you only get to disclose [student information] to the extent that it's necessary to protect the health or safety of someone else," said Parsons. For example, a threat made to a specific person or group of people could warrant disclosure, but a general concern wouldn't meet that standard, she said.

If disclosure is necessary, keep it broad

"Now, there can be some things that school districts can do more generally where they're talking about behavior," said Parsons.

A district may want to educate the community about its positive behavior interventions and supports, reaffirm its commitment to safety and the support systems available, or emphasize its respect for students' privacy, she said.

"A lot of times, offering a general statement may not even be satisfying to parents, so when you're thinking about public statements, I think you really want to make sure your leadership team and your legal counsel are on board," Parsons said. "Sometimes, [public statements] can create controversy."

If parents reach out to discuss the impact of the student's behavior on their child, one-on-one conversations can happen, but they should be handled with caution, she said.

"What we have to do as educators is keep refocusing the issue on, 'How can we support your student?' and remind them that we can't talk about another student in this meeting because we have limitations on that," said Parsons. "All students are permitted to have their individual rights honored and protected in the educational process."

Districts can listen to the parent's concern about the other student, but they shouldn't comment or make any remarks about the child, she said.

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Overall, "you have to remember that our statements to the public do create liability risk, and they do affect the public as a general matter," Parsons said.

Crystal Smith covers special education topics for LRP Publications.

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