

Maintaining the Partnership: Dealing with Difficult Parents

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The School's Perspective: Educational Concerns

- School officials must maintain an appropriate learning environment.
 - This empowers you to restrict student speech that is reasonably likely to create a material or substantial disruption to the educational environment.
 - A similar standard may be applied to parental speech and activities.
- If you restrict parent speech, there should be a valid educational reason (i.e. not just because the parent is criticizing school policies or staff).

The School's Perspective: Trespass

- A parent cannot enter or remain on school property *without justification* after you ask that they stay away or leave.
- A parent cannot come onto school property to harass any individual.
- Again, remember that you must have a legitimate reason to bar them from school property.

The Parent's Perspective

- A parent's right to direct his or her child's education is well established.
 - A state cannot prevent parents from independently directing their child's education (e.g., providing a language tutor).
 - Compulsory education laws are acceptable, but cannot tell parents *where* their children will be taught.
 - Under limited circumstances, older children may be exempt from compulsory education if it would interfere with unique religious values (so far, limited to Amish).
- Taken together, these cases show that a parent has some right to participate in his or her child's education.

Case Illustrations

- **Curriculum and Materials:**
 - Parents do not have a right to dictate what is included in or omitted from a school's curriculum.
 - However, certain procedures should be followed in handling objections to curricular and library materials.
 - You may allow a child to participate in an alternate activity if the parent raises a religious objection to participation (e.g. birthday party, sex education).

Case Illustrations

- **Speech Issues:** Schools are *generally* considered non-public forums for speech, which means that schools can impose reasonable restrictions on speech, as long as it is not part of an effort to suppress a particular point of view.
 - Generally, courts do not look favorably on a school official restricting parent speech or retaliating against an outspoken parent, if that speech is on a matter of public concern.

Case Illustrations

- **Speech, cont'd: When a parent is prevented from speaking on a matter of public concern, courts will question whether the restriction would unreasonably chill or silence speech.**
 - Removal of a parent from an assembly: was it because he was criticizing school personnel, or because school officials were genuinely concerned about his disruptive behavior?
 - Banning parents from school property: was it because they were protesting school attendance policy, or because their protests were disruptive?

Suggestions

1. Listen. Making an attempt to listen to and understand parent concerns can often prevent a situation from escalating unnecessarily.
 - Try to elicit specific concerns.
 - Ask if the parent has any (productive) suggestions for improving the situation.
 - Depersonalize the situation as much as possible.
 - Remember that sometimes, the verbalized complaint may be totally unrelated to the underlying problem.

Suggestions

2. Channel. Conduct or speech that is inappropriate in some settings is appropriate in others. Find a time and place where a parent can express his concerns without disrupting the educational environment.
 - Rather than having a parent leave angry because she was told she couldn't meet with her son's teacher during class, set up an appointment for her to come back before she leaves the building.

Suggestions

3. Policies. Adopt clear, reasonable policies governing parent involvement, including:
 - Appropriate conduct at sporting events and other extra-curricular activities;
 - The procedure for speaking at a school board meeting or other forum where parent input is invited (assembly, parent meeting, etc.)
 - The general times at which school personnel will be available to meet with parents, and the procedure a parent should follow to schedule a meeting.

Suggestions

4. Act. Take prompt, appropriate, measured action if you believe parent conduct may lead to a material and substantial disruption of school activities, or may unreasonably interfere with the rights of others.
 - Ask the parent to refrain from potentially disruptive conduct.
 - Ask the parent to leave the premises. Call law enforcement if necessary.
 - Set restrictive ground rules for parents who have caused disruptions in the past (see example in handbook).
 - Seek a restraining order in extreme circumstances.

Questions?

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