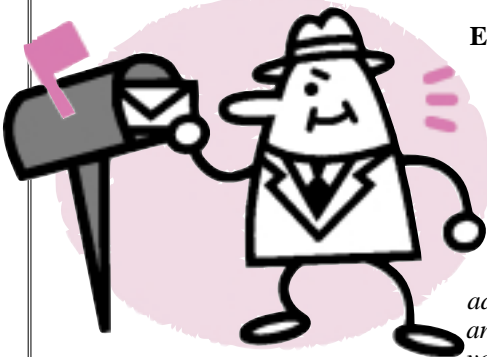


LEGAL MAILBAG

By Attorney Thomas B. Mooney

Neag School of Education, University of Connecticut



Editor's Note: As part of a new feature in the BULLETIN, we invite readers to submit short, law-related questions of practical concern to school administrators. Each month we will select questions and publish answers. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to legalmailbag@casciac.org.

Q. Dear Mailbag:

The minister of a local fundamentalist church came to my school yesterday, and he insisted on sitting in on certain classes. I told him that I thought it was a bad idea, but he claimed that he has the right to go into the school whenever he wants, because it is a public building. I hope to God that he's wrong.

My School is My Castle

A. Dear Castle:

Your prayers are answered. While your school is owned by the public (through the elected municipal government), it is a place of business. The public cannot just go into the building without your permission, and those who try are subject to arrest for trespassing. It can get tricky, however, if you let parents visit, especially if a particular parent abuses this privilege. Accordingly, you may wish to recommend that the board adopt a policy concerning who can visit and for how long.

Q. Dear Mailbag:

An angry Mom came to my office last week, crying about how her former husband was eight months behind in alimony and child support. She told me that her son and she want to substitute her own last name for Deadbeat Dad's. Unfortunately, she's broke and cannot afford a legal name change. She asked if I would just change the school records without formal court action. Can I?

Sympathetic, but Unsure

A. Dear Sympathetic:

It is important to maintain accurate school records, but you can grant her request subject to two conditions. First, you must assure that she is the custodial parent with the right to make educational decisions. Otherwise, you are picking a serious fight with Deadbeat Dad. If you get that clear, you can use Mom's name for the report card, class lists and other school records. The cumulative record, however, should reflect the student's legal name, with a notation "a/k/a" with Mom's name.

Q. Dear Mailbag:

Paula Pedant may be the worst teacher I have ever supervised, and for the last year I have kept a file on her. In hindsight, some of my personal notes were intemperate. Now, she wants a copy of her "personnel file" to give to the Union. I am scared that our case against Paula will be undermined if I have to turn over everything (including the doodles). Help!

Sweating Gravy

A. Dear Sweating:

If these documents are subpoenaed or requested under the Freedom of Information Act, you may want to leave town. Unless that happens, however, you can treat your notes as a preliminary draft that you will now (quickly) convert (with appropriate edits) into final documents for inclusion in the personnel file. In the future, try to control yourself, OK?