



# Bridging the School and Community Divide

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This presentation is meant to give you some basic information and nothing in this presentation is intended to be relied upon as legal advice. If you have any questions, please contact your attorney or Pemberton Law.

Oh no.

# Data Privacy

- Respect data privacy: Minn. Data Practices Act, FERPA, student and personnel data.
- *Employees*: (a) Existence and status of any complaints or charges, and (b) Final disposition of disciplinary action together with the reasons documenting the basis are public data.
- *Students*: Cannot release data on individual students to the public.



# Saying too much

- Honoring data privacy does not mean that your district must remain silent.
- Consider providing a generalized statement through a press release on the topics that you can address.
  - Example after an incident of student violence or threat of violence: General statements that focus on safety, such as the school is safe, the district is handling the situation, the district unfortunately cannot release additional info at this time which is understood to be frustrating, ask for trust = safe
  - Example related to an allegation against a staff person: General statements that acknowledge that the district is aware of the situation, that the matter is under investigation, that the employee is on paid administrative leave pending the outcome of the investigation = safe
- Social media can be a powerful tool but can also exacerbate mistakes; still must respect data privacy when communicating with the public via social media.



# Not saying enough

- Must address issues as soon as possible, no matter how minor or small they first seem.
- Rarely a misstep to acknowledge the concern early.
- Can help slow down speculation about issues.
- Keep in mind that if you make a social media post and you leave comments on, you cannot selectively delete the posts that you do not like. The comment section becomes a public forum.
  - Document any comments that are removed due to profanity, threats of violence etc.
  - Leave up comments even if you do not like them or they make you uncomfortable.



# Saying the Wrong Thing

- Messaging is important and saying the wrong thing early on can cause a small issue to explode.
  - Examples:
    - We do not see this as a “big deal.”
    - People are overreacting!
    - Everyone needs to just calm down.
    - That type of thing doesn’t happen in our district.
    - Stay in your lane.



# Media

- Prepare a statement to issue as soon as possible so there is another side of the story beyond coverage of the complaint.
- Under most circumstances, the District's message should be more than "no comment."
- Appoint a spokesperson but understand that public officials will likely feel obliged to talk, especially to constituents; ask for spokesperson to be kept in the loop and present consistent message from Board to the extent possible.
  - Try to funnel communication through one person whenever possible. This could be your Superintendent, Board Chair or Attorney.



# Internal Stakeholders

- Do not forget to communicate with your internal stakeholders where appropriate.
- Sometimes the outward-facing communication is perfect, but the district forgets to share that communication with employees and parents.
- Your employees and students can help share a positive message.
  - Example: Employee goes home and their family is talking about the big conflict that is unfolding in the community and can share with their family that the district has undertaken an investigation and is working on the situation.





# Conflicts of Interest

- Small towns are very connected and one of the immediate considerations should be to understand the connections between the incident and the district.
- Understand personal relationships between subjects of complaints, board members, administration, students, coaches, teachers, and/or parents.
- Why is this important?
  - Early on it is important to establish independent and impartial processes for investigations and decision-making processes.



# Moving Too Fast

- Understand that there must be a process, which many times is dictated by statute.
- Certain steps must be taken, such as investigation, closed sessions, hearings, grievance and/or disciplinary meetings, required written notices, parent contact, law enforcement calls/notices.
- Taking on the pressure to act too quickly can create irreparable harm.
  - Example: Issuing discipline against an employee prior to an investigation of the facts and without access to their union representative at the disciplinary meeting.



# Making Promises

- Some people tend to want to fix situations immediately by making promises that they later cannot fulfill.
- For example, as an individual board member, you cannot promise how the full board will vote on a particular matter. If you promise a parent a particular outcome and the majority of the board does not agree with you, then the parent has been given mixed messages and the situation has been made worse.



# Complainants

- Complainants who do not receive any follow-up often feel ignored and upset and are more likely to take to social media or to seek out an attorney.
- Prepare what you will say to curious employees, parents, students, community members who want more info, such as: “Unfortunately that is private data. I cannot share specific information on a student, if this was your son or daughter you would not want me broadcasting their private information to the public, and I need to do the same for this student. We take data privacy very seriously.”



# Open Meeting Law

- Board cannot discuss in a group outside a public meeting.
- “Reply All” emails amongst the Board are not permitted.
- Resist pressures to hold closed sessions when not warranted under the law.
- Must have District's attorney present for an attorney-client privileged closed session (must be an actual threat of litigation).
- Required to allow subject of closed meeting to open it to public.
- Required to disclose name of employee, subject of closed session if requested.



# School Board Divisions

- Board may be politically divided or divided for other reasons.
- Majority of the Board still makes decisions, not individual members of the Board.
- Recognize that split boards can happen and that they are not a failure. A range of opinions is healthy and normal, however, how people treat each other during times of conflict is critical.
- Involve your attorney in closed sessions to remind all board members of their responsibilities to the District, confidentiality, attorney-client privilege, conflicts of interest, etc.



# Data Requests

- Conflict can create the perfect environment for data requests under the MGDPA.
- Subject data requests should be filled within 10 days. Data requests for non-subject data should be filled within a reasonable time.
- Do not rush to get a response off your desk and off your mind. Rushing typically results in the release of otherwise private or confidential information.
- Always have more than one person review responses to data requests.



# Heavily Attended Meetings

- If you expect an issue to attract a lot of people at a board meeting, think ahead to the location.
- It is safer, more comfortable, and less likely to create confrontation if you move to a larger meeting room where everyone can sit down.
- Stubbornly packing people into a small meeting room will raise the tensions of the meeting, or refusing to add seating so that people have to stand will only add to the tense environment.





# Stress Management

- In times of conflict, it can be tempting to ease tension by taking stress out on other people or other scenarios.
- Make sure that you are managing the stress of the situation without creating more stress for others. Avoid lashing out, acting out of emotion, casting blame, etc.
- Remain calm, cool, and respectful.



# Hypotheticals

# Hypothetical #1

A student posts a threat, including pictures of weapons, on Facebook. The District immediately initiates a code red lock down while police investigate the situation. The student is a “no show” that day, and police do not find a gun at his parents' house but arrest him for the threat. Students and parents are now calling Administration and Board Members seeking information, name of student, details on handling, is the school safe, etc.



# Hypothetical #2

Complaints are raised against a teacher by students and parents. The Board meets in closed session to discuss preliminary allegations against an individual subject to Board authority. Many students, parents, and the media show up at the meeting. People are demanding to address the Board, know more about what is happening, demand immediate termination, withdraw their child from the classroom, etc.



**Questions?**



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