

LEGAL MAILBAG

By Attorney Thomas B. Mooney, Neag School of Education, University of Connecticut



Editor's Note: *Legal Mailbag* is a regular feature in the CAS 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>

Q. DEAR MAILBAG: When a new principal came to our school last year, I was all excited. But the bloom is off the rose, and I realize that he thinks that "assistant principal" means gofer. I have to get out of here, and I am ready to apply for other jobs. However, the new principal is also emotionally needy, and I shudder to think how he would react if he knew I am looking for another job. With the Freedom of Information Act and all, I am concerned that word will get out. Is there any chance that my applications will not be made public?

- *Desperately Seeking*

A. DEAR SEEKING: While the Freedom of Information Act provides for the public disclosure of almost all records related to the public's business, records concerning job applicants are generally exempt from disclosure. Under the FOIA, job applicants have a privacy interest (unless and until they get the job, of course). The law states that the minutes of executive session need not list the names of job applicants attending for the purpose of a job interview. Extending that principle, the FOI Commission has ruled that personally-identifiable information about unsuccessful job applicants is exempt from disclosure. Clearly, any application carries with it the risk of exposure. But most school districts are careful to maintain confidentiality to be sure to get the best candidates.

Q. DEAR MAILBAG: What is the appropriate way to corroborate a student's accusation of a teacher's sarcasm, or inappropriate demeanor or conduct? While I want to give a teacher the benefit of the doubt, I have to confirm whether or not a teacher acted inappropriately. In most cases, the only other witnesses are students. Can I question potential student-witnesses about what happened in a classroom regarding a teacher's behavior? I want to investigate properly, but I want to respect the teacher's position and certainly don't want to create the perception of a "witch hunt."

- *Wearer of the Black Hat*

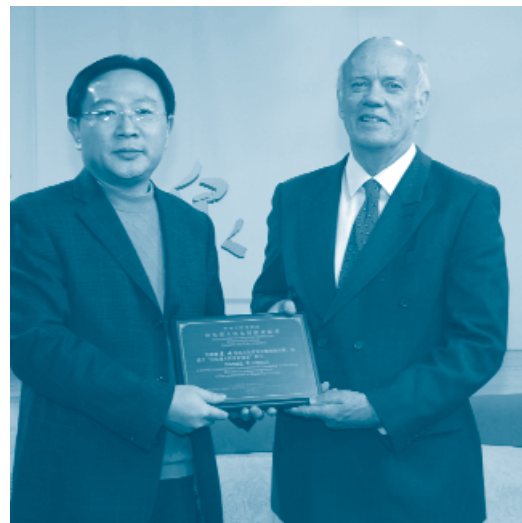
A. DEAR BLACK HAT: The key here is modulation. We need to take appropriate action, but it may not be necessary to jump right to questioning students, which as you recognize could undermine the teacher. With the limited facts, I cannot offer a definitive recommendation. How serious was the sarcasm? What did the teacher say when confronted? Would a warning suffice? The key point is that it is sometimes necessary to question students. However, we do that only when the allegations are serious or repeated. Teachers should know that we will question students, but only as necessary.

Q. DEAR MAILBAG: Between Hurricane Irene and Winter Storm Alfred, our board of education has had to change the school calendar. We are bracing for the various parent requests to excuse children from school for family vacations that have already been planned (and a number that haven't). What right do we have to say that a student's absence from school for that purpose is unexcused? I don't want to be a pain, but a school day is a school day, and students and their families shouldn't be free simply to blow it off.

- *Reasonably Rigid*

A. DEAR RIGID: The distinction between an excused and unexcused absent can be important. The law defines a "truant" as a student who "has four unexcused absences from school in any one month or ten unexcused absences from school in any school year." At present, you are free to determine whether an absence will be recorded as excused or unexcused, and sadly that determination can put you in conflict with parents. However, Public Act 11-136 requires that the State Department of Education provide school districts with definitions of "unexcused" and "excused" absences by July 1, 2012. While those definitions will not be available to assist you with the inevitable arguments this year, we hope that they will bring more clarity to this issue in the future.

ct news & notes



■ On December 12, CAS Director of International Programs Dan Gregg (top and bottom right) received the Ambassador of Friendship Certificate, Shandong Province, People's Republic of China. The award is given annually to foreigners in acknowledgment of their contributions to Shandong Province. The award was presented by the Governor of Shandong Province (top left) through the Shandong People's Association for Friendship with Foreign Countries. The award presentation was made at the Jinan Television studio for the English Channel and will be incorporated into a second interview series on Two Cultures/Two Systems.

On a related note, the CAS Principals' Center and the Connecticut State Department of Education (CSDE) are again collaborating on a Connecticut-Shandong Principal and Teacher Shadowing Project, part of the Connecticut-Shandong Sister School Initiative. The aim of the project is to build partnerships between school leaders, promote mutual inter-cultural understanding, and create opportunities for professional development. Priority will be given to personnel from schools with existing partnerships in Shandong Province. The twelve-day field study in Beijing and Shandong Province is